

Executive Summary- Report on the Review of the Intimate Images and Cyber-protection Act

The Department of Justice has completed a review of the *Intimate Images and Cyber-protection Act* (“IICPA” or “the Act”) on behalf of the Minister of Justice, pursuant to Section 14 of the Act. The objectives of the review were to assess the effectiveness of the Act at achieving its purpose and outline recommendations.

The Act aims to discourage, prevent, and respond to incidents of non-consensual sharing of intimate images and cyberbullying while upholding and protecting the fundamental freedoms of thought, belief, opinion, and expression, including freedom of the press and communication media.

The IICPA was enacted in July 2018, allowing victims of cyberbullying and/or non-consensual intimate image distribution to initiate a voluntary court process for private legal disputes. The Act designated the CyberScan unit at the Department of Justice to provide support and assistance to victims of intimate image distribution without consent and/or cyberbullying, offer public information and education sessions, and provide voluntary dispute-resolution services, including advice, negotiation, mediation, and restorative justice approaches in respect of harmful online conduct.

Evoke Consulting was hired to design a trauma-informed public consultation process with the Department of Justice to identify opportunities to improve upon the Act and its implementation. The process was inclusive by design and prioritized the participation of diverse stakeholders and those with direct experiences related to the IICPA.

The public consultation was launched in January 2022 and over 460 people, representing the diverse population of Nova Scotia, engaged in the consultation. A range of methods were used to connect with Nova Scotians including 11 small group sessions, 8 individual conversations, and an online public survey.

The consultation highlighted the needs of those interacting directly with the Act, including accessible pathways, awareness, and opportunities to improve support for victims. CyberScan staff receive inquiries from a diverse group of stakeholders such as community organizations, law enforcement officers, victim services, educators, and victims of cyberbullying and/or non-consensual intimate image sharing. Consultation participants shared the need for CyberScan to develop an intake process that accounts for the wide variety of inquiries and offer clear explanations of available services and associated processes.

Nova Scotians shared that understanding advancements in technology is a challenge. This reality, coupled with an increase in online interactions, has created an environment where the risk of cyberbullying and/or non-consensual sharing of intimate images has increased as well. The *IICPA* plays an important role in keeping the public safe in such interactions. Educators, school administrators, youth, and members of the community are witnessing or experiencing social pressures to participate in actions falling under the Act.

Many children, as young as eight years old, have access to the internet and are interacting with limited safety mechanisms in place. Children and youth are particularly at risk of being victims of cyberbullying and/or non-consensual sharing of intimate images. There is an opportunity for CyberScan to collaborate with stakeholders such as Department of Education and Early Childhood Development and Regional Centres for Education to learn more about the issues of non-consensual intimate image sharing and cyberbullying in education settings in Nova Scotia.

The majority of Nova Scotians who participated in the consultation were unfamiliar with the *IICPA*. The Department of Justice has an opportunity to develop awareness campaigns to clarify pathways for support based on common language and understanding. Nova Scotians need clarity on the *IICPA* is and how they can interact with it. Presentations, awareness campaigns, and messaging need to clearly outline objectives and remain consistent across all platforms.

Participants shared information about a wide range of existing supports and services for victims of non-consensual intimate image sharing and cyberbullying such as CyberScan, Victim Services at Department of Justice and police agencies, women-serving organizations, youth-serving organizations, schools, provincial mental health crisis lines, lawyers, and counsellors. Despite these support systems, victims felt they were falling through the cracks. There is an opportunity for Department of Justice to review CyberScan services using a victim-centered lens to determine where it belongs in the continuum of victim supports within government, police agencies, and the community to maximize the effectiveness of the *Act*.

The *IICPA* is a key component in preventing and responding to the harms of cyberbullying and non-consensual intimate image sharing in Nova Scotia. The recommendations, outlined in the review, relate to awareness, accessibility, inclusion, and collaboration, and are essential to ensure that those experiencing cyberbullying and/or intimate image sharing without consent are receiving the supports and services they need.