The Annual Review of Interdisciplinary Justice Research
Volume 9, 2020

Legal Remedies for Online Attacks:
Young People's Perspectives

Jane Bailey
Faculty of Law, Common Law Section
University of Ottawa

Jacquelyn Burkell
Faculty of Information and Media Studies
The University of Western Ontario

Abstract

Online attacks can deeply affect young people and their reputations, sometimes with serious long-term consequences. There is growing awareness of the harms of both true and false attacks on others, especially where the attacks violate trust, confidence, and/or expectations of privacy. There are, however, few reported Canadian examples of young people seeking *legal* remedies in response to online attacks, which raises the question of whether young people understand the law as a meaningful response. This paper draws on the results of qualitative interviews with young people aged 15 to 22 about their experiences with and understandings of reputation, privacy, and online attacks, with particular focus on their opinions and experiences regarding response to online attacks. In response to online abuse, young people focus on a range of goals, including minimizing damage, repairing and redressing harm, punishing perpetrators, and prevention. To achieve these goals, they look to a variety of sources of support or assistance, including themselves, members of their social groups, parents, the school (including teachers), social media platforms, police, and the justice system. Criminal and civil justice system responses are viewed as having limited effectiveness in responding to experiences of online abuse, and respondents view these alternatives as limited to the most serious cases of online aggression. We discuss the perspectives of interview participants in relation to current legal responses, and suggest that there may be a need to refocus policy attention away from traditional

reactive civil and criminal law processes toward more proactive and informal response mechanisms.

Introduction

Growing awareness of the negative impact that online attacks can have on young people's well-being and reputation has prompted calls for new and/or improved legal responses (MacKay, 2015). Little is known, however, about how young people want to address these online attacks, and whether legal responses can meet their needs for appropriate and effective responses. This paper addresses the gap by reporting relevant results from interviews that examine the perspectives of young Canadians on responding to online attacks (Bailey & Steeves, 2017), focusing on whether they see the law (particularly criminal and civil law relating to defamation) as a meaningful response. Part I of this paper highlights relevant background information relating to online attacks, and then considers the literature relating to public perceptions of law and justice systems, as well as access to justice problems particular to young people. After setting this foundation, we turn in Part II to discuss the methodology used in the interviews (Bailey & Steeves, 2017). Part III discusses our findings and implications.

Background

Online Attacks

Recently, there has been heightened public focus on "cyberbullying" and online harassment including defamation (Bailey, 2014). Reports vary as to the prevalence and severity of these experiences. Among US youth, for example, estimates of prevalence range from 11% (youth aged 10–17, data from 2010; Jones et al., 2013) to 67% (youth aged 16–29, data from 2016, Duggan, 2017; see also Livingstone et al., 2016 for a discussion of international trends). Recent data from Statistics Canada (Hango, 2016) indicate that 17% of Canadians aged 15–29 experienced cyberbullying or cyberstalking between 2009 and 2014. Canadian data from young people in grades 4–11 suggest that for the large majority of respondents (89%) "online meanness or cruelty is rarely or never a problem for them and when they do experience it, they are typically able to resolve it by ignoring it or by

turning to parents and friends for help" (Steeves, 2014, 8). Serious attacks including cyberstalking and cyberbullying, however, have a negative impact on mental health, with almost 20% of those reporting these experiences indicating they have subsequently experienced emotional or psychological consequences (Hango, 2016). Almost a quarter of young Americans aged 16–29 who have experienced online harassment report emotional or mental distress as a consequence (Duggan, 2017), and 44% of all respondents who had experienced more severe forms (sustained harassment, stalking, sexual harassment) suffered from these kinds of distress as a result (Duggan, 2017).

Legal avenues are among the many responses available to online harassment. Recent data from the US suggest that Americans view better policies and tools from online companies, stronger online harassment laws, peer pressure, and increased law enforcement attention as the most effective ways to address online harassment (Duggan 2017). A small minority of respondents in that survey (5%) indicated that they had reported recent online harassment to the police, and 3% indicated that they had received support from legal resources (Duggan, 2017). Canadian data (Statistics Canada, 2018) suggest that police reports of cybercrimes that include harassment and bullying are increasing. One US study indicates that those who sue for defamation generally do so for non-pecuniary reasons (e.g., the belief that a legal claim will help them to set the record straight and restore their reputation), and even those who lost their cases felt that bringing the action had satisfied most of their objectives, including defending their reputations (Laidlaw, 2017, p. 22). Notwithstanding these results, 70% of those interviewed said they would consider alternatives to a court case if confronted with a similar situation in the future in order to avoid bringing a lawsuit, to reduce costs and time, and to achieve a public outcome (Laidlaw, 2017, p. 24). Thus, although victims of online abuse can in at least some cases seek legal recourse, this is not always viewed as the best, or even a possible, course of action.

Lack of Public Faith in Justice Systems

One of the problems with seeking legal remedies for online attacks could be negative perceptions of the legal system. Numerous indicators suggest a lack of public faith in both civil and criminal justice systems in Canada. Results from the 2013 General Social Survey, for example, demonstrated that only 57% of Canadians have confidence ("a great deal" or "some") in the justice system and courts (Cotter, 2015). The Ontario justice system has been described as "unfair, inaccessible, and intimidating to most of the province's residents" (Coletto, 2016, p. 6); a 2016 report on the performance of criminal courts across Canada concluded that "with few exceptions, our justice system is slow, inefficient and costly" (Perrin & Audas, 2016, p. 4). A 2016 survey in Ontario indicated that 40% of respondents did not believe they had equal and fair access to the justice system, a quarter of those who had sought legal advice had faced obstacles in doing so, and many had little or no confidence that they would be able to afford the services of a lawyer or paralegal (Coletto, 2016). Moreover, although the cost of legal services is of significant concern, numerous studies indicate that the cost of legal services or court processes "plays a secondary role in people's decisions about how to handle the civil justice situations they encounter" (Sandefur, 2015, p. 444). Instead, these studies suggest that people do not "take their civil justice situations to law" primarily because: (i) they don't see the issues as legal or think of law as a solution, and (ii) they feel they understand their situations and are doing what is possible to address them (Sandefur, 2015, p. 444).

