The **Porn Harms Kids** Report

protecting our kids from online pornography harms is everyone's business

Stage 1 Action Plan: 2017 - 2020

There can be no keener revelation of a society's soul than the way in which it treats its children.

Nelson Mandela

PORNHARMSKIDS

PREVENT | EQUIP | RESTORE

Porn Harms Kids Report: protecting our kids from online pornography is everyone's business

Stage 1 Action Plan: 2017 - 2020

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1. Introduction

1.1 About Porn Harms Kids

Porn Harms Kids is a Registered Health Promotion Charity, addressing the harms of children and young people accessing online pornography.

Porn Harms Kids mobilises researchers, child development experts, youth welfare authorities, the medical profession, non-profits, social and public policy sectors, and members of the community including schools and parents, to work toward a comprehensive solution.

The principal activity of *Porn Harms Kids* as a health promotion charity is to 'promote the prevention or control' of disease(s). This term is used in a broad sense and includes mental, emotional and physical health impacts. Prevention of access to pornography is a vital component of reducing the incidence of harms upon children and young people.

Porn Harms Kids has adopted a public health approach to inform a three-pronged framework. Each prong is supported by the implementation of legislation and policy, digital solutions, and education.

1. PREVENT access to pornography through advocacy for 'Digital Child Protection Buffers'
2. EQUIP with education through advocacy and provision of 'clearinghouse partnerships' to other providers
3. RESTORE children and young people harmed by pornography through advocacy and links to specialist support services.

Our vision is for our children to be supported to develop free from the harms of pornography, and to create lasting and positive change in communities and families impacted by children and young people accessing online pornography.
Interested parties can learn more and add voice to the pledge at: www.pornharmskids.org.au/

Porn Harms Kids provides voice for our children and young people, who stand defenceless against potential lifelong detrimental effects from access to pornography. Empirically researched harms include poor mental health; sexism and objectification; sexual aggression and violence; child-on-child sexual abuse; and shaping sexual behaviours. Our Statement of Research is available at www.pornharmskids.org.au/statement

1.2 Acknowledgements

The authors of this report would like to thank Commissioner Julie Inman Grant of the eSafety Office, and staff, for increasing educational responses and steering the Online Safety Consultative Working Group (OSCWG) towards making decisions in the best interests of Australia's children and young people. Among many other focusses within the eSafety Office portfolio, we are thankful to those staff tasked with improved education, reaching parents who are dealing with the fallout of pornography; and managing the reporting of prohibited and illegal content[1]. These action points are indicative of the eSafety Office's dedication to children and young people's online safety. We are also thankful to the OSCWG for inviting *Porn Harms Kids* Chair, Liz Walker, to present at the first convening on July 25, 2017[2] where many of the items contained within this report were introduced.

In the writing of this report, we are particularly grateful to content providers, including Dr Gail Dines from Culture Reframed[3], Cordelia Anderson from Sensibilities Prevention Services[4], and Holly-ann Martin from Safe4Kids[5]. Thank you to John Carr from the Secretary of the Children's Charities Coalition on Internet Safety[6] in the United Kingdom, for providing expert advice to frame digital solutions.

We would like to thank representatives from, Telstra, Optus and the Communications Alliance, for working with us to ensure that information contained within this report is correct at time of publication.

Thank you to Dr Brian Babington, CEO of Families Australia and Convenor of the National Coalition on Child Safety and Wellbeing, for your guidance in informing us of possible initiatives to address pornography within The National Framework for Protecting Australia's Children 2009-2020[7]. We look forward to continuing to work with you as advisors and contributors to this space. Thank you to Sonya Ryan from the Carly Ryan Foundation[8] for your expertise and contribution to this space, particularly through the enactment of Carly's Law to see legislative changes that protect young people from online predators. Thank you also, to the work of The National Plan to Reduce Violence against Women and their Children 2010-2022[9].

Thank you to Federal MP, Luke Howarth. Your commitment to raise this in parliament and harness comments from both LNP and ALP MPs that reinforce the importance of this discussion, indicates there is unequivocal bipartisan support to raise the profile of how pornography is harming our children's wellbeing.

Finally, the *Porn Harms Kids* board would like publically acknowledge the tireless dedication of Chair, Liz Walker and board member, Tamara Newlands, in producing this report. They have been assisted by an expert team of volunteers including legal, communications, design, editors and strategists. Thanks also goes to their families and friends who offer constant encouragement; to financial donors who enable the expansion of this work; and to supporters for sending stories and feedback to reinforce that Australia's children need advocacy for reduced access to harmful content and safer online experiences.

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1.3 Defining Terms

The *Porn Harms Kids* report is to be read with an understanding of the terms below, with attention noted as to how each of these terms, although separate, are inextricably linked through various forms and expressions of exploitative behaviours.

Pornography

Pornography has been defined as *"Sexually explicit media that are primarily intended to sexually arouse the audience".* Expanded upon by Dr Michael Flood[10], "*it includes images of female or male nudity or semi-nudity, implied sexual activity, and actual sexual activity. This term 'pornography' is a neutral term, rather than as a negative term referring to representations which are necessarily offensive, obscene, or harmful.*"

It is important to understand that mainstream, hardcore pornography now makes up the largest percentage of what is available online. In its content, distribution, production, usage, and impact, pornography often violates sexual rights. Citing multiple studies[11], increased viewing can lead to violent attitudes and behaviours being replicated among viewers. Up to 90% of scenes depict verbal aggression, and physical aggression such as spanking, gagging, slapping and other abusive behaviours. A "gold star" of research is a meta-analysis study; in 2016, it was found that[12] "*the accumulated data leave little doubt that, on the average, individuals who consume pornography more frequently are more likely to hold attitudes conducive to sexual aggression and engage in actual acts of sexual aggression than individuals who do not consume pornography or who consume pornography less frequently.*" These types of behaviours, when non-consensual, are condemned by domestic violence workers around the globe.

Among the most travelled sites are Porn Hub, Red Tube and You Porn. Within these sites and others, the most readily available porn, is hardcore pornography. A new definition[13] that was developed from observing the free online mainstream, hardcore sites that are major forms of distribution today:

> *Illegal, unclassified, "gonzo" or hard-core XXX, "free online material that depicts individuals or groups engaging in sexual behaviours where inequity between the parties is clear, violence is observed or audible, where degradation, humiliation, punishment and extreme submission appear to be the general objective of the power dynamics or behaviour depicted.*

This content is classified as RC, X18+, and R18+ material; which, according to Federal Legislation, is both prohibited and unsuitable for minors to access[14].

Child Sexual Abuse

According to Our Watch, Child Sexual Abuse[15] refers to any sexual behaviour between an adult and a child below the age of consent. It can also refer to non-consensual sexual activity between two minors, and any sexual activity between a young person and a person in a position of power and authority (like a parent or teacher). In Australia, each jurisdiction has different legal definitions of child sexual abuse.

Sexual activity can include:

- vaginal or anal sex, with a penis, finger, or another object
- oral sex
- touching genitals, breasts, or other intimate areas
- exposure to or involvement in pornography
- voyeurism (being watched doing intimate things)
- exhibitionism (deliberately exposing genitals or other intimate body parts, for example)
- other behaviours, such as talking about sexually explicit things which are developmentally inappropriate for the child's age, including sending sexual text messages or emails, and so on.

Child sexual abuse can happen to anyone, regardless of gender, socioeconomic status, cultural background, or any other aspect of identity.

The NSPCC (National Society for the Prevention of Cruelty to Children) distinguishes between two different types of child sexual abuse[16]. Contact abuse and non-contact abuse.

Non-contact abuse involves non-touching activities, such as grooming, exploitation, persuading children to perform sexual acts over the internet and flashing. It includes:

- encouraging a child to watch or hear sexual acts
- not taking proper measures to prevent a child being exposed to sexual activities by others
- meeting a child following sexual grooming with the intent of abusing them
- online abuse including making, viewing or distributing child abuse images
- allowing someone else to make, view or distribute child abuse images
- showing pornography to a child
- sexually exploiting a child for money, power or status (child exploitation)

In a Child Family Community Australia Resource Sheet: What is Child Abuse and Neglect?[17] published by the Australian Institute of Family Studies, exposing a child to pornography is included under the heading Sexual Abuse. Australian Charity, Act for Kids, confirms this approach[18], and states that sexual abuse can include:

- Talking in a sexually explicit way that is inappropriate for the age and development of the child, including via phone, email, text and other forms of communication
- Exposing a child to pornography or sexual acts

Sexual Violence

As defined by the Third Action Plan 2016-2019 of the National Plan to Reduce Violence against Women and their Children 2010-2022[9], *sexual violence consists of actions that are without consent. This can include coercion, physical force, rape, sexual assault with implements, being forced to watch or engage in pornography, forced prostitution, or being made to have sex with other people.*

Grooming

Grooming[19] is:

- When someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking.
- Children and young people can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional.
- Groomers may be male or female. They could be any age.
- Many children and young people don't understand that they have been groomed or that what has happened is abuse.

