Cyberbullying Laws in Canada

Bill C-13: the Protecting Canadians from Online Crime Act

- Prohibits the non-consensual distribution of intimate images (where the subject is nude, partially nude, or engaged in explicit sexual activity);
- Makes it a new offence to publish, distribute, or transmit videos or photos of a person in an intimate setting without that person’s consent. Examples of potential offenses include:
  - Distributing photos of an unknown person at a nude or topless beach without that person’s direct consent.
  - Posting images of a couple kissing if a judge felt the couple had a reasonable expectation of privacy.
  - Reposting intimate photos of someone you know, even though you didn’t originally post them if
    - it is clear the person(s) in the image did not give consent;
    - at the time the photo or video was taken, there was some circumstances that led to a reasonable expectation of privacy, at least in the mind of the person in the photo or video.
- Empowers a court to order the removal of intimate images from the Internet;
- Permits the court to order forfeiture of the computer, cell phone or other device used in the offence;
- Provides for reimbursement to victims for costs incurred in removing the intimate image from the Internet; and
- Empowers the court to make an order to prevent someone from distributing intimate images.

Civil law

1. Defamation - when the bully causes harm to someone’s reputation by spreading false information about that person. In general, defamation that appears temporarily (as unrecorded speech or in a live broadcast) is called slander, and defamation that appears permanently (in a book or on a website) is called libel. A libelous statement does harm to someone’s reputation, has a clear and obvious target, and can be seen by people other than the person making the statement and the target. In libel cases, the target can lay a suit against the person making the statement. Defenses may include saying that the statement was true, that it was a fair comment (a genuine criticism, not a personal attack), or that they innocently reproduced the statement without knowing what it was.

2. Creating an unsafe environment by making the target feel that she or he cannot go to school/work without facing violence, teasing or exclusion. Schools and workplaces are required to provide a safe environment for their students or employees, and must take any appropriate action to do so.

3. A person is responsible for any consequences that they might reasonably have guessed would happen. A perpetrator who suggests that a depressed student should kill themselves would be liable if the student actually did kill themselves, as long as the perpetrator had reason to believe it was a likely result.

Criminal law

1. Criminal harassment involves threats made or implied that cause a person to fear for their safety, or for the safety of others even if the perpetrator did not intend to make the person feel threatened.

2. Defamatory libel is most often treated as a crime if the libelous statement is directed against a person in authority and could seriously harm his or her reputation.

3. Publishing intimate images without consent includes both intentionally spreading an image “in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity” as well as “being reckless as to whether or not that person gave their consent to that conduct.”
References
http://mediasmarts.ca/backgrounder/cyberbullying-law-fact-sheet
http://nobullying.com/cyberbullying-laws-canada/