Young People and Legal Remedies

Although many young people experience legal problems, including bullying and harassment leading to stress-related illness (Macourt, 2014, pp. 3–4), they are much less likely than adults to get legal advice or to take action to resolve a legal problem. They are also less likely to recognize that they require legal advice or to know where to find help. These difficulties are exacerbated for young people who experience mental health issues, homelessness, or other vulnerabilities (Centre for Public Legal Education Alberta, 2013, p. 1) and those negatively affected by intersecting forms of

discrimination (Huys & Chan, 2016). A number of different reasons are offered for the challenges that young people face in accessing justice through formal legal services. These include the fact that children and young people don't know their rights, as well as practical barriers that impede young people's ability to access justice.

(a) *Children's and young people's awareness of their legal rights*

Some studies suggest that children are not aware of their legal rights, and that this may be particularly true for young people from marginalized communities. A 2009 UK study, for example, found that young people aged 16–25 from particularly disadvantaged communities "had little or no knowledge of most basic rights and entitlements," and were unaware of any system of civil legal recourse to which they had access, as well as the processes associated with those systems (Parle, 2009, p. 5). Young people's negative perceptions (and, often, experiences) with professionals, such as police, drove them toward seeking help and advice from family members and friends, but their impetus to act and their chosen course of action was motivated by their understanding of what was at stake (Parle, 2009, p. 6). A more recent 2018 study of children aged 8-11 and their understanding of law in their everyday lives indicated the participants' strong concern for gender equality, but also a sense of powerlessness and lack of certainty about legal limits on adults' interactions with them, suggesting a lack of legal knowledge that cannot be "dismissed or explained simply as an inevitable stage in their development toward adulthood competency" (Watkins et al., 2018, p. 77). Results such as these suggest and support the need for and development of public legal information and education campaigns to assist children and young people in understanding their rights, as well as the processes to which they have access to vindicate them. However, they also highlight the role that diversity of experience with discrimination can play in affecting young people's willingness and perceived ability to use law to enforce their rights.

(b) *Practical barriers to pursuing legal remedies*

Young people face a number of practical barriers to pursuing civil legal remedies, including being required to be represented by a litigation guardian in order to commence a legal action before they

reach the age of majority. Pursuit of civil legal remedies, including those relating to online harassment or "cyberbullying" is also complicated by costs of time and money, and internal limitations on existing legal claims (e.g., to pursue defamation, an attack must be untrue; Davis, 2015). The pursuit of criminal legal remedies, particularly where the online attacker is another young person, raises important social and ethical questions about the consequences of criminalizing young people (Davis, 2015, p. 58; MacKay, 2015). Moreover, legal remedies may fail to give young targets of online attacks what many say they want most: quick, low-profile mechanisms for removing offending content (MacKay, 2015; Bailey, 2015).

We turn now to consider our findings with respect to young people's perspectives on law as a response to online attacks.

Methodology

The results reported here represent secondary analysis of interviews conducted in February and March 2017 in Ontario, Canada, and discussed in Bailey and Steeves (2017). Participants were recruited through Research House, a research firm located in Toronto. Interview participants were 20 young Canadians aged 15–21. The purpose of the interviews was to explore young people's attitudes toward and experiences with online defamation, reputation, anonymity, and the benefits and drawbacks of existing mechanisms for addressing online defamation and other forms of aggression.

Sample

The sample consisted of 20 participants in total, 12 (6 aged 15–17 and 6 aged 18–21) from an urban centre and 8 (4 aged 15–17 and 4 aged 18–21) from 3 rural areas near to that urban centre. Ten of the participants self-identified as female and ten participants self-identified as male. Ten of the participants identified as Caucasian and seven identified as German-Canadian, Korean-Canadian, Lebanese/African-Canadian, Black Canadian, Haitian-Canadian, Turkish-Canadian, and First Nations, respectively. The remaining three did not specify a race and/or ethnicity with which they

identified. Two of the participants identified as being French/English bilingual. Two participants identified as queer, one identified as pansexual, one indicated having no specific sexual orientation, twelve participants identified as straight, and four did not specify their sexual orientation. Two participants identified as Muslim, one identified as Christian, and seventeen participants did not specify their religion. Table 1 provides details regarding the participants.

Table 1: Participants by region, pseudonym, age, gender, race/ethnicity, sexual orientation, and religion

Pseudonym	Age, Gender, Race/Ethnicity, Sexual Orientation, Religion
	Urban Participants
Michael	16, Male, Caucasian, Pansexual, Not Specified
Lina	16, Female, Caucasian (German Canadian), Queer, Not Specified
Jackson	17, Male, Black, Not Specified, Not Specified
Sarah	17, Female, Not Specified, Not Specified, Not Specified
Caitlyn	20, Female, Caucasian, Straight, Not Specified
Kim	18, Female, Korean, Straight, Not Specified
Daniel	18, Male, Caucasian, Straight, Not Specified
Harper	21, Female, Caucasian, Queer, Not Specified
Fadi	21, Male, Lebanese/African, Straight, Muslim
Marcus	17, Male, Black, Straight, Christian
Stéphanie	15, Female, Black/Haitian, No Specific Sexual Orientation, Not Specified
Ameera	20, Female, Turkish/Muslim, Straight, Not Specified
	Rural Participants
Rain	16, Female, First Nations, Straight, Not Specified
Ashley	15, Female, Caucasian, Straight, Not Specified
Morgan	15, Female, Not Specified, Not Specified, Not Specified
Jeff	17, Male, Caucasian, Straight, Not Specified
Scott	21, Male, Caucasian, Straight, Not Specified
Aaron	21, Male, Caucasian, Straight, Not Specified
Katherine	20, Female, Caucasian, Straight, Not Specified
Nicole	18, Female, Not Specified, Not Specified, Not Specified

Administration of the Interviews

Individual interviews were conducted with each participant, lasting 60 to 90 minutes. During the interviews, the researcher(s) and participants discussed, among other things, the various online activities that they engaged in, their experiences with and understandings of reputation, anonymity and free speech in the online context, and their experiences and understandings of various

responses to online defamation, including legal, school-based and social media platform–based responses. With participant permission, the interviews were audiotaped and transcribed for analysis. Identifying information was removed from the transcripts and pseudonyms have been used to identify participants in this report.

