

SELF/PEER EXPLOITATION — GENERAL

Self/peer exploitation is most commonly linked to the growing practice of “sexting” among youth. Sexting is defined as, “youth creating, sending or sharing sexual images and/or videos with peers via the Internet and/or electronic devices.”

A 2014 Canadian study on youth sexting revealed:

- 32% of boys and 17% of girls in grades 7-11 indicated they have received a sext
- 8% of students claim to have sexted themselves
- 20% of teens who had received a sext forwarded the message to others
- Girls are twice as likely as boys to send photos
- Images of boys are more likely to be forwarded than girls

Why do youth engage in sexting?

Youth have cited various reasons for engaging in sexting. Sexual experimentation and curiosity, seeking attention and acceptance, and being coerced or pressured often come up as explanations. Exploitation may also happen without the knowledge of the young person affected. Photos and videos can be recorded at parties or during webcam conversations without the victim’s knowledge. These may later be distributed via social media to humiliate that individual.

What are the consequences of sexting?

Though many teens send images intended for one person only, some of these photos and videos are shared to the Internet where they are next to impossible to remove. This can result in severe emotional and social consequences for the victim of such exploitation such as humiliation, shame, harassment, damage to reputation, and challenges in finding future employment. In addition, the victim may have unintentionally produced material that falls under the definition of child pornography and could technically be charged with its creation and distribution. The exploiter could similarly be charged with possession and distribution of child pornography. These types of charges for peer exploitation situations have been laid in Canada and the United States. The first criminal prosecution for child pornography in Canada related to youth sexting occurred in 2014. A 17-year-old girl was charged with distribution of child pornography and possession of child porn for sending nude images of another female teenager.

What is being done about it?

The notion of sexting has only been around since about 2005; therefore, law and policy makers have work to do when deciding how to deal with it. In 2011, twenty-one US States passed legislation related to sexting. Twelve more were considering bills or resolutions aimed at the issue in 2012. Sexting legislation typically reduces certain

penalties while creating educational opportunities for youth. Using education to target these issues has been a similar approach used in Canada.

Following the tragic deaths of British Columbia teen Amanda Todd and Nova Scotia teen Rehtaeh Parsons, the Canadian government has devoted more attention to cyber-bullying and peer exploitation. In May 2013, a cyber-bullying forum was held in order to strategize approaches to deal with these issues. The federal Justice Minister stated that protecting people against online harassment is a priority for the government. Nova Scotia's Justice Minister called on the federal government to create legislation that would criminalize the distribution of intimate images for malicious or sexual purposes without consent.

For now, the focus has been on providing resources to teachers, parents, and teens about how to deal with cyber-bullying and peer exploitation should it affect them. The following websites contain useful information on how to educate youth about the dangers of the internet and give strategies for dealing with peer exploitation scenarios:

- cybertip.ca
- kidsintheknow.ca
- needhelppnow.ca
- textEd.ca
- thedoorthatsnotlocked.ca

Bill C-13, Protecting Canadians from Online Crime Act, proposes amendments to the Criminal Code, the Canada Evidence Act, Competition Act, and Mutual Legal Assistance in Criminal Matters Act. The proposed changes to the Criminal Code would create new offences of distributing images without the consent of persons depicted. The amendments to the Canada Evidence Act would ensure spouses could act as witnesses for the prosecution of the new offence. The amendments to the Competition Act would facilitate preservation of computer data and orders for the production of documents relating to the transmission of communications or financial data. Finally, the proposed amendments to the Mutual Legal Assistance in Criminal Matters Act would ensure some of the new investigative powers granted through the Criminal Code would be made available to Canadian authorities and would allow the Commissioner of Competition to execute search warrants under the Mutual Legal Assistance in Criminal Matters Act. As of April 28, 2014 Bill C-13 is in its Second Reading and Referral to Committee in the House of Commons stage. The intention of this bill is to ensure protection from cyberbullying and online crime; however, there are concerns of privacy infringement as noted by the mother of Amanda Todd in a recent interview.

In June 2014, the Supreme Court of Canada reached a decision in *R v Spencer*, making an important ruling on Internet privacy law. The Supreme Court decided that police demands for basic subscriber information from Telecom and Internet Service Providers without a warrant, constitutes a search that is beyond their general investigative powers under s. 487.014 of the Criminal Code. Individuals have a reasonable expectation of

privacy over their Internet use in their own home and police do not have legal authority to obtain subscriber information even if an Internet Service Provider voluntarily provides it. Police will now have to provide a warrant to Internet Service Providers in order to obtain subscriber information (except under exigent circumstances) and Internet Service Providers will no longer be able to voluntarily disclose client information. The decision in *R v Spencer* is expected to impact both Bill C-13 and Bill S-4 (the Digital Privacy Act) to ensure the proposed legislation aligns with the ruling of the Supreme Court. As of June 2014, Bill C-13 was at the stage of having a Committee Report presented in the House of Commons, and Bill S-4 was at its First Reading in the House of Commons.

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