Child Sexual Exploitation

Child Sexual Exploitation[20] (CSE) is a type of sexual abuse. Children in exploitative situations and relationships receive something such as gifts, money or affection as a result of performing sexual activities or others performing sexual activities on them.

Children or young people may be tricked (manipulated) into believing they're in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be groomed and exploited online.

When sexual exploitation happens online, young people may be persuaded (manipulated), or forced to:

- send or post sexually explicit images of themselves
- take part in sexual activities via a webcam or smartphone
- have sexual conversations by text or online
- receive sexualised images sent to them without prompting or consent

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Abusers may threaten to send images, video or copies of conversations to the young person's friends and family unless they take part in other sexual activity. Images or videos may continue to be shared long after the sexual abuse has stopped.

It should be noted that Child Sexual Exploitation (CSE) and Child Sexual Exploitation Material (CSEM) are used interchangeably with other terms such as Child Sexual Abuse or Child Pornography.

This form or sexual abuse is a separate discussion to children's exposure to harmful sexual content. That said, exposure to harmful sexual content places children at greater risk of grooming and sexual exploitation, given the socialisation process known as 'normalisation'. The section below expands upon this.

The culture did a lot of the grooming for me.
Dick (a convicted child molester)[21]

Exposure to harmful content

Further to the definitions of child sexual abuse, sexual violence, grooming and child sexual exploitation, the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse[22] explains exposure to harmful content.

This refers to children accessing or being exposed to, intentionally or incidentally, age-inappropriate sexual or violent content, or content otherwise considered harmful to their development. Harmful content can thus cover a much broader range of material than child sexual abuse material ("child pornography") and include any content that could cause harm to the child, including (but not limited to) adult pornography and child sexual abuse material. It is important, however, for legislation to contain a clear definition of harmful content, as it is possible to consider many types of content "harmful", potentially resulting in criminalisation bordering on censorship or a violation of other freedoms.

Exposure of children to harmful content that is "pornographic" in nature is sometimes referred to as the "corruption" or "pornification" of children. This can be the case, for instance, if an adult deliberately shows (harmful content or) pornography to a child or watches pornography in the presence of a child. The first example could be a form of non-contact sexual abuse, and harmful and/or sexual content is often used in the process of grooming children.

Exposure to harmful content can normalise harmful sexual behaviour for children as individuals or within their peer groups. This could be seen as a form of "corruption of children", although more through societal sexualisation of children rather than as a result of the intentions or actions of any specific individuals.

While exposure to pornography may be harmful to a very young child, it is also important to recognise that, when it comes to adolescents, it is not necessarily harmful but could be a matter of exploring sexuality. Moreover, exposure to online pornography can be either involuntary exposure or pornography sought out by the child/adolescent on his or her own initiative, and can involve adult pornography as well as child sexual abuse material.

Conclusion: Harmful content should not be used as a synonym for "child sexual abuse material" or "child pornography", as it is a much broader concept and can refer to content other than sexualised material, for instance violent video games or websites that encourage hate speech.

Moreover, "harmful content" does not necessarily refer only to illegal material but can also include material that is legal but still harmful to a person considering his/her age, level of maturity, etc.

Public Health Approach

Expanded upon within SECTION 6.1, public health issues involve problems that affect individuals or groups beyond their capacity to correct. A public health approach recognises the impact of the broader environment on the behaviour, health and choices of individuals who live within it; and requires a multisectoral, collaborative, coordinated, integrative response.

1.4 Foreword

As *Porn Harms Kids* Chair, I, along with a dedicated volunteer board and a groundswell of advisors, advocates and supporters, lead a community response to what has been referred to as a stealth public health crisis. Without exception, it is everyone's business to protect kids from the harms of accessing online pornography.

However, in conversations with stakeholders (in the broadest sense of the term), we have come to realise that awareness of the harms resulting from children and young people readily accessing online pornography, are as diverse, as they are varied. Despite over 40 years of peer reviewed research from sociologists, psychologists, and other academic disciplines that indicate undeniable links between pornography and developmental harms for children, there still hangs doubts in the minds of some.

Current approaches adopted to address pornography are not sufficient to meet the burgeoning needs of children and young people. Partially, this could be due to this hidden public health crisis not being properly understood. The ubiquitous nature of pornography through ease of access across multiple devices, essentially means that from the moment a child enters the digital environment, they are placed at risk of exposure to pornographic harms and normalisation of violent and exploitative behaviours.

Whilst it is true that pornography does not affect all children in the same way, a "pornified culture" and ease of access to pornography results in children being vulnerable to both direct and indirect harms, including placing them at risk for technology facilitated forms of sexual exploitation and abuse.

For too long, there has been a 'passing of the buck'. This represents a mass abdication of responsibility on the part of adults to protect children from pornography, and a reluctance to implement firm measures to prevent access to this content.

Thus far, the responsibility of solving this issue has primarily been projected towards three groups: parents, educators and children and young people themselves.

We are often told that "it is parents and carers' responsibility to protect their children from online pornography." The problem with using this as a primary response, is that we live in a collective society. We don't ask parents to fix pollution on their own, in order to prevent their kids from inhaling toxic air. We expect the government to ensure community health by leading socially responsible initiatives that set regulatory demands on the industries involved in creating and facilitating the pollution. Parents on their own, don't have the power to prevent the pollution. It is the governments role to lead the way and implement all available protection measures.

Parents and carers are indeed, a diverse group, and have the potential to be one of many protective initiators in their child's life. However, reaching all parents to provide the knowledge, skills and technical 'know how' to protect and equip their children, is a long term social change strategy. Even if a carer is diligent with home filters, device apps and safeguard controls, there are no guarantee that their peers have the same restrictions, which in turn, places them at risk. Furthermore, insisting families across Australia individually arrange for their own protection to content that most don't want their children to see, does not adequately comply with the laws and the needs of society for protection.

It is equally as problematic to expect educators alone, to solve this problem; from a public health perspective, it is imperative to broaden the lens. In addition to chairing *Porn Harms Kids*, my work role is Director of Health Education for the US based non-profit Culture Reframed. Lead by Dr. Gail Dines, we are framing the global conversation in solving the public health crisis of the digital age. Cordelia Anderson, Founder of Sensibilities Prevention Services, with over 40 years' experience working to promote sexual health and prevent sexual harm, also indicates that public health must inform an effective response to pornography.

Having worked in Australian and New Zealand schools as a sexuality educator since 2010, and being fully invested in the value of education, it is evident that schools are understandably cautious about approaching this complex topic and want and need help. Sonya Ryan from the Carly Ryan Foundation, also confirms how much schools rely on expert input to address this complex issue. Factors such as varying expertise among teachers; differing perspectives; access to robust curriculum; or even the wisdom to know how to begin

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to address this issue, are all hindrances to teaching about pornography. It is a specialised topic; to expect educators to be equipped to deliver this, is like expecting them to be experts in science when they trained in the arts.

Too often, children are left to try and work this out by themselves. Equipping them with knowledge and skills is one limited component of the strategy. Children's brains and bodies are still developing, and therefore, require the protection of adults. As a community, we must ensure there are measures in place to prevent harms from occurring in the first place. This is a fundamental right, as per the UN Convention on the Rights of the Child. Pornography is a social problem, and as such, cannot be addressed by placing the responsibility on children, young people, parents, carers, and educators alone.

This is not a new issue, and attempts were made to previously address this between 2008 and 2012. Since that time, instead of making great headway with policy making and implementation of Digital Child Protection Buffers, Australia is over a decade behind the UK. It has now become a highly critical issue and a matter of child protection, given the viewing of pornography can be considered a form of online child sexual abuse. On a daily basis, children in Australia are knowingly left vulnerable. It is not a matter of carrying out more research to determine if or how we need to take action - we already have documented research and expert opinions. *The Porn Harms Kids Action Plan* needs to be implemented now, with continued research informing the effectiveness of responses as we move forward.

Throughout our investigations and review of the current approaches to addressing this issue, we have clearly seen how some stakeholders are not fully informed. Parents too, are often in the dark parents about the gravity of what our children and young people are faced with by having 24/7 unfettered access to pornography. For this reason, we have included a definitions section at the front of this report to help build a correct lens, and to support the full understanding of this complex hidden public health crisis.