Results

Participant Experience

The young people who participated in the interviews were active users of social media platforms. All indicated that they were users of at least two different social media platforms, and the large majority (17/20) included Facebook among the platforms listed. Other commonly identified platforms included Snapchat (13/20 participants) and Instagram (15/20 participants); other named platforms included YouTube, Twitter, Tumblr, and VSCO (a photo-sharing application). In the course of their interviews, many of the participants reported some direct experience with hurtful content, usually as recipients but in a few cases as posters of comments that others found hurtful or harmful. Reported experiences were, however, typically limited both in scope and severity, and their direct reports described relatively minor attacks, resulting in little hurt or harm. The one participant (Harper) who reported experiencing significant bullying when she was younger did not indicate any long-standing consequences, and at the time she dealt with the issue without any legal or police involvement. Second-hand reports of online attacks experienced by family, friends, or acquaintances often included descriptions of more serious incidents, in many but not all cases related to the non-consensual distribution of intimate images. Although many of the participants were aware of cases of extreme online aggression with very serious consequences (e.g., the Rehtaeh Parsons case in Canada), none reported incidents of this severity in their direct experience or among their friends or acquaintances.

Perspective on Responding to Attacks

In their discussions of responses to online attacks, participants focused on four different objectives, and discussed different strategies or approaches to achieve each. The first and most commonly

discussed objective was to minimize the damage caused by hurtful or harmful posts (MacKay, 2015). The second goal was repair, and redress: repair of reputation and relationships, and remedy, particularly of compensable damage and/or repairable faults. The third and fourth goals were, by contrast, externally focused: prevention of other or future incidents of online abuse, and punishment of perpetrators. Strategies or approaches to address online aggression included ignoring or deleting content, enlisting help from friends, parents, the school, or police, and seeking assistance through the justice system. We discuss below the perspective of participants on justice system responses, and then move on to a series of brief discussions of the approaches they have, or endorse, for addressing their objectives in responding to online aggression.

Research participants occupied a wide range of intersectional positions with respect to gender, sexuality, and other characteristics (see Table 1); there was, however, relatively little variability in their first-hand or other reports of online aggression, in that none had directly experienced online aggression that led to significant negative consequences, and few had even second-hand experiences of more serious incidents. Our focus in this analysis is on their *general* perceptions of appropriate or desirable responses to online aggression, rather than on their perspectives on responses to specific situations. Given this general (rather than case-specific) focus, and given the fact that none of the respondents discussed any specific first-hand experiences that merited (in their opinion) a justice system response, it is unsurprising that there is little variability in their discussions. Each of the points below was endorsed by some (but generally not all) participants, and there were no discernable differences based on demographic characteristics such as gender, racial identity, religion, sexuality, or other characteristics.

Justice System Responses

None of the participants had personally experienced a situation of online abuse in which the criminal or civil legal system had been engaged, and very few of the participants spontaneously brought up legal responses to online abuse. When questioned directly on the

issue, however, all participants endorsed the notion that legal remedies including both civil and criminal approaches were appropriate in some, more serious, incidents of online abuse. At the same time, they noted limitations in the effectiveness of justice system responses, and they identified cost and delay as significant barriers to using the justice system. In their responses, police responses were discussed separately from justice system interventions, and were most closely linked with interventions by the schools; as a result, we describe their perspectives on police involvement separately.

When asked to consider legal responses to abuse, participants focused on civil proceedings, and particularly on the question of compensation. Aaron echoes the perspective of many other participants in his understanding that the law "gets involved" when there is a "monetary or quantifiable" loss, but not if the aggression just "hurts your feelings." Participants did not feel that higher-status victims (e.g., celebrities) should be eligible for higher compensation, except insofar as their documentable financial losses were greater. Stéphanie was one of the relatively few respondents who felt that emotional consequences alone were enough to warrant compensation:

> if the person was truly like impacted emotionally, then they should get money … because the person will never feel the same way, you know?

There was general agreement that online attacks could have reputational effects that translated into financial loss (e.g., loss of employment, loss of other opportunity), and that victims should be eligible for compensation for these identifiable losses. Marcus represents this perspective when he comments, "if they lose their job or something, then, yeah, they should get money from it"; Scott thinks that it might be appropriate to go to court

> if something bad is said in high school and somebody's getting, like, a big scholarship or something and somebody finds out, or [they lose] future jobs.

In addition, some participants noted that victims might incur costs addressing the consequences of online abuse, such as the cost of counselling to address emotional or psychological issues, and that

victims should also be able to seek compensation for these costs. Stéphanie, for example, thinks that compensation is appropriate because she feels that "with the money you can seek out the help you need. Maybe get a psychologist or a therapist to talk about it." In the end, however, compensation does not deal with the "core" of the problem. As Stéphanie puts it, "for some people, no matter how much money you give them it won't like heal the pain you've caused them."

Perspectives on criminal proceedings were more complicated. Participants were sensitive to the social realities of online bullying and other forms of aggression. In particular, they note that harmful or hurtful communication could be a "stupid mistake" (Ashley), an unintentional result, or part of a larger story of reciprocal aggression. A number of participants focused on intent, remarking that unintentional harms should not result in jail or other sanctions. In general, punishment of perpetrators was not a focus for these interview participants (see section "Punishment" below), except in cases of significant harm (e.g., extreme emotional distress including suicidality).

Although participants felt that legal responses were in at least some cases appropriate and justified, they also identified the limitations of legal responses and challenges associated with a legal response. Their comments reflect the general lack of faith in the legal system identified in earlier studies, and they raised concerns similar to those identified in that earlier literature. Among their concerns were the expense and long duration of legal action, and the reality that pursuing legal action could serve to re-focus attention on the original harmful communication — and thus, rather than minimizing the damage, could actually contribute to greater harmful effects. Related to this was a concern that, in seeking a response through the justice system, victims could "lose control" of both public knowledge of the original defence and the consequences for themselves and the aggressor:

> It would [be] blown up into like a larger thing than it really was because if I brought up that someone was like bullying me at school, that it would like make it seem like such a big ordeal, even

> though it is a big deal. It's just it could get a lot further than I'd wanted it to go and I have no control in stopping it because it's like gone to the police and now they want to make a court date out of it. (Morgan)

Many participants felt that it would be valuable for victims to be able to report abuse anonymously, in order to provide them some protection from retaliation and/or further exposure of the harmful content.

Some participants noted the futility of trying to control aggressive or hurtful behaviour through legal responses. Ashley, for example, says that:

> the law could get involved and just put a stop to it —- but it's really about the people. And if they want to find a way around it, then they can. It's just like no matter how much security system you have in your house, if people want to break in, they — they'll still find a way.

Stéphanie echoes this response, noting that "people will say what they want to say."

