

Sticks and stones may break my bones

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Who do you call if someone hassles you? You can call the cops except they will say they can't do anything – unless hassling includes punching and kicking you. Then you can persuade the cops that you've been assaulted (make sure the marks are still there). Or you could decide to sue – except that you have to know who to sue. What if the hassler is some online jerk who posted naked pictures of you (Photoshopped or not) and calls you names that deride your mother as well? You can try getting Facebook to give you details of the jerk or go and get the relevant Internet Service Provider to do a cease and desist. Good luck.

Harassment is all the rage these days, whether it takes place offline or online. And even though sexual harassment at the workplace has been going on since men and women started working, it is now getting some attention. Probably because the women have become more vocal, unless you believe the men have become less gentlemanly. But more probably because bullying of all kinds has become so prevalent.

The G has been dropping hints for some time now that it is looking at the issue seriously and might even consider drawing laws against harassment. Law and Foreign Minister K Shanmugam gave the clearest indication yet this morning that something was afoot when he talked about readying some laws in the early part of next year.

A whole bunch of NGOs and think-tank types were ensconced in Orchard Hotel today to dissect the issue. Everybody agrees that there's a legal patchwork available, whether as miscellaneous offences, under defamation and Misuse of Computers and Cyber security laws and so forth. But they don't seem to be of any use, especially where sexual harassment and cyberbullying are concerned. In fact, how is harassment even defined? How many times do you have to be "harassed" before it qualifies as harassment and do mere "harsh" words hurt enough to make the speaker/writer a bully?

What's interesting is how the High Court recently ruled in a case of an unhappy client who allegedly "harassed" AXA, the insurance company, by sending 19 emails to the plaintiff's employees and making at least seven phone calls to them using vulgar and abusive language. The judge dismissed AXA's case.

Said Justice Choo Han Teck: "In this case, the defendant was described by counsel as harassing the plaintiff's staff, but from the point of the defendant, he was pressing for his rights as a policy holder. We do not know who was right because that issue was not before the court. The plaintiff may be right, but there may be other employers unlike this plaintiff, who might rely on a loosely proclaimed law of harassment to oppress its weaker and poorer opponent."

He added: "Civil action in harassment and laws relating to privacy are complex and connected and must be considered together. Finally, by allowing litigants to sue when they feel harassed when there is no direct contact nor proof of damage, the court may be creating a blockbuster

tort which will have unpredictable consequences, some of which may not be desirable. These are matters that need public debate to have the social, moral, and legal dimensions brought into the open. The forum for that is in the well of Parliament.”

Singapore is a little behind the curve on the harassment issue and the impetus appears to be this: The rise of cyber-bullying, especially among young people. A Microsoft survey showed that Singapore has the second highest estate of online bullying of youths, after China.

In fact, asked if they had been bullied online or offline, more of them (46 per cent) said online. There are only two countries out of 27 surveyed where offline bullying is more prevalent than online, Singapore and China.

What does this show? Mr Shanmugam suggested that laws on offline bullying in the real world are rather more stringent and easily enforced compared to the free-wheeling online world, hence the disparity. Perhaps, another reason could be that our young people are really emotionally fragile and easily hurt by remarks of strangers. Or that the physically bullied have found a way of avenging themselves.

While we up the ante against young cyberbullies and demand respect for each other, it might be good to think about the flip side of the coin: Can we train our young people to be more confident and resilient against such attacks? In other words, can we stiffen their spines as well?

What about online bullying of older people? You need only log into some chatroom or forum to see some variation of this taking place. Repeated abusive language. Malicious rumours and lies being spread. Impersonation and hacking of accounts. Then there is the way of the spurned lover: Posting of private pictures on the net calculated to embarrass the target.

It is easy to say that such stuff are par for the course when you go online. Some people do give as good as they get or have the community up in arms to shout the bully down. Good on these people.

What if people lose their jobs or reputation or trust of loved ones because of the actions of anonymous jerks? What if you only suffered “emotional trauma”? That depends really on how society views egregious action and what sort of conduct it deems unacceptable. In other words, some kind of “norm” must be established.

So what’s the next step? An omnibus harassment law like the one in the United Kingdom which leaves the definitions open to interpretation by the courts? Or more specific laws like that in South Africa? Or very, very specific laws as in Japan where it’s against the law to make email threats.

And if in place, when should people resort to the law to take action? Hopefully, as a last resort. Because we should help ourselves first. Failing which, we should hope that the community will weigh in as an arbiter of standards. Then only, finally, turn to the books for justice.