Governments, tech companies, ISPs, legislators, educators, agencies and professionals; must come together to implement strong measures to protect vulnerable children from the known harms of online pornography.

Porn Harms Kids and our expert advisors, advocate for a public health approach that focuses on safeguarding and improving the physical, mental, and social wellbeing of the community as a whole. This requires a multi-sectoral, collaborative, coordinated, integrative response. In addition to parents, carers and educators, it calls upon government and community leaders; mental health, medical and legal professions; non-profits, child, youth, women, men and family advocates; activists and survivors; and digital technology experts to engage in preventative and proactive responses.

Every day that children have unfettered access to hardcore online pornography, compounds the harms and increases the social, emotional and financial burdens that arise from this fact.

By coming together to discuss what is often a confronting topic, we can best determine to take positive steps that will improve our children's safety and wellbeing. It is up to community – all of us – to do whatever we can to protect our children, make conscientious decisions that will assist in healing the harms incurred from pornography thus far, and create a safer future for our children.

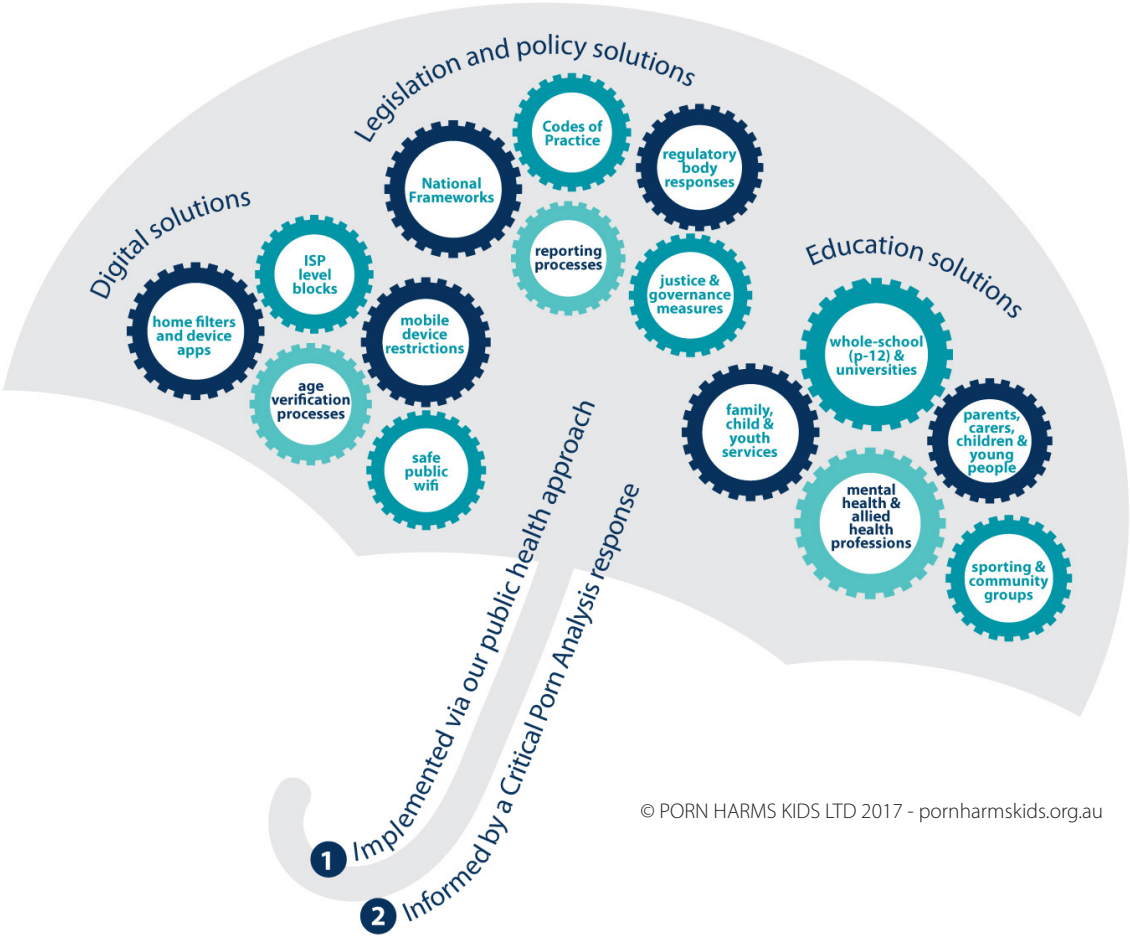
It's no longer a matter of the question "Is or how is porn harming our children?" It is about, taking this conversation out of the shadows and ensuring parents, and everyone involved in building and contributing to a healthy society, know about the harms and support the implementation of solutions now. Making this a mainstream conversation, will support our government to make the changes to legislation and policy that are needed to stop this crisis from placing unimaginable burdens on our children and society now, and well into the future.

Liz Walker
Chair, *Porn Harms Kids*

2. Overview

Porn Harms Kids - Stage 1 Action Plan 2017-2020

Addressing the harms of children and young people accessing online pornography



2.1 Executive Summary

There can be no keener revelation of a society's soul than the way in which it treats its children.
Nelson Mandela

In all areas related to child protection, it is the aspiration of every society to ensure children and young people are provided with safe and sustainable environments in which they can thrive. The *Porn Harms Kids Report: Protecting our kids from online pornography harms is everyone's business*, releases to align with major calendar events in September 2017, such as National Child Protection Week and National eSmart Week 2017. However, the importance of addressing pornography harms as a matter of child protection, extends beyond a focussed week. Broad solutions must be urgently implemented so that online protection for our children can be achieved.

The *Porn Harms Kids Report* provides comprehensive opportunities to expand understanding of the scope of pornography's impact on children and young people. *Porn Harms Kids* undertook a thorough investigation into past and present legislative, policy, digital and educational strategies that attempt to address the harms. The Report presents our findings and reviews; includes comprehensive international research; and provides clear calls for action and recommendations, including the proposed 3-year Action Plan. This solutions-focused Action Plan was developed to respond to children and young people's vulnerabilities to pornography, in consultation with experts around the world.

To gain a comprehensive picture of what children and young people in Australia currently face, please refer to our statement of research endorsed globally by over 50 experts and organisations. Empirically researched harms

include poor mental health; sexism and objectification; sexual aggression and violence; child-on-child sexual abuse; and shaping sexual behaviours. Our Statement of Research relating to pornography harms to children, and reference list, is available online at www.pornharmskids.org.au/statement The most current research is outlined in SECTION 2.2.

Current initiatives - In reply to the government response to the senate report: Harm being done to Australian children through access to pornography on the Internet

Porn Harms Kids has investigated and reviewed the government recommendations and current approaches proposed in their response to the senate inquiry[23]. We note that the governments current strategies and recommendations do not comprehensively address the harms, or adequately propose robust preventative measures to protect our children.

Review of current actions being taken to address the issues

The main body of review and subsequent findings in this report focus on three key areas: current legislation and policy, digital, and education approaches. We believe these are foundational areas that must receive equal attention in order to effectively respond to this public health crisis that has remained in the shadows for too long.

The current legislation and policies need urgent attention. Weak and convoluted laws mean that children have unfettered access to pornography from any device connected to the internet without a filtering service installed. There are major disparities in how the government manages prohibited content hosted domestically, versus that hosted overseas.

The regulation of the internet service provider (ISP) industry, including codes of conduct and policies, need radical overhaul to ensure that key stakeholders address the harms of pornography nationally. The potential for technological intervention requires a demand to be placed on carriers to implement flexible and robust filtering solutions that support families to block Prohibited URL Content. These changes must be underpinned by updated legislation.

The current government focus is on further research and education efforts targeted towards parents, children and young people. Whilst families are one of many vitally important protective initiators in their child's life, it is a mistake to solely place education efforts here. There are many other sectors and stakeholders that surround and protect children, and support them to thrive within communities. It is imperative these entities are included in solutions that enable a public health approach.

Although some action is being taken to inform parents of pornography harms as a risk for children online, the seriousness of the current digital environment has not been clearly communicated and remains hidden under the litany of information about cyber safety. Harms associated with pornography such as grooming or sexting, are spoken about as if they are in isolation. Instead, there needs to be a focus on pornography's role in facilitating a culture that normalises these behaviours, where exploitation and sexual abuse becomes the norm. The current approach leaves out discussion about how pornography is negatively impacting children's ability to develop healthy relationships with themselves and each other.

With the dearth of research already available to inform a response, further studies should be directed instead, towards measuring the pre-and post-effectiveness of any actions taken towards rectifying the current situation. What is also clear, is that education efforts will be undermined while ever legislation, policy and digital protection solutions are not implemented concurrently.