Part of the difficulty, of course, is the "slippery" nature of the offences, particularly in the case of cyberbullying, where some hurtful comments can masquerade as seemingly innocuous online remarks or posts. One respondent noted a concern that reports of aggression might not be believed; others remarked on the difficulty of determining what, exactly, constituted a "lie" or whether content was harmful; still others noted that communications taken out of context might inappropriately represent the interaction (appearing either *more* or *less* harmful than might be warranted).

Minimizing the Damage

Respondents recounted, and endorsed, responses that were focused on removing or isolating the hurtful or harmful information quickly, or otherwise limiting the "reach" of the content. With respect to "minimizing the damage," actions that brought attention to the victim or to the hurtful information were usually counterproductive, and "keeping it quiet" was generally viewed positively.

In describing responses to online attacks, participants focused first on individual responsibility, both in describing their own experiences and in discussing the experiences of others. They described victims of attacks as being, at least in some cases, well placed to minimize the damage from hurtful comments. In some cases, these discussions extended to a victim blaming discourse that held the victims of online attacks at least in part responsible for those attacks. In other cases, participants focused on the reality that a non-response by targets of hurtful messages was the best way to limit the social "reach," and thus damage, associated with the messages.

Katherine, for example, recounts an instance where an online comment suggested she was sleeping with a work colleague. She made a joke of it, remarking to him, "apparently, did you hear we're sleeping together?" Michael likes to think of himself as "not getting riled up" by comments or postings that are meant to get a negative reaction, and he believes that "a lot of people" will treat this type of content the same way and "not care."

Another approach is to ask for the content to be removed, or to remove the content oneself. Caitlyn recalls that, when she was younger, "someone posted a picture of me drinking, and I felt that that would affect me later on, so I told them to take it off." Presumably, the photo was removed, and later in the interview Caitlyn indicates that she would do the same for someone asking *her* to remove content they found problematic:

> I know I've posted a [problematic] picture online, but it never came to anything massive. It was just, "hey, can you please take it down?" Like, yeah. That was it … you take it down.

Morgan says that, in response to negative comments, she would typically

> just either delete the comment as soon as it was made, or I would say, like "if you have anything negative to say, I would prefer if you private messaged me about it" … because then we can resolve it instead of making a scene.

"Making a scene," or adding to the drama, simply exacerbates the social damage — and that is something to be avoided. For this

reason, enlisting help from friends was *not* a preferred approach to addressing online aggression, since this "assistance" might serve only to exacerbate the situation.

Participants focused on platforms (e.g., Facebook) as bearing some responsibility for addressing problematic online behaviour by limiting distribution or removing problematic content. Most were aware that platform users could complain about problematic content, and some had used this approach to flag content that was generally offensive (e.g., racist, homophobic, or sexual content) or specifically problematic for them (e.g., a photograph that they did not want online). Experiences with reporting problematic online content were generally positive, and in many cases participants noted that access to the content was limited by the platform (e.g., by removal), and the perpetrators were in some cases censured. Michael, for example, lauds the "good moderators" who promptly "muted" a young player who was "spewing racist slurs and homophobic statements" on a gaming platform. Some respondents, however, note that response from the platform could have been faster, and the procedure could have been more transparent. Morgan, for example, was generally pleased that when people complain about problematic photographs of themselves, "they usually just report it and have it taken down … after about a week, it is usually down." While she was positive about the response, she feels that "it should be faster, because if I report it, it should be down as soon as possible because that could affect me in a bad way."

Participants identified a number of challenges with requests to remove content that was identified as hurtful or harmful (e.g., defamatory content) by one specific individual. In particular, they noted the challenges associated with placing platform providers in the role of adjudicating claims of hurtful, harmful, or defamatory content. Scott discusses this issue:

> It must get hard, because … how's this person from Facebook gonna know whether it's a lie or not? So they can't just go and delete everything that anyone reports.

At the same time, as Caitlyn notes, it is particularly important that this content is removed quickly, since leaving it up on the platform

increases the potential for further distribution and, thus, harm. Discussing a specific incident where a problematic photo of her sister had been posted, she remarks:

> And so my sister got a bunch of her friends to report it and like there's depending on the social media platform, there might have to be a certain number of reports or it takes them a certain amount of time before they can post it and by that time you can already screenshot, etc., etc. The photo's already been posted. It's done.

Participants discussed the tension inherent in having platforms monitor content, noting the privacy issues and the issues of freedom of speech.

In some cases, schools were noted as having an important role to play in limiting the damage. Although Harper had not disclosed when she was being bullied, in retrospect she feels that if she "had told a teacher or something they probably would have asked those guys to stop, or like told those guys they had to stop or something." She is both calling on the school to do *more* than what was originally provided, and recognizing that the school, including teachers and other staff, could have helped her, and can help to protect students who are being victimized.

Repair and Redress

Financial compensation, as discussed in the section above on justice system responses, is one obvious, if limited, way to redress the damage from online aggression. Social support from friends, family, and teachers at the school was identified as an important source of emotional repair, helping victims to minimize the emotional damage of aggressive online behaviour. Parents were an obvious source of emotional and practical support for victims of online aggression. According to Ashley, victims need "someone who cares about them" to help them with the emotional consequences of online aggression — and parents (along with teachers) fit the bill. For some participants, including Ashley and Daniel, parents are an obvious "go to" source of emotional support. In some cases, friends and acquaintances were identified as important resources for repairing reputational harms, by countering the negative messages that were

posted by aggressors. This tactic, however, had the possibility of backfiring, since it could create a spiral of aggressive messages, and could increase the attention on the original problematic messages.

In some cases, social repair was initiated by the victims themselves. Harper, for example, "tried to talk to" the person who was bullying her online, and although she was not initially successful, eventually he apologized to her and they became "cool at school." Nicole's attempt at an intervention with a friend who had hurt her was less successful, and the two no longer have any contact. One participant turned to her mother for assistance in negotiating a détente with an ex-friend who had been posting hurtful content. Although the two friends were not able to resolve the conflict, the intervention was still helpful since the two mothers discussed the issue and ensured, together, that no more hurtful content would be posted. In some cases, however, external interventions to negotiate some sort of resolution were identified as inappropriate and unhelpful. Daniel, for example, recounted an incident in which he had been bullied by a schoolmate. When he disclosed to the school, the principal intervened and insisted that the two meet and "shake hands":

> And so I did, and obviously I was like "okay, like I don't want to like — I don't want to shake hands with him because I know it's not sincere." She's like "well I really want you to shake hands with him." I'm like "fine, I'm like I'll shake hands with him but I know this isn't going to make a difference. Like, he's still going to be like a dick to me."

