



**DRCC OPENING STATEMENT
TO THE JOINT COMMITTEE ON JUSTICE & EQUALITY
23 October 2019**

The Dublin Rape Crisis Centre (DRCC) is grateful to the Chairman and members of the Committee for their invitation to speak on the topic of online harassment, harmful communications and related offences.

DRCC runs the National 24-Hour Helpline which takes on average over 270 calls each week from victim/survivors of sexual violence and their supporters. DRCC provides face to face therapy for nearly 600 people a year. DRCC provides training for about 2,000 people, including those working on the frontline with victim/survivors of sexual violence and those working with children and young people. DRCC personnel accompany victim/survivors to the Rotunda Sexual Assault Treatment Unit (SATU), to Garda Stations and to court. In our work, we see the often life-long consequences of the trauma and harm caused by sexual violence of all kinds. We know that often times this harm may be compounded for victim/survivors as a result of technology that is used to harass and humiliate.

The DRCC's *BodyRight* Programme was developed to raise awareness about sexual violence among young people and to assist in its prevention through equipping them with the awareness and skills they need to make positive choices and to protect themselves. An additional module was developed to address the serious issues of sexting and sextortion. While sharing images might appear harmless to some young people, sexting can have serious social and legal consequences, the importance of knowing about those consequences cannot be underestimated. We are currently piloting a new module which aims to educate young people on the impact and influence of media, popular culture and pornography. Notwithstanding their ability to effectively use online technologies, children and young people still need protection from content that can harm.

We hear first-hand from clients and callers, how a single image uploaded to the internet without consent can cause devastating consequences for the person whose image is uploaded. These incidents, are often referred to as 'revenge porn' but given our work in the area of sexual violence, we don't consider it so much as revenge or porn, we see it as abuse. This type of abuse, the sharing of imagery online without consent is one of the deepest betrayals of trust by a partner or ex-partner who is using online means to cause harm.

We need legislation to better protect everyone together with a greater understanding of the harmful and insidious nature of such abuse. These forms of non-consensual sharing of intimate images are recognised as specific offences in other jurisdictions.

Many jurisdictions have laws in place protecting people from online sexual violence. The offences introduced in Australia, New Zealand, England and Wales to target online harassment and harmful communications focus both on the behaviour and on the impact of such behaviour. Therefore, we would recommend that harmful content be defined as any content that seriously interferes with the peace and privacy of the other person or causes alarm, distress or harm to the other person. Freedom of expression is not an absolute right and must be balanced against the harm caused by online harmful communications. Currently, our existing criminal legislation on this issue is entirely inadequate to address issues of harassment, stalking, voyeurism or other harmful online behaviour and does not protect the rights of those who are victims of it. If the definition of harmful content is broadened, then there would be a more balanced approach which would not impose undue restrictions on the right of freedom of expression which only requires the removal of content when the content is injurious to the victim.

There is no law in Ireland creating a statutory responsibility for internet service providers to effectively monitor the content being posted on their website. In our submission to the Committee, DRCC recommends a flexible approach whereby the legislation would be supported by capacity for a Digital Safety Commissioner to regulate content within the main mandate of the legislation. The Commissioner would have mandatory powers to implement the legislation, capacity to build codes of practice and the like, and issue take-down notices or other appropriate sanctions. Based on the data and research of that office, rules could be adjusted to ensure that the legislation was effective and current.

We also believe that there would be a substantial increase in safety, a reduction in crime and much more responsibility online if every account had a verified author. This is not the current model for online companies but would be a substantial safeguard against criminal behaviour and activity (such as that on online dating sites), against defamation (trolls and fake accounts across social media) and irresponsible posting. Companies would be responsible for verifying. Posters/ authors would be responsible for criminal activity, defamation and harmful communications. This should be universal but could at least be Europe-wide with EU involvement.

We are happy to answer any questions that the Committee may have.