Key Findings and Recommendations from Porn Harms Kids Investigation and Review

Current legislation and policy approaches

Key calls to action relating to legislation and policy, first require the recognition that online pornography is linked to an increase in harms to children and young people, including violence against women who are the primary caregivers of children. *Porn Harms Kids* calls for government responses that put the rights of our children to be protected, in front of the rights of adults who want to watch online pornography. These calls include:

1. Commission an inquiry into the economic and social costs incurred as a result of children and young people's unfettered access and consequential harms of online pornography.
2. Update legislation and create binding codes of conduct that underpin digital solutions to block and manage prohibited content, regardless of the hosting location.
3. For the eSafety Office to continue to regulate online content by managing the "Prohibited URL List", and to provide simplified processes to manage whitelisted sites
4. In conjunction with state and territory departments of education, develop nationwide frameworks and policies that support education solution providers to effectively implement programs, curriculum and training to all sectors that support children and young people, so that the fallout and reversal of pornography harms can be effectively managed.
   (More recommendations can be found under current legislation and policy approaches in The Report.)

Current digital approaches

Whilst there are large divides and complicated factors to navigate, technology is a vehicle that has transported pornography into our everyday lives and is a key factor in the child protection issues we are currently faced with. Therefore, creating a robust national response requires the updating and implementation of digital protection buffers as outlined in the *Porn Harms Kids* 3-year Action Plan. Supported by overhauled government legislation, key calls to action relating to digital protection include:

1. All providers of internet access to update or create filtering products and services (including mobile services), in preparation for the recommended legislation to implement default blocking of prohibited content, with opt-out age-verification access.

2. A Communications Alliance led implementation of Digital Child Protection Buffers to facilitate the most robust possible barriers between online hardcore pornography and our children through restriction of prohibited content on all digital devices that connect to Broadband/NBN, WiFi, Public WiFi, Mobile Data.

3. For the eSafety Office to explore initiatives that place pressure on social media companies to implement age-ratings consistent with those for films set by the Australian Classifications Board; supply of safe accounts and default settings for under 18 account holders; and penalties issued for non-compliance.
   (More recommendations can be found under current digital approaches in The Report.)

Current education approaches

Whilst the government acknowledges its role in providing readily available educational materials for teachers, the programs currently provided by the government do not adequately address pornography. Schools are not supported and equipped by government led curriculum or policies that address pornography harms, including exploitation, grooming, addiction and mental health vulnerabilities. Key recommendations that arose from a review of current initiatives include:

1. In conjunction with state and territory departments of education, implementation of nationwide mandatory holistic sexuality and relationships curriculum, informed by a Critical Porn Analysis and public health approach to pornography harms.

2. For relevant stakeholders named in the Government Response to the Senate Inquiry, to update current education approaches, content and advice offered to educators, parents and students; more specifically, the iParent, Student Wellbeing Hub and ThinkUKnow programs and resources.

3. For the eSafety Office and government to implement a comprehensive nationally mandated framework underpinned by preventative policies, education and restorative policies. This broadens the scope to sectors which include (but are not limited to) family, child and youth services; mental health and allied health professionals; universities and sporting and community groups.
   (More recommendations can be found under current education approaches in The Report.)

Providing robust solutions with Porn Harms Kids Stage 1 Action Plan 2017-2020

From our investigation, review and exploration of research pertaining to the issue, along with consultation with experts from around the world, *Porn Harms Kids* provides a robust Action Plan that incorporates legislative, digital, and education solutions. These are underpinned by a public health approach and informed by a critical porn analysis educational response.

The Stage 1 Action Plan presents positive frameworks and strategies in the spirit of working towards a collaborative, coordinated and integrative response to decrease children's access, harms and vulnerabilities to online pornography, thereby, creating a safer digital future for our children and young people. (Refer to the diagram at the top of the executive summary for the Stage 1 Action Plan, and SECTION 6.3 for details.)

Porn Harms Kids calls upon the Australian public and key stakeholders

Stand with us, in unified voice for the protection of our children and young people, and bring this conversation out of the shadows as a matter of national urgency. By adding your voice through signing our pledge, it shows that there is widespread societal support to prevent access to, and protect children from pornography harms. A unified voice underpins changes in legislation and policies, enables improvement to prevention in the digital environment, and affirms the need to build a national, robust educational strategy.

Learn more about the *Porn Harms Kids* pledge here: www.pornharmskids.org.au/add-your-name

We welcome continued conversations and collaboration to assist government, key stakeholders and other decision makers to understand the scope of this issue, and implement effective solutions to deal with pornography as a form online sexual abuse upon our children and young people.

2.2 Informing calls for action

Why take action now?

Online and offline, our kids face a wallpaper of pornographic images. Ease of access to online pornography accentuates the normalisation of sexual acts that most often depict inequality, sexism, violence and degradation. This hardcore material is freely available and mainstream. It is accessible without paywall, warning, or any form of restriction.

Since the introduction of the Internet, and particularly hand-held devices, more than any other time in history, everyone, regardless of age or technical capability, can access the most extreme sexual content within one to two clicks, even when searching for non-sexual content.

This unfettered access is not only problematic for young people's attitudes, behaviours and development, but an increasing number of families and individuals (more so women), are confronted with the fallouts.

Research that places responses in context

Over 40 years of extensive research unequivocally identifies that access to pornography has now become a matter of urgent child protection. Research indicates that up to[11] 88% of popular online pornography contains acts that depict physical aggression, principally spanking, gagging, slapping and other abusive behaviours; and more frequent viewers are more likely to have sexually aggressive attitudes, and engage in sexual aggression[12]. Children having access to pornography is essentially, child sexual abuse via digital images.

In a paper titled The Public Health Harms of Pornography: The Brain, Erectile Dysfunction and Violence, John Foubert[24], a researcher with over 25 years' experience studying how to end sexual violence states:

"*The research connecting pornography and sexual violence is conclusive… Over 50 studies show a strong connection between pornography and sexual violence. The results are the same in correlational, cross-sectional, experimental, and longitudinal studies: pornography use and acts of sexual aggression are directly connected.*"

According to data of young people viewing pornography in Australia (June 2017)[25], eighty-four (84) per cent of young men and nineteen (19) per cent of young women watch pornography on a weekly or daily basis. This paper notes implications for public health and states that viewing pornography is common and frequent among young people from a young age and this needs to be considered in sexuality education.

Our children are bearing the brunt of this, evidenced by the increase in school settings of children displaying problematic sexual behaviours. Australian research (August 2017)[26], reveals that children are displaying sexualised behaviours, involved in sexual harassment, acting out sexually, and attempting to verbally coerce other children to engage in sexual behaviours; these have been observed by 40.8% of educators. Some described these behaviours as typical for development; however, behaviours were not socially acceptable for educational settings. This research identified "that there is a need for educator training, child education, and support services to enable an early intervention and prevention strategy to support the wellbeing of children".

We have a generation of young people who have lacked effective sexuality education within schooling settings, turning instead to pornography as their primary source of information. It should come as no surprise that painful sex, harassment, coercion, physical force, rape, and sexual assault are standard experiences[27, 28, 29] for an increasing number of children and young people.

2.3 Statement of Harms

Worldwide, pornography is now framed as a **Public Health Crisis**[30] by many governments, health, violence prevention, and advocacy organisations. Robust research confirms that areas of pornography's impact on children and young people include poor mental health; sexism and objectification; sexual aggression and violence; child-on-child sexual abuse; and shaping sexual behaviours.

The *Porn Harms Kids* Statement of Research relating to pornography harms to children is endorsed by child youth advocates, anti-violence workers and key academics, including Dr Gail Dines, Dr Michael Flood, Dr John D. Foubert, Dr Donald Hilton, Dr Caroline Norma, Dr Heather Brunskell-Evans, Dr Meagan Tyler, Maree Crabbe, Tom Meagher and others. Our Statement of Research highlights current studies, and identify significant areas that require action to prevent harms in children and young people's health, mental health, physical safety, and wellbeing, and as a part of broader societal effects to prevent violence against women.

The Statement of Research and reference list is available online at **www.pornharmskids.org.au/statement**
At the time of this reports publication, the Research Statement had received 50 endorsements by academics, child youth advocates, anti-violence workers and community organisations. *Porn Harms Kids* invites more endorsements from individuals and organisations working in this space.

2.4 Australian Indigenous community experiences

Holly-ann Martin, Managing Director of Safe4Kids, provides the following content to highlight her experiences as a child safety educator serving within indigenous communities.

Readers are advised that this information is confronting. It is shared for the purposes of advocating for safer environments for indigenous children, and no disrespect to indigenous communities is intended.