Many of the participants felt that an honest apology could help to address the damage from hurtful or harmful comments. The concern, however, is that apologies might not be sincere, especially if those apologies are public. Jeff feels that public apologies are "played up for everyone else," and that a private apology would be more meaningful. He is certainly not alone in this perception: Nicole, for example, feels that if an offender were to apologize in person, "it would make a difference." She thinks that honest apologies are "personal things," and that online apologies could make the issue "public again," leading "everybody" to know about it.

Prevention

Prevention was an important issue discussed by some participants. Although many comments focused on specific victims and/or perpetrators, others were more general in nature, addressing attitudes and practices that lead to cyberbullying or other forms of online aggression. Participants identified parents and schools as having important roles to play in education and the development of appropriate norms for online behaviour. Caitlyn, for example, believes that "parents and even schools … they need to educate and be able to provide tools for kids to learn about the internet and the proper and improper use and what to do in those situations." Harper thinks that schools should go beyond current initiatives and develop a more "integrated approach" to cyberbullying, ensuring that students encounter anti-bullying messages regularly in the classroom. With respect to prevention, participants also highlighted the important role that police play in educating students and parents about the potential legal consequences of some forms of online aggression, and intervening with individual perpetrators to stop the abuse.

Punishing Perpetrators

Many of the respondents felt that the identity of accused perpetrators should be protected, and some even felt that those who were known to have participated in online aggression should be allowed to remain anonymous. Ashley, for example, expresses concern that naming perpetrators could result in lasting damage to *their* reputation:

> If it's not, if it's not anonymous then you're saying "this person said this about this person." And if it's publicized, then that'll make people think bad things about them and then it ruins their reputation.

This protection of the identity of presumed or actual perpetrators makes sense in the context of the types of aggression that participants reported: sometimes unintentional, often reciprocal, and of relatively little long-term consequence.

In terms of punishment, legal repercussions, including jail, were viewed as appropriate in only the most serious of circumstances,

when online aggression resulted in permanent and significant emotional damage to victims. Participants described some cases of non-consensual distribution of intimate images in which police had been called to the school, confiscated telephones, and wiped the images. These consequences were viewed as appropriate, although perhaps not significant enough, since no particular consequences were enacted. Stéphanie, for example, describes a situation of non-consensual distribution:

> The police came in and they wiped all their phones, so there was no — there's no more trace of the video on either of the guys' phones now. But, ah, well I feel like it wasn't fair for her because none of the guys had any consequences. Like one of them, he was suspended from his hockey team but it was probably like a week. But things just went back to normal.

While punishment is not the primary focus of these participants in responding to online aggression, appropriate and limited consequences were viewed positively.

Discussion

In their discussion of responses to online aggression, the first goal of participants was to end or minimize the damage, primarily by limiting attention to and distribution of the hurtful content. To this end, they discussed a variety of approaches that included ignoring, deleting, or reporting problematic content, and "pushing back," either individually or as part of a larger social circle. The increased visibility and attention that would necessarily accompany a legal response were viewed as detrimental to this primary goal; at the same time, police involvement that involved "wiping" content (e.g., in the case of non-consensual distribution of intimate images) was positively viewed. A secondary interest was redressing or repairing damage, and in this respect participants focused on reputational and relational issues. Many participants raised responses that would help to repair relational damage, including face-to-face apologies from perpetrators and rapprochement, typically negotiated by parents or schools. Participants were aware of the possibility of financial compensation from civil action, and noted that this would be helpful to address direct financial losses, and to pay for services required to

address psychological or emotional damage. At the same time, they noted that such awards could not undo the damage itself, and the increased attention resulting from the legal action might even exacerbate the negative impact of the original harmful material. Their comments echo the earlier findings of MacKay (2015) and Bailey (2015): the current justice system is simply unable to give young people what they need in response to online aggression.

Participants were also interested in preventing online aggression, and focused on parents and schools as primarily responsible for achieving this outcome. In addition, they discussed the role of police and platforms in prevention. They did not, however, view criminal or legal responses as instrumental in achieving this goal. Finally, punishment of perpetrators was advocated in more egregious cases. In general, however, participants were cautious in advocating this approach, noting the complicated nature of many instances of online aggression, the difficulty of determining "truth" and "falsehood" in the context of their everyday online communications, and the relative ease with which online interactions can become aggressive. While in no way condoning online aggression, and in most cases not placing any blame on the victims of these attacks, participants expressed concern that more significant punishments, including jail or other legal responses, might be more severe than warranted. Instead, they endorsed more limited forms of punishment, meted out by schools or by police in the form of confiscation and "wiping" of devices. Davis (2015) and MacKay (2015) raise a similar point in their earlier discussions, noting the social and ethical questions raised by pursuing criminal actions against young people involved in online aggression.

The fact that our participants were unlikely to focus on legal responses suggests that they do not feel that the law offers them an effective means for achieving their most pressing objectives. We turn in the next section to consider: (i) whether they are correct in that assumption; and (ii) to the extent that they are correct, how law might be reformed to better assist them in achieving their goals.

Legal Responses and Young People's Priorities

Canadian policy has for some time centred digital connectivity and technological innovation as core to economic growth, frequently focusing on getting young people online and keeping them there (Bailey, 2016). By the 1990s, however, federal policy debate was increasingly engaged with the negative aspects of connectivity for youth, including luring, cyberbullying, and online child pornography. Numerous legal responses have resulted, including both the application of pre-internet laws (e.g., defamation), as well as creation of new laws specifically targeted at online attacks (e.g., criminal prohibitions against non-consensual distribution of intimate images [NDII] and child luring, statutory cyberbullying and NDII torts in some provinces) (Bailey, 2018). As a result, Canada has a broad assortment of civil, criminal, administrative (e.g., privacy complaints), and education (e.g., policies against and disciplinary action for cyberbullying) law responses that would apply to various forms of online attacks (Bailey, 2018). Most are reactive, providing responses after attacks happen. Others, particularly in the space of education law and policy, are proactive: seeking to foster respectful, diverse, and inclusive environments designed to discourage attacks *before* they happen (Bailey, 2018). For example, with only one exception,[1] education legislation in all Canadian provinces and territories requires schools and/or school boards to address "cyberbullying" in school policies and/or codes of conduct, although there appears to be a significant degree of variation in fulfilling these requirements from school to school and board to board (Bailey, 2017). Since legal responses are frequently developed without direct consultation with young people, however, they often miscomprehend young people's priorities and therefore fail to meet young people's needs (Bailey, 2015).

