
From: Flora Doehler [REDACTED]
Sent: Monday, October 16, 2017 12:53 AM
To: Office of the Legislative Counsel; gwilson@claredigby.ca; Lenore Zann, MLA
Subject: Comment : Bill 27, The Intimate Images and Cyber-protection Act

To the Honourable members of the Law Amendments Committee:

Mark Furey, *Chair*
Gordon Wilson, *Vice Chair*
Suzanne Lohnes-Croft
Keith Irving
Brendan Maguire
Karla MacFarlane
Brad Johns
Lenore Zann
Claudia Chender

I understand that Nova Scotia's Law Amendments Committee will hear from the public on Bill 27, The Intimate Images and Cyber-protection Act, on Monday, Oct. 16, 2017

As I am unable to attend the session, I am writing this letter to give my input.

First of all, I want to thank the Committee for persisting in creating a law that will provide online protection for the wellbeing and privacy of young and old people. I congratulate you for leading the country in this way.

I have read the proposed act and while I am pleased to see more specific language in it, there is an area that I am very concerned with. I am urging your committee not to withdraw the direct support of a Justice Department lawyer in assisting victims in taking their cases to court. Even to civil court.

I was a victim-participant in the recent government-sponsored focus groups to provide feedback about Bill 27.

The strong, unanimous message that I heard from all participants was that the involvement of the CyberScan unit was crucial in supporting us through the entirety of our cases, including those that went to court. In fact the discussion around this aspect of the Bill elicited tears in some participants.

I am part of a group of 7 individuals who worked closely with the CyberScan unit in 2015 to seek justice as a result of a local cyberbully who maligned and humiliated over 25 residents of Bear River in a website that has been live for 7 years.

Our case went to court and was adjudicated by Justice Muise. He ruled in our favor and the offending website was made 'private'. Two weeks later the law was rescinded and within an hour of the announcements, the website was made public again with a new threat of publishing our court affidavits. The site is, unfortunately, still public.

I cannot emphasise enough how stressful and debilitating it is to be lied about online.. Of the original 25 victims in Bear River, only 7 of us followed through with working with the CyberScan Unit. All 25 of us were:

- fearful of repercussions if the bully knew of us approaching the CyberScan Unit
- overwhelmed and intimidated by the court system
- fearful that the bullying would be worse if the court action 'failed'

As a first step, our bully was asked to remove her site by the CyberSCAN Unit, but refused. The court was the only authority that she recognized, proving that court action is necessary for some offenders.

The Department of Justice tasked lawyer Terry Potter with presenting our cases. He and Gregory Keagan worked with us. There is no way any of our group would have been able to handle the court procedure without the help of both these men.

I am assuming that the rationale for the government in dropping the support of a lawyer is a cost saving measure. I would argue that dedicating a lawyer to this Bill will develop an expertise in that person and in the department that will better serve the public. Vulnerable victims are not in any position to prove that 'harm' has been done. Dropping the lawyer support will weaken this Bill. Many fewer people will come forward knowing they will have to face their oppressor in the end, alone.

Respectfully,
Flora Doehler
Bear River, Nova Scotia.

Links:

Concerns raised over loss of Cyber Bullying law. - CTV Atlantic news

http://atlantic.ctvnews.ca/video?clipId=773236&binId=1.1145463&playlistPageNum=1#_gus&gucid=&gup=Facebook&gsc=Q4sYxzY

Bear River's gossip blog grips Nova Scotia Village in Controversy (CBC)

<http://www.cbc.ca/news/canada/nova-scotia/bear-river-gossip-blog-nova-scotia-1.3416067>

Bear River gossip blogger pulls site amid controversy (CBC)

<http://www.cbc.ca/news/canada/nova-scotia/bear-river-gossip-blog-pulled-1.3419968>

The Bear River Tides (Blog of Zoe Onysko)

<http://thebearrivertides.com/>

Justice Muise's Ruling:

The Director of Public Safety v. Zoe Onysko, Dig. No. 444718 Decision of Justice Pierre Muise November 18, 2015

*The application was made based upon materials published or posted by the Respondent in the monthly newsletter and the blog both entitled "The Bear River Tides". The applicable portions of those publications/postings relate to a **campaign of denigration** against seven individuals who filed complaints with the Director of Public Safety, many of which are members of the Bear River Board of Trade, which board is also a target.*

The affidavit evidence presented reveals a large volume of personal attacks in deliberately insulting and sarcastic language which the evidence indicates are false or misleading and which incite feelings of anger or hatred against the targets. There are comparisons with Hitler and Nazi Germany. There are sarcastic comments regarding personal religious beliefs or lack thereof. There are statements of criminal and/or otherwise illegal behavior which the affidavit evidence states are unfounded. There are postings of the photographs of some of the target's personal properties as well as publication of information regarding absences from their homes for extended periods.

The materials have caused damage to the personal, business and professional reputations of the targets. They have caused unnecessary anxiety, distress, upset, anguish, depression, worry and fear involvement in public organizations as well as fear of volunteering in the community. For some of the targets, they have also caused fear of postings or publishing information regarding their own activities for fear of their words being twisted and used in a misleading manner against them. Obviously, it's also raised issues of a fear of vandalism or breaking into their homes if people know that they are absent for a significant period of time. And further, for some of the targets, it has even caused fear of their personal safety due to people travelling to Bear River to confront the targets of the postings in *The Bear River Tides*.

The evidence shows that the Respondent intended or ought reasonably to have expected these things to result from her publishing or posting the impugned materials. In my view, **the materials go beyond what is deserving of protection as a free speech and property rights when balanced against the cyberbullying nature of those materials.** The materials import malice and a corresponding intention to damage the reputation of the targets. More likely than not, they are engineered to incite hatred of or anger towards those targets. No affidavit evidence was provided to refute that submitted by the applicant.

Based on the evidence presented, I am satisfied that the materials constitute cyberbullying as defined in Section 2(1)(ba) of the Safer Communities and Neighbourhoods Act.

(bolding is mine)