I (Holly-ann) do a great deal of work in remote Aboriginal communities around Australia, teaching a child sexual abuse prevention program. From my experience, I believe children in some of these communities are at far greater risk of being sexually abused because of pornography. When I'm teaching children as young as five years old, and I ask them "Where can you see private pictures or private movies?" they can tell me on USB sticks, YouTube, iPads, iPhones and internet. Even if there is no mobile coverage in some of these communities, when young people visit larger communities or towns, they can download online pornography onto a storage device (such as a USB stick), and then share the contents of these storage devices with other young people and adults.

I have witnessed children as young as four years old simulating sex on each other and on dogs; performing oral sex, and digitally penetrating each other. Young Aboriginal men openly admit to watching pornography, telling me they

want to learn 'technique' or learn 'style'. Because these young men are not receiving good sex education and respectful relationships education, they turn to online pornography for information. Adults in some remote communities are not aware that it is against the law for children to watch or be exposed to pornographic videos and images. With overcrowding in homes, children are being exposed to adult content all the time.

I have witnessed children 'play acting' and strangling each other. From conversations I've had with children, I believe strangling is a learned behaviour because of pornography. My real worry is that a child will die due to this; that through 'playing', a child will become unconscious. They may not seek help, but instead run and hide.

I am also aware of situations where pornography has been used by adults and older children in the grooming process, to normalise behaviours, so that children can be sexually abused.

I need to stress, child-on-child and inappropriate sexualised behaviours are not isolated to children in remote Aboriginal communities. In my experience, inappropriate behaviours are being exhibited by children across Australia. I am increasingly being asked by childcare centres, schools and parents to provide information sessions and training after critical incidents involving some form of child-on-child sexual abuse, or children exhibiting inappropriate sexualised behaviour. Anecdotally, I have found that the majority of these children have been exposed to online pornography by either other children or adults.

Holly-ann Martin, Managing Director, Safe4Kids[5]

Further to these direct experiences working within Indigenous communities, *Porn Harms Kids* provided the observations made by Holly-ann Martin to an Indigenous elder, who offers the following comment:

> *"The inappropriate sexual behaviour being mimicked by our children, as a result of their exposure to pornographic material, is rapidly eroding the moral values practiced by our Traditional Ancestors over Aeons of time. Early intervention must begin with educating our Children that they are sacred and in control of their body's and actions. Safe houses for Women and Children, should be established, towards eradicating any feelings of helplessness or hopelessness."*
>
> Minnie Mace, Indigenous Koa Elder

It should also be noted that legal and child protection issues relating to pornography harms were noted in the 2007 Report[31] of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse: "Little Children are Sacred". Refer to APPENDIX D. Observations from child safety educator, Holly-ann Martin, indicate these issues have compounded with online access.

2.5 Prevention of harm under UN Convention on the Rights of the Child

It is the role of any government to uphold its commitment to exercise due diligence obligation towards its children. Within the context of the international principle of the best interest of the child, children have a right not to be harmed psychologically, emotionally and physically, as laid out in the **Convention on the Rights of the Child** (CRoC). As signatories to this international convention, Australia has a due diligence responsibility to protect children from non-State actors perpetrating such harm against them. In the Convention on the Rights of the Child, the State (government) is called to take all appropriate measures to protect the child from all forms of violence, injury or abuse, including (online) sexual abuse; and make attempts to manage the digital environment that facilitates these harms.

Article 17 and 19 of the UN Convention on the Rights of the Child are included as APPENDIX C to this document.

As part of its duty of care to children, the Federal Government must take the lead in addressing this crisis comprehensively. All avenues must be pursued to explore and implement possible solutions, including education, voluntary and governed efforts by relevant industries, and regulation.

Due Diligence Obligation of a State to Children Harmed by Porn: A Critical Appraisal[32] by International Human Rights Lawyer, Andrea Tokaji, is published in The Western Australian Jurist, July 2017. This article looks at the rise of children sexually abusing other children because of watching porn online, and the need for restorative justice measures to be applied in the context of the State's due diligence obligations to protect children from harm.

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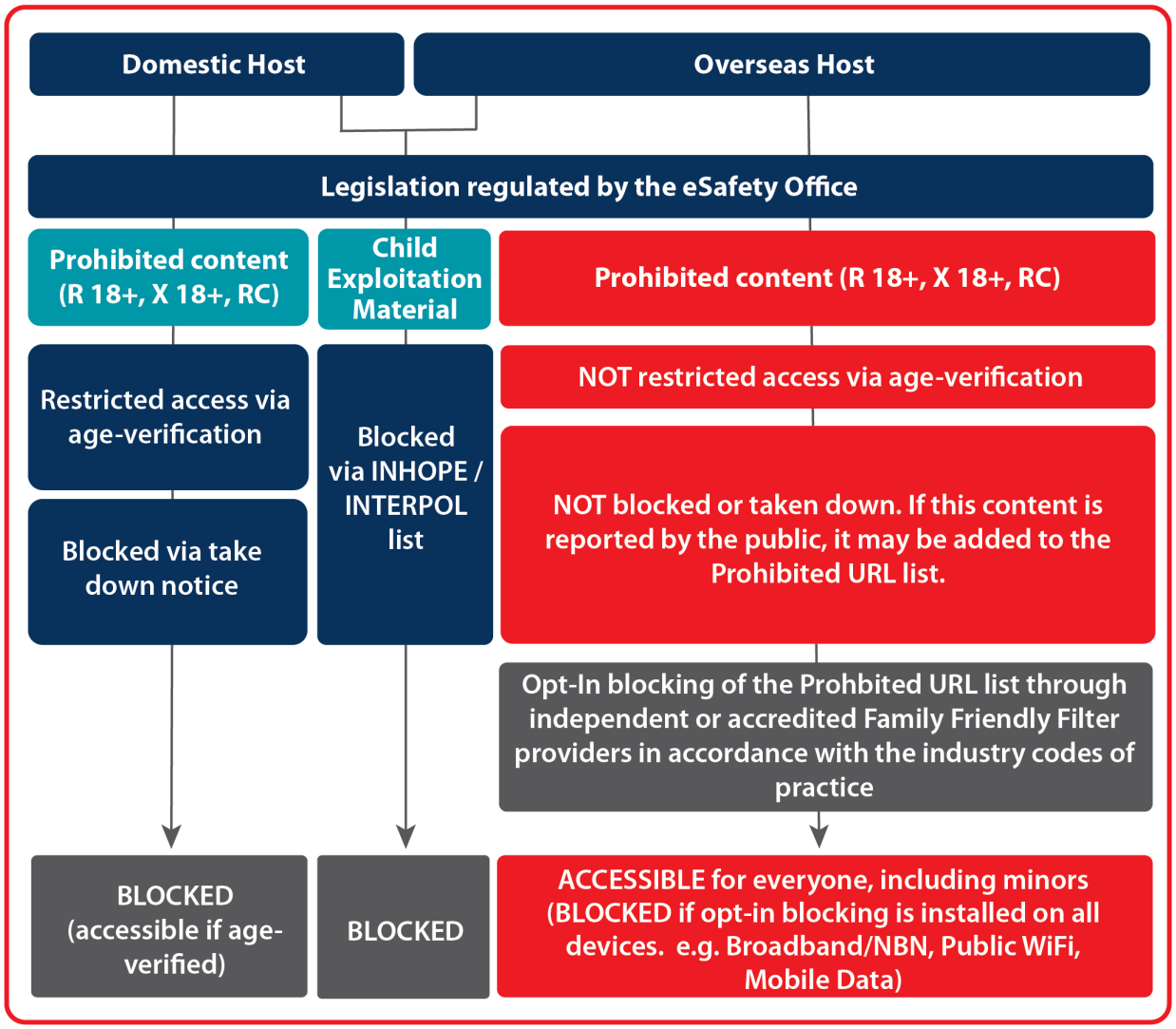
3. The role of the Government

Our current Prime Minister succinctly and clearly acknowledged that Australia faces challenges in ensuring that the Rule of Law applies online as well as offline[33].

The Government indicates[1] relying upon the 'online content scheme' set out in Schedule 5 and 7 to the Broadcasting Services Act 1992 (Cth), to regulate prohibited and potentially prohibited content in Australia based on the National Classification Scheme. The Enhancing Online Safety for Children Act 2015 established the Office of the Children's eSafety Commissioner (now referred to as the Commissioner of the eSafety Office) to support the government in managing the safety of children and young people online.

In this section, we examine the historical attempts to implement blocking of prohibited content, weaknesses in the current system and laws; including data which could be indicative of the consequences of our poor defences to online content, particularly those promoted by overseas commercial interests. The effects of legislative weaknesses are such that other areas within society face avoidable harms, which then burdens the health and wellbeing of our communities, particularly children and young people. To address these impacts, calls for action are made on all areas of policy and legislation, including national frameworks, codes of practice, reporting processes of harms, regulatory body responses, and justice & governance measures.