Minimizing the Damage

Save for proactive educational measures, for the most part, the law in Canada reacts to problems after the damage has occurred, either imposing punishment in the context of criminal law or awarding

---

[1] Nunavut's education legislation is the exception, although it includes other provisions that would apply to "cyberbullying" (Bailey, 2018).

monetary damages in the case of civil litigation. Legal remedies are available only *after* a trial that could take weeks, months, or even years, unless the parties settle. These remedies, therefore, do very little to address our participants' first priority — stopping the damage by removing the content or by restricting access.

Interim or injunctive relief pending a trial might be one mechanism for preventing further damage (e.g., Ardia, 2013). In the criminal context, interim orders for seizure and forfeiture (and in some cases deletion), are available with respect to material relating to certain offences, including online hate propagation, unauthorized use of computer systems, and NDII (*Criminal Code [1985], 320.1, 164(1))*. However, obtaining a civil injunction or a criminal court order will also inevitably involve some element of delay, since both require filing material and appearing before a judge. Further, the civil remedy is expensive and only available to a litigant who can prove, among other things, that they will suffer irreparable harm if the injunction is not granted (*RJR-MacDonald v. Canada* 1995*)*. Thus, while interim injunctive remedies may technically be available in certain instances, they are unlikely to offer the speedy relief from further distribution that our participants prioritized.

Legal reforms that provide cheaper, more easily accessed forms of interim relief would go some way toward responding to our participants' primary concerns. Incentives could be created for service providers to respond more quickly and effectively to takedown requests by, for example, explicitly exposing them to a risk of civil or criminal liability. Unlike in the US, internet service providers in Canada are not explicitly immune from liability for illegal content posted on their sites (Slane & Langlois, 2018). In fact, intermediaries *could* be held liable for defamatory material posted on their sites by third parties under Canadian defamation law as currently framed (Laidlaw & Young, 2019). They can also be exposed to criminal liability for hosting certain types of content, such as NDII (Slane & Langlois, 2018) and advertising the sale of the sexual services of others *(Criminal Code*, s 286.4 and 286.5), although intermediaries are *not* generally criminal law enforcement targets.

Exposing intermediaries to civil or criminal liability raises a host of concerns, including undue interference with free expression and business innovation and development (Slane & Langlois, 2018), as well as the potential unfairness of imposing liability without blameworthiness (Laidlaw & Young, 2019). Further, many intermediaries already privately administer community standards that can result in reporting and removal of material, although the basis for enforcement of these standards can be quite opaque (Dunn et al., 2017). Layering on exposure to civil or criminal liability could simply work to incent further non-transparent decision-making (although larger intermediaries such as Facebook [2019] and Twitter [2019] have begun to issue transparency reports that at least demonstrate the frequency with which they remove certain types of content). As a result, regulatory approaches (for non-criminal content), such as notice and notice systems (Laidlaw & Young, 2019), that would make intermediaries more procedurally accountable (Bunting, 2018) have been proposed. Such approaches (combined with criminal liability for intermediaries actively soliciting or knowingly hosting illegal content) could work toward achieving our participants' primary goal of stopping the damage in a timely manner while addressing broader concerns about the lack of transparency in private service providers' content removal decisions and the protection of freedom of expression (Dunn et al., 2017).

In the long term, privacy-focused administrative law reforms, such as the "right to be forgotten" in the EU (*General Data Protection Regulation,* 2016) might also partially respond to our participants' focus on stopping the damage of online attacks. While a statutory right to request a service provider such as Google to de-list URLs associated with impugned content that is no longer publicly relevant (Kuner, 2015) would not immediately stop the flow of harm, it could help to mitigate long-term repercussions of online attacks. However, such measures would be of limited effect in relation to content posted on online platforms that are not indexed by larger search engines. Further, these kinds of measures should be paired with public reporting requirements since they vest significant authority in private platforms to make determinations about the public interest in having access to information (see Bertram et al., 2017).

Current Canadian provincial administrative regimes in Manitoba (*The Intimate Image Protection Act*, 2014-5) and Nova Scotia (*Intimate Images and Cyber-protection Act,* 2017), and national regimes in other countries relating to NDII and cyberbullying[2] provide models for legally facilitated approaches that arguably better address our participants' first priority. Under these acts, statutorily designated bodies assist those targeted by non-consensual distribution and/or "cyberbullying" to get harmful content taken down. This approach to online attacks could go some way toward our participants' objectives of stopping the damage quickly, especially if the regime includes take down powers and/or provides support for negotiating expeditious removal of offending content.

Even if civil litigation, criminal prosecution, or a "right to be forgotten" are unlikely to play a particularly meaningful role in addressing young people's first priority of quickly stopping the harm of online attacks, these approaches may still prove useful in achieving some of their other priorities (as discussed below). In order to do so, however, legal processes would need to be structured to facilitate access to justice for young people. One way of doing this would be to make it easier for a targeted young person to initiate a claim for damages without having to worry about exposing them to further unwanted publicity and notoriety by allowing them to sue using pseudonyms. The Supreme Court of Canada went part way down this road by holding in *AB v. Bragg* (2012) that targets of sexualized "cyberbullying" may be able to sue using pseudonyms without evidence to prove they will be harmed by further notoriety because that harm should be presumed. This approach could be expanded with respect to other kinds of online attacks and possibly to further extend existing provisions that currently protect complainants' names from disclosure in certain kinds of criminal cases (Burkell & Bailey, 2017).

---

[2] Federally appointed bodies in Australia (Office of the eSafety Commissioner) and in New Zealand (NetSafe) provide interesting national models of these kinds of regimes.

Repairing and Redressing the Damage

Our participants' second priority with respect to addressing online attacks was to repair the damage that had been done. As they recognized, civil litigation would allow for targets to recover monetary damages for harm to their reputations, as well as to collect damages for specific losses, such as the cost of counselling. Although participants were not aware of the possibility, in some cases, targets might even be able to recover damages for mental suffering. Typically, these damage awards would be retrospective, but could also be forward-looking, including with respect to future costs of counselling and so forth.