CURRENT DIGITAL ENVIRONMENT



**the diagram is only pictorial and not definitive indications of percentages of content coming from hosts domestically and internationally*

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3.1 Historical attempts to improve legislation

To move forward in the best interests of child protection, it should be important to understand the historical context, hindrances and resulting mindsets around the discussion to block pornography at Internet Service Provider (ISP) level through legislation.

Dr Caroline Norma presented a paper on June 30, 2017, outlining the power biases influencing the outcome of the 'failed Conroy attempt', as it is often referred to. **The great firewall of China: American internet companies and Australia's 'clean feed' debate**, 2008–2012[34] abridged overview explains:

This article examines the 'clean feed' debate as an event in Australian history that leaves an unfortunate and enduring policy-making legacy for the country. It asks why vigorous opposition arose in Australia to a modest regulatory measure that had already been in place in similar form in the United Kingdom from 2004. A global focus is brought to this localised debate because of the prominence and frequency of references to China over its four years. The answer to the core question of the research, in turn, refers to China, but in the different context of the contemporaneous experience of American internet companies in that country. It argues that the Clean Feed debate was significantly influenced by American internet company spokespeople, backed by US government representatives, who had commercial reason at the time to employ anti-China rhetoric in lobbying efforts against internet filtering in Australia.

Porn Harms Kids notes that it is important to understand the motives of key contributors to this discussion, the financial backing of these entities, and how this influenced the outcomes for Australia's communities. Concluding comments in this paper explain:

…this minimalist approach to cyber-governance puts Australia over a decade behind the UK in terms of policymaking for online child protection. It means that website content displaying even the most brutal and degraded sexual acts against adult women are accessible in Australia.

…Australian consumers today are not given the choice of even an 'opt-in' scheme of filtering the kinds of materials this offender was consuming, let alone a default opt-out scheme. The task of minimising child or vulnerable persons' exposure to such materials is left entirely in the hands of parents and householders who have to install computer-level filtering software.

…All the noise about China, which in reality maintained an internet regulation scheme incomparable to any respect of that proposed for Australia, drowned out reasonable consideration of steps already taken in the UK, which is, of course, a country wholly unlike China but so very similar to Australia in its history, composition and values.

3.2 The Government response to date

The Senate Inquiry into the Harms of Pornography and the Government Response

The Senate Inquiry titled *Harm being done to Australian children through access to pornography on the Internet* issued a final report, on 23 November 2016[35]. Five months later, On April 20, 2017, the Australian Government handed down its response[23] to the Senate References Committee on the report. *The Government Response* was specific to the recommendations put forward in the Senate report. The Senate Recommendations and overview of *The Government Responses* are included in APPENDIX A. Throughout this Report, *Porn Harms Kids* reviews the government strategies and recommendations, and outline how they do not comprehensively address the harms, or adequately propose robust preventative measures to protect children.

We note that further comment from the government has been made via joint announcements between the Prime Minister and the Attorney General[36]. Key reforms to redesign governance for the regulatory body Australian Communications and Media Authority (ACMA), were announced May 22, 2017.

Also on May 22, 2017, Luke Howarth MP, **put forward a motion**[37] to the Federation Chamber relating to Internet Content, noting that the easy access of violent sexually explicit material online poses a risk to our children's wellbeing; and that authoritative research has linked regular consumption of pornography by adolescents

depicting violence with increased degrees of sexually aggressive behaviour. The motion called on the community to work together to increase awareness that exposure to graphic images can influence children's attitude towards sexual behaviour; and utilise the eSafety online iParent website to increase awareness of how families can keep safe online. This motion was seconded by Ms Julia Banks MP, with Ms Michelle Rowland MP[38], Mrs Lucy Wicks MP[39], and (Chief Government Whip) Mrs Nola Marino MP[40] showing unanimous support.

Related to government, *Porn Harms Kids* calls for:

a. Federal MPs to be informed and provided with a deeper understanding of the harms that access to pornography is having on children and young people, and to move to support active steps that address these harms, including but not limited to the calls for action presented by *Porn Harms Kids* throughout this report.
b. The Australian Government to uphold the Convention on the Rights of the Child and protect their right to not be harmed psychologically, emotionally and physically through access to, or harms resulting from, online pornography.
c. The Australian Government to protect children from all forms of (actual or online) violence, injury or abuse, including sexual abuse, through robust and informed preventative measures.
d. The Australian Government to uphold its commitment to exercise due diligence responsibility to protect children from non-State actors perpetrating such harm against them. [As recommended by Tokaji, 2016[32]]
e. The Australian Government to protect its citizens from harm, and to ensure any foreseeable harms are prevented. Emphasised in international case law, legal recourse has shown that a state can be found complicit in human rights abuses perpetuated by non-State actors. Legal precedents are outlined in the legal journal article: *Due Diligence Obligation of a State to Children Harmed by Porn: A Critical Appraisal*.[32]

The eSafety Commissioner working group to address the harms

The current eSafety Commissioner[41] has achieved enormous gains in *The Government Response* to 'revenge porn' and cyberbullying; particularly given the Commissioner has been in office – and in an office whose role has been significantly expanded – for less than 12 months.

As part of its current investigative role the eSafety Office has convened an Online Safety Consultative Working Group (OSCWG). The OSCWG will report to the Government on strategies to inform an effective policy response to ensure best efforts to protect children from potential harm.

Following the convening of the first meeting of the OSCWG the Commissioner noted that extreme pornography is "big business"[2]. Foundational concepts of the *Porn Harms Kids Report* were introduced to the OSCWG on July 25, 2017, and at that time, it's availability to be used for framing responses was announced by *Porn Harms Kids* Chair, Liz Walker. It is the intention of *Porn Harms Kids* that the Stage 1 Action Plan 2017-2020 would be used to assist formation of effective policy.

Currently the Government relies upon the Commissioner to administer a complaints system where a concerned citizen can report prohibited content. In this regard, *Porn Harms Kids* makes the following observation:

a. Due to the sheer volume of material available on the internet - a complaint system places an unfair burden on Australian citizens and regulatory bodies.
b. It would be fairer if the onus of complying with Australian laws are on those companies profiting from Australians.
c. The eSafety Office is well positioned as the arbiter of pornography to continue to maintain the 'Prohibited URL list' after any recommended legislative changes are enacted.

National Frameworks

The Government Response acknowledges the complex and emotive nature of this social issue, and the importance of having the right public policy settings and programs in place. In a response that speaks to the *Harm being done to Australian children through access to pornography on the Internet,* two frameworks are referenced as *"reducing the risks of harms to children and young people on the internet".*

National Plan to Reduce Violence against Women and their Children 2010-2022

It is noted that the Third Action Plan 2016-2019 to Reduce Violence against Women and their Children[9] includes the delivery of an evidence-based community initiative to understand and counter the impact of pervasive pornography and promote positive, healthy behaviours in young people negotiating sexual relationships.

The 2016-2019 Third Action Plan states that it: will have a focus on better understanding and countering the impact of pornography given increasing evidence showing a correlation between exposure to online pornography and the sexual objectification of women and girls, the development of rape cultures and the proliferation of sexual assault.

Funding of $3million has been allocated to deliver an evidence-based community initiative to understand and counter the impact of pervasive pornography and promote positive, healthy behaviours in young people negotiating sexual relationships. Our Watch have been commissioned to deliver this initiative.

Porn Harms Kids welcomes this focus on the harms of pornography and its impact on culture, and seeks to provide support to this process through expertise, advisory services, and provision of existing research relating to pornography's harms on children and young people.

Related to the National Plan to Reduce Violence Against Women and Children, *Porn Harms Kids* calls for:

a. The National Plan to reframe the current discourse to move beyond discussion about the ways in which people engage in pornography, towards a public health and social based issue. See Framing a Public Health SECTION 6.1.
b. The National Plan to ensure that this public health issue receives adequate attention for the prevention of sexual harms now; as well as prevent second generation costs arising from non-rehabilitated victims who perpetuate sexual harms.
c. The National Plan to facilitate a national media campaign highlighting how pornography is linked to an increase in violence against women, who are the primary caregivers of children; as well as educating on other mental health and wellbeing risks.

National Plan for Protecting Children

In past versions, The National Framework for Protecting Australia's Children 2009–2020[7] did not adequately understand or address pornography as a researched harm. The singular mention acknowledged exposure to pornography as a risk factor for child sexual abuse, alongside other high-risk environments such as family violence, other types of abuse and neglect, highly sexualised environments and inadequate supervision.