Unfortunately, as our participants also recognized, litigation is often not conducive to mending damaged social relationships. In the right kind of case, however, alternative dispute resolution and restorative justice approaches might go some way toward repairing that sort of damage (Nova Scotia Task Force on Bullying and Cyberbullying, 2012). Creation of additional bodies modelled on existing administrative regimes in Nova Scotia, Manitoba, Australia, and New Zealand referred to above could facilitate these kinds of non-monetary-based resolutions by offering mediation and restorative justice services.

Preventing Future Incidents

Our participants' third priority with respect to online attacks was to prevent future damage — often through preventative/educational measures. While Canadian law primarily *reacts* to harm, it can also facilitate harm prevention through education in at least two ways. First, by vesting statutory bodies such as human rights tribunals, privacy commissioners' offices, and offices such as those in Manitoba and Nova Scotia with powers and obligations to engage in public education campaigns, law can assist in reducing the incidences of online attacks *before* they happen. Second, education laws, policies, and regulations that set curriculum in schools can play a preventative role by incorporating more comprehensive educational initiatives focused on human rights–based digital literacy that address

issues such as racism, misogyny, and homophobia that often underlie online attacks.

Even civil litigation itself can produce outcomes oriented toward prevention of future online attacks. Damage awards, for example, can be used to fund prevention agencies and support centres (Moran, 2005), and these same kinds of preventative strategies can also be achieved through settlements privately arrived at by the parties themselves (see, e.g., Indigenous and Northern Affairs Canada, n.d.).

Punishing Perpetrators

Our participants' fourth priority in terms of responses to online attacks was punishment of perpetrators. Sentences imposed in criminal cases are primarily designed to achieve this objective, although rehabilitation is the primary concern in the context of young offenders. In very rare cases, however, civil litigation remedies can also address the goals of retribution and punishment through punitive awards (*Whiten v. Pilot Insurance*, 2002).

Law's roles, however, are not limited to preventing harm, remedying harm, or even punishing wrongdoers. Law is also an expression, for better or worse, of community values. The criminal prohibition on NDII, for example, flags this as a matter of public concern where community-recognized rights are at stake. Even as we may accept that the existence of legal prohibitions does not effectively deter impugned behaviours, their existence creates an opportunity (especially in schools) to open dialogue about values like privacy, equality, and mutual respect that may itself contribute to prevention of future harms.

Conclusion

The responses of our interview participants concur with existing literature that suggests two things: first, that legal responses form only *part* of an effective response to online aggression and abuse (e.g., Broll, 2016; Tomczyk, 2017), and, second, that current legal regimes are largely ineffective tools for addressing the issue (e.g., Ardia, 2010). Appropriate and effective responses to online

aggression require an integrated and networked response from peers, parents, schools, platforms, police, and the justice system. This paper has explored the views of Canadian youth on responses to online abuse, focusing on their goals in responding to this type of aggression. Careful attention to the perspective of youth will assist us to design effective responses that meet the needs of victims of this type of abuse (see, e.g., Ashktorab & Vitak, 2016). We have provided here some recommendations that could help to ensure that the legal system provides meaningful assistance to youth experiencing online aggression.

References

AB v. Bragg Communications Inc., 2012 SCC 46.

Ardia, D.S. (2010). Reputation in a networked world: Revisiting the social foundations of defamation law. *Harvard Civil Rights – Civil Liberties Law Review, 45*, 261, 290.

Ardia, D.S. (2013). Freedom of speech, defamation, and injunctions. *William & Mary Law Review*, *55*, 1.

Ashktorab, Z., & Vitak, J. (2016). Designing cyberbullying mitigation and prevention solutions through participatory design with teenagers. In *Proceedings of the 2016 CHI Conference on Human Factors in Computing Systems* (pp. 3895–3905). ACM.

Bailey, J. (2014). Time to unpack the juggernaut? Reflections on the Canadian federal parliamentary debates on 'cyberbullying'. *Dalhousie Law Journal, 37*(2), 661.

Bailey, J. (2015). A perfect storm: How the online environment, social norms and law constrain girls' online lives. In J. Bailey and V. Steeves (Eds.), *eGirls, eCitizens*, Ottawa: uOttawa Press (pp. 21-53).

Bailey, J. (2016). Canadian Legal Approaches to "Cyberbullying" and Cyberviolence: An Overview. Ottawa Faculty of Law Working

Paper No 2016-37, online: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2841413.

Bailey, J. (2017). From 'zero tolerance' to 'safe and accepting': Surveillance and equity implications of educational policy related to 'cyberbullying'. *Education Law Journal* 26, 146.

Bailey, J. (2018). *Abusive and offensive speech online: An overview of Canadian legal responses focusing on the criminal law framework*. Report Prepared for the British Law Commission, online: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2018/11/Canada-J-Bailey.pdf.

Bailey, J., & Steeves, V. (2017). *Defamation law in the age of the Internet: Young people's perspectives.* Defamation Law in the Internet Age Project, Law Commission of Ontario, online: http://www.lco-cdo.org/wp-content/uploads/2017/07/DIA-Commissioned-Paper-eQuality.pdf.

Bertram, T., Bursztein E., Caro, S., Chao, H., Chin Feman, R., Fleischer, P., Gustafsson, A., Hemerly, J., Hibbert, C., Invernizzi, L., Donnelly, L., Ketover, J., Laefer, J., Nicholas, P., Niu, Y., Obhi, H., Price, D., Strait, A., Thomas, K., & Verney, A. (2017). *Three years of the right to be forgotten*, online: https://pdfs.semanticscholar.org/13f5/e3cd0e8e522238f5df2ce279e6188664165e.pdf?_ga=2.84437723.336835568.1583257721-1938090878.1583257721.

Broll, R. (2016). Collaborative responses to cyberbullying: Preventing and responding to cyberbullying through nodes and clusters. *Policing and Society*, *26*(7), 735–752.

Bunting, M. (2018). From editorial obligation to procedural accountability: policy approaches to online content in the era of information intermediaries. *Journal of Cyber Policy, 3(2)*, 165-186.

Burkell, J., & Bailey, J. (2017). Revisiting the open court principle in an era of online publication: Questioning presumptive public access to parties' and witnesses' personal information. *Ottawa Law Review, 48*(1), 147.