However, a recent report (August 2017) by Families Australia indicated that priority should be placed on this issue. The report, *Taking stock and moving ahead* by Dr Brian Babington of Families Australia, details consultations from 10 forums involving over 400 child and family workers and researchers between March and May 2017. These forums resulted in pornography being raised[42] as an issue of concern amongst some respondents.

Forum participants were asked: 'As a nation, what more must we do to improve child safety and wellbeing?' and 'How can we get the Australian community at large to prioritise the safety and wellbeing of children?' Responses were divided into three categories: improving current systems, new areas of emphasis, and tackling root causes and valuing children.

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Within 'Addressing root causes and valuing children', pornography was mentioned as a factor related to enhancing child safety and wellbeing: Online sexual exploitation and pornography was mentioned by several participants as requiring greater attention. One participant argued, for example, that we need to 'tackle pornography – do people know what this is doing to children? Need strong laws/censorship to protect children.' Although pornography has been mentioned in the Babington report, comments have not yet been endorsed or enacted by the National Framework and a process of approval is required through the Council of Australian Governments (COAG).

Porn Harms Kids welcomes collaboration with the authors of the National Framework, Families Australia[43] and provision of support through expertise, advisory services, and provision of existing research relating to pornography's harms on children and young people.

Related to the National Framework for Protecting Australia's Children, *Porn Harms Kids* calls for:

a. Prioritising the protection of children from pornography harms through its inclusion as a researched harm within the National Framework, particularly related to prevention of sexual harms including exploitation, grooming and mental health vulnerabilities.
b. The National Framework to support the implementation of strong laws relating to online access of pornography, with the intention to protect children.
c. The National Framework to place emphasis on the need to respond to the shortfall in resources, specialists and services to support families who are faced with managing mental health and disease related impacts of pornography.
d. The National Framework to facilitate a social marketing campaign targeting mothers to strengthen their knowledge about harmful sexual behaviour by children and young people (particularly related to pornography) so that they can have informed conversations with their children. [As recommended by McKibbin et al., 2017[44]]

3.3 How pornography is managed through current legislation

Making a complaint to the Department of Communications and the Arts

When a citizen writes[46] to the Department of the Communication and the Arts to express concern about pornography, the Department or their representatives refer to the 'Online Content Scheme'[47], and are advised that this content may be reported to the eSafety Office.

Online content is assessed against the National Classification Scheme (NCS). The same scheme which governs viewing standards for TV, movies, games and publications. Enforcing access, ratings, classification and viewing times. Despite being covered by the code, it is clear that there is no method by which the code can be practically enforced in the online arena.

Therefore, we are left with an embarrassing regulatory structure that is powerless to control the Internet content which has been placed under its jurisdiction.

Extreme Internet content fits and exceeds many of the categories the NCS indicates intention to enforce. This includes but is not limited to content which:

a. depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or
b. describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
c. promote, incite or instruct in matters of crime or violence

While freedom of speech is upheld, it is understood that prohibited content which degrades, demeans, exploits and abuses human beings should not be freely available to children. Some would question, why it is available at all. The Internet, like all content, should be effectively governed by the code. In the same way, the code ensures safe TV content when children are awake. Therefore, mechanisms should be in place which allow the code to be applied to the internet.

Management of prohibited and illegal content

Content that may be reported to the eSafety Office[48] and investigated by the Cyber Report team, includes offensive and illegal online content. They "can only investigate and take action on content that is or is likely to be prohibited under law." If the content is sexual in nature and prohibited under law, it will fall into two categories: Child sexual abuse material, and other prohibited content. If prohibited under law, this illegal or prohibited content may be directed in two ways:

INHOPE / INTERPOL list: direct action is taken to remove online child sexual abuse / child sexual exploitation material, and other illegal material hosted in Australia and overseas. If hosted in Australia, illegal content is notified to the relevant Australian police force. The eSafety Office directs the hosting provider to take down the content. If hosted overseas, illegal content is referred to the Australian Federal Police to action through Interpol. This illegal content is managed by INHOPE[49]. "INHOPE is an active and collaborative global network of Hotlines, dealing with illegal content online and committed to stamping out child sexual abuse from the Internet."

PROHIBITED URL list: Prohibited content that is not child sexual abuse material is dealt with differently, and is again, regulated by the eSafety Office[50]. If material is "prohibited or potentially prohibited content" and hosted in Australia, the host provider is directed to restrict access via an age-verification process, or content is blocked via a take down notice. If hosted overseas, "prohibited and potential prohibited content investigated is referred to accredited providers of optional end user (PC-based) Family Friendly Filters in accordance with the Industry Codes of Practice."

The Current Digital Environment diagram (page 19), provides a visual illustration of how prohibited and illegal content is regulated and managed in Australia in the current digital environment. This diagram shows why prohibited content hosted overseas is easily accessible by minors, and how the current regulatory system is unjust.

Management of legislative powers

The Australian Government has a duty of care towards protecting its children from pornography harm. Citing Liz Walker in Tokaji's Due Diligence Obligation legal article[32]:

> *The lack of action by governing bodies and ISPs to respond to children accessing adult pornography draws parallels to the once ignored but 'now important' Royal Commission into Institutional Responses to Child Sexual Abuse. The reports of children negatively impacted by pornography flood in, yet its harms are often overlooked and underplayed. Children are exploiting other children and childhood sexual exploitation has reached new peaks and without targeted strategies, this trend is unlikely to reverse.*

In June 2017, the Federal Department of Communications and the Arts published 'Guidelines for the use of section 313(3) of the Telecommunications Act 1997'[51] [the Guidelines]. Section 313(3) of the Telecommunications Act 1997 empowers Ministers, or agency heads to request an ISP to effect lawful disruption of access to online content.

The Department of Communications and the Arts webpage[52] titled 'Online Content Regulation' states that: *Under Schedule 7, prohibited content includes content that has been classified or is likely to be classified:*

- *RC (refused classification)*
- *X18+*
- *R18+ unless it is subject to a restricted access system*
- *MA15+ and is provided on a commercial basis (i.e. for a fee) unless it is subject to a restricted access system.*

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These prohibitions are backed by strong sanctions for non-compliance including criminal penalties for serious offences.

The definition of prohibited content[53] in Schedule 7, completely encompasses all forms of pornography, given that the definition of X18+ includes where films "*contain real depictions of actual sexual activity between consenting adults*"[54]. *Porn Harms Kids* observes that it is unjust for prohibited content hosted overseas to be excluded from blocking in the same way that domestic content is blocked.

Related to managing prohibited content hosted overseas in the same manner it is managed domestically, *Porn Harms Kids* calls for:

a. Warnings to appear on the prohibited content websites to inform the viewer of the potential of addiction and the risk of an increase in their attitudes of aggression towards women.
b. Overseas content to be legislated in the manner as domestic content, by being either age-verified or blocked. At minimum, those sites which seek to display X and R rated content must have age-verification gateways, regularly monitored by an appropriately resourced body. The UK have already[55] established legislation setting a requirement of age-verification for sexual film websites.
c. Legislation specifying that 'sexual film' websites have a period in which to seek compliance approval from a suitably experienced and resourced safety Board certifying that they comply with the standards set out in the relevant Acts and the schedules to those Acts.

Related to the eSafety Office, *Porn Harms Kids* calls for:

d. The eSafety Office to recommend the establishment of a reporting and measuring mechanism to be used within health precincts and hospitals; to collate data on the number of children and young people presenting with (internal) injuries, sexual and other physical harms, and mental health harms, suspected as being attributed to pornography's influence.
e. The implementation of a complaints process for community members who want more robust legislation to deal with pornography, as opposed to relying on optional end user (PC-based) Family Friendly Filters.
f. Support the government in implementing mandatory nationwide holistic sex education, utilising a public health response, particularly relating to prevention of sexual harms including exploitation, grooming, addiction and mental health vulnerabilities.
g. For the eSafety Office to continue to regulate online content by managing the "Prohibited URL List", and provide simplified processes to manage whitelisted sites where organisations can register their URL to avoid being blocked. This initiative should be implemented prior to the enactment of any URL default blocking to allow sufficient time for legitimate organisations to register, with care being taken to not block legitimate sites that provide education and support.