Centre for Public Legal Education Alberta. (2013). *Vulnerable youth in Alberta and the law: An overview of needs, challenges and supports available*. Centre for Public Legal Education Alberta, Legal Resource Centre, online: https://www.cplea.ca/wp-content/uploads/2014/12/Vulnerable-Youth-in-Alberta-and-the-Law-Report.pdf.

Coletto, D. (2016). *Public perceptions of access to justice in Ontario.* The Action Group on Access to Justice.

Cotter, A. (2015). *Spotlight on Canadians: Result from the General Social Survey: Public confidence in Canadian institutions.* Statistics Canada: 7 Dec 2015, 89-652-X, online: http://www.statcan.gc.ca/pub/89-652-x/89-652-x2015007-eng.htm.

Criminal Code, RS 1985 c C-46, ss 318, 319.

Davis, J. (2015). Legal responses to cyberbullying by children: Old law or new? *UniSA Student Law Review*, *1*, 54.

Duggan, M. (2017). *Online harassment 2017.* Pew Research Center: 11 July 2017), online: http://www.pewinternet.org/2017/07/11/online-harassment-2017/.

Dunn, S., Lalonde, J., & Bailey, J. (2017). Terms of silence: Addressing weaknesses in corporate and law enforcement responses to cyberviolence against girls. *Girlhood Studies, 10*(2), 80.

Facebook. (2019). *Community standards enforcement report*, online: https://about.fb.com/news/2019/11/community-standards-enforcement-report-nov-2019/.

General Data Protection Regulation. EU 2016/679, as am, Art 17.

Hango, D. (2016). Cyberbullying and cyberstalking among internet users aged 15 to 29 in Canada. *Insights on Canadian Society,* December, 2016, available online at https://www150.statcan.gc.ca/n1/en/pub/75-006-x/2016001/article/14693-eng.pdf?st=RdRctSm1.

Huys, J., & Chan, E. (2016). *Perspective: Personal experiences of racialized youth in their interactions with Toronto Police Services*

and the barriers they face to obtain justice. Justice for Children and Youth, available online: http://jfcy.org/wp-content/uploads/2013/10/PerspectiveHuysChan2015.pdf.

Indigenous and Northern Affairs Canada. (n.d.) *Indian Residential Schools*, online: https://www.aadnc-aandc.gc.ca/eng/1100100015576/1100100015577#sect1 .

Intimate Images and Cyber-protection Act, SNS 2017, c 7, ss 6-7 [Nova Scotia IICPA].

Jones, L.M., et al. (2013). Online harassment in context: Trends from three youth internet safety surveys (2000, 2005, 2010). *Psychology of Violence, 3*(1): 53.

Kuner, C. (2015). *The court of justice of the EU judgment on data protection and internet search engines*. LSE Law and Society Working Papers 3/2015, online: http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2496060.

Laidlaw, E. (2017). *Are we asking too much from defamation law? Reputation systems, ADR, industry regulation and other extra-judicial possibilities for protecting reputation in the internet age: Proposal for reform*. Law Commission of Ontario Sept 2017, online: http://www.lco-cdo.org/wp-content/uploads/2017/07/DIA-Commissioned-Paper-Laidlaw.pdf.

Laidlaw, E., & Young, H. (2019). Intermediary liability in defamation. *Osgoode Hall Law Journal 56*(1), 112–161.

Livingstone, S., Stoilova, M., and Kelly, A. (2016). Cyberbullying: Incidence, trends and consequences. In: *Ending the torment: Tackling bullying from the schoolyard to cyberspace* (pp. 115–120). United Nations Office of the Special Representative of the Secretary-General on Violence against Children, New York, USA.

MacKay, W. (2015). Law as an ally or enemy in the war on cyberbullying: Exploring the contested terrain of privacy and other legal concepts in the age of technology and social media. *University of New Brunswick Law Journal 66*, 3-50.

Macourt, D. (2014). Youth and the law: The impact of legal problems on young people. *Updating Justice*, *38*, 1–9.

Moran, J. (2005). Jeremy Dias creates scholarship with rights settlement. *Daily Xtra* (15 June 2005), online: www.dailyxtra.com/ottawa/news-and-ideas/news/jeremy-dias-creates-scholarship-with-rights-settlement-11555.

Nova Scotia, Task Force on Bullying and Cyberbullying. (2012). *Respectful and responsible relationships: There's no App for That. The Report of the Nova Scotia Task Force on Bullying and Cyberbullying* (29 February 2012).

Parle, L. (2009). *Measuring young people's legal capability*. Public Legal Education Network: July 2009, online: http://www.lawforlife.org.uk/wp-content/uploads/2013/05/measuring-young-peoples-legal-capability-2009-117.pdf.

Perrin, B., & Audas, R. (2016). *Report card on the criminal justice system: Evaluating Canada's justice deficit*. Macdonald-Laurier Institute: September 2016, online: https://www.macdonaldlaurier.ca/files/pdf/JusticeReportCard_F4.pdf.

RJR-MacDonald v. Canada (Attorney General) [1995] 3 SCR 199.

Sandefur, R. (2016). What we know and need to know about the legal needs of the public. *South Carolina Law Review, 67,* 443–460.

Slane, A., & Langlois, G. (2018). Debunking the myth of "not my bad": Sexual images, consent and online host responsibilities in Canada. *Canadian Journal of Women and the Law, 30*(1), 42–81.

Statistics Canada. (2018). Table: 35-10-0001-01. Police-reported cybercrime, by cyber-related violation, Canada (selected police services). DOI: https://doi.org/10.25318/3510000101-eng

Steeves, V. (2014). *Young Canadians in a wired world, phase III: Trends and recommendations*. Ottawa: MediaSmarts, online: http://mediasmarts.ca/research-policy/young-canadians-wired-world-phase-iii-trends-recommendations.

The Intimate Image Protection Act, (2014–2015) CCSM c I87 [Manitoba IIPA].

Tomczyk, Ł. (2017). Cyberbullying in 2010 and 2015—A perspective on the changes in the phenomenon among adolescents in Poland in the context of preventive action. *Children and Youth Services Review*, *75*, 50–60.

Twitter. (2019). *Twitter Rules Enforcement*, online: https://transparency.twitter.com/en/twitter-rules-enforcement.html.

Watkins, D., Law, E.L., Barwick, J., & Kirk, E. (2018). Exploring children's understanding of law in their everyday lives. *Legal Studies*, *38(1),* 59–78.

Whiten v. Pilot Insurance, [2002] 1 SCR 595.