Regarding the classification scheme, *Porn Harms Kids* observes seven **opportunities to strengthen** the scheme:

1. **Acknowledge** the violent nature of pornography and its contribution to an increase in sexual assault against women and children, and remedy the legislation accordingly.
2. **Stop** distinguishing the government response based on whether the content is hosted/located domestically or overseas.
3. **Make** the blocking system default, by direct provision of the prohibited URL list identified by the eSafety Office, for all Internet Service Providers to enforce, with provision for opt-out.
4. **Stop** relying on a non-compulsory product that requires payment by a parent or business supplying internet access to the child.
5. **Stop** putting the burden of uncovering prohibited content on Australians.
6. **Prevent** as opposed to respond and make it incumbent on the overseas profit makers to prove to the Government regulator that they comply with the Online Content Scheme.
7. **Assess** state law penalties relating to non-compliance to the classifications code against Federal laws, and provide consistencies that adequately comply with the laws and needs of society for protection.

These measures create a safer online environment for children, as well as equity and fairness for content providers and recipients of that content.

3.4 Laws to support legislative change

Discerning the harms of modern pornography

In a media release by the Royal Commission into Institutional Responses to Child Sexual Abuse (Commission into Child Sexual Abuse) the Royal Commission CEO introduces a report which 'demonstrates that it is possible to identify commonalities in the characteristics of studied adult perpetrators of child sexual abuse and children or young people with harmful sexual behaviours'[56]. The key findings included comments that exposure to violent pornography is a concern in relation to harmful sexual behaviour among adolescents. Specifically - research indicates that consumers of violent sexually explicit material are almost six times more likely than non-consumers to report sexually aggressive behaviour.

Data indicates that the majority of pornography is violent and incites violence[11,12]. Considering these findings, *Porn Harms Kids* observes:

1. Failures of our regulatory regime to protect Australian children from violent pornography is likely to lead to an increase in child sexual abuse – either by adults, adolescents, or children themselves.
2. There is already an increase in prosecutions for sexual assault and sexual offences.
   (i) It is reported sexual assaults increased by 51% from 1995 to 2007 (average 4% each year)[57]
   (ii) Australian figures released in July 2016 show that an increase in sexual assault towards women have reached a six-year high, most occurring from people known inside their place of residence[58].
3. An increase in families that are afflicted by violence and sexual assault destabilizes the home environment of the child.

State	Jurisdiction	Significant Finding
Sample State - NSW	Criminal - Sexual Offences INCREASING Sexual assault over a 5-year period has increased by 9.1%[59] Indecent Assault, act of indecency and other sexual offences have also seen increase of 14.5% in a 5-year period[59] A consistent increase in all areas of sexual offences in the past 7 years Sexual assault HUGELY more prevalent in RESIDENTIAL AREAS[58]	**Double digit increases in prosecutions for sexual offences in NSW – *it is estimated that only 20% of sexual assaults are reported[60]**
NSW	Family & Community Services Risk of Significant Harm reports on the issue of Sexual Abuse INCREASE 2012 – 2016 by 68.5%[61]	**68.5% increase to DOCS for risk of sexual abuse[61]**

A research report Commissioned by the Commission into Child Sexual Abuse about mandatory reporting laws for child sexual abuse in Australia, considers that whether exposure to pornography is in and of itself a 'mandatory reporting situation' is a 'grey area'[62]. *Porn Harms Kids* observes:

1. The Commission into Child Sexual Abuse has brought to light lifelong consequences for children of child sexual abuse;
2. If exposure to pornography is even considered a 'grey area', in this context the Government should be confident to act decisively to protect Australian Children from breaches of the Rule of Law online;
3. In a resource sheet[16] titled "What is Child Abuse and Neglect?' published by the Australian Institute of Family Studies – exposing a child to pornography is included under the heading Sexual Abuse.
4. In her submission to the Senate Inquiry, the late Emeritus Professor Freda Briggs AO, convincingly and expansively outlines the harms and damages to children of pornography[63].

In a de-identified response letter[46] written on behalf of the Minister for Communications, Senator the Hon Mitch Fifield, it is stated that: "The Government is of the view that measures to filter, block or 'take down' content should only be used in circumstances relating to serious criminal activity, for example content that represents an incitement to violence, child exploitation and child sexual abuse material." Relating to laws that represent serious criminal or civil offences, *Porn Harms Kids* observes:

1. Five of the Seven States have penalties for Classification Law Breaches which would fall within the definition of Serious Offence according to the Commonwealth Crimes Act. Refer to APPENDIX B for extended detail. It appears that state legislation is not able to be enacted due to weaknesses in Federal legislation.
2. The nature and content of the current pornography being produced gives rise to the issue that even the 'observation' or the visual and mental exposure of a child to this material could constitute a form of 'child sexual abuse'[63].
3. Academics draw a correlation between the viewing of pornography and an increase in violent behaviour[23]. Correlating with the rise of internet broadcasting has been a statistically significant increase in crimes of sexual assault across Australia and an increase in reports of child sexual abuse, which continues to rise. This raises an issue of whether child exposure to the prohibited content is inciting violence through the mechanism of social norming and / or neural adaptation.

3.5 Recommendations for immediate action

An immediate solution could potentially include use of Section 313(3) of the Telecommunications Act 1997 which empowers Ministers or agency heads to request an ISP to effect lawful blocking of online prohibited content – by reference to the Schedule 7 definition of Prohibited content.

The Guidelines for the use of section 313(3) records 'good practice' as ensuring that requests for blocking be made to the Internet service provider.

As advocates of the health and safety of the children of Australia, *Porn Harms Kids* calls on the Government to exercise the powers available pursuant to the Federal Department of Communications and the Arts 'Guidelines for the use of section 313(3) of the Telecommunications Act 1997' in respect of all websites which "contain real depictions of actual sexual activity between consenting adults"[54] and especially where there is depictions of sexual activity between 'non-consenting' adults, and especially urgently in situations where there is depictions of sexual activity with the presence of coercion and violence.

Following this emergency measure, appropriate legislation and regulatory body responses can be properly resourced to fix the current system.

3.6 The current legislative environment and key stakeholder responsibilities

The legislative environment needs urgent attention to bring Australia into alignment with the reality of pornography's harms on our current and future generations. Although actions are being taken to create awareness amongst parents, the government needs to take the lead in informing the public on what our children are facing with a nationwide education campaign. *Porn Harms Kids* stands in full support of the Government and its key stakeholder efforts to educate and implement policy and legislation that will block pornography from Australian children's lives. A national campaign will bring the public on board and support bolstering of funding to this issue, to ensure key stakeholders can deal with the fallout occurring from its unfettered access.

Below are calls to action to encompass the fallout of a delayed response to the harms of pornography on children and the speed in which the digital landscape has changed access to pornography for our children. These calls focus on how we can best ensure the reduction of harms as we move forward. *Porn Harms Kids* also outlines its recommendations for legislative and policy changes in SECTION 3.3.

Related to social and economic costs, *Porn Harms Kids* calls for:

a. Respond to the needs to put the rights of our children to be protected, in front of the rights of adults who want to watch online pornography.
b. A nationwide survey to be conducted to determine the extent to which Australian children have been impacted by online pornography. [As recommended by Safe4Kids]
c. An inquiry into the economic costs incurred because of children and young people accessing online pornography. A detailed report should include (but not be limited to) the costs[44] relating to:
   - Loss of quality of life
   - Health costs such as expenses related to delivery of health services to victims of pornography harms, pornography related violence, and pornography related child-on-child sexual abuse. This includes the costs associated with the extended health effects of pornography / abuse impacts and not just the treatment of the initial medical injury or trauma; for example, the costs associated with the treatment of depression, anxiety and post-traumatic stress disorder.
   - Lost productivity for teachers and support staff navigating the complexities of supporting children harmed by pornography within school settings.
   - Lost productivity for children and young people, linked to mental health issues and reduced learning capacity arising from pornography access and ongoing use.
   - Costs related to related to enactment of sexual harms resulting from pornography access, including exploitation, grooming, addiction and mental health vulnerabilities.
   - The lost economies of scale that victims of pornography impacts would experience due to being in a relationship with a partner perpetuating pornographies violent norms; including potential for less likelihood to be in relationships in the future.
   - Second generation costs arising from non-rehabilitated victims who perpetuate harms.
   - Criminal justice and administrative costs.
d. Funding to be allocated to research that explores best practice support for children and young people who are physically, psychologically and emotionally harmed by access to, and use of, online pornography.
e. Tools to be developed that assist counsellors, psychologists, social workers and other child/youth mental health professionals to respond to children harmed by pornography.

Related to additional policies and other governing areas that require action, *Porn Harms Kids* calls for:

f. Formulate sexual health policies for groups of children and young people vulnerable to becoming sexually abusive. [As recommended by McKibbin et al., 2017[44]]
g. Restorative justice responses to be set up for the victim and perpetrator children who have engaged in, or experienced harmful, abusive, sexual abuse or misconduct by other children [As recommended by McKibbin et al., 2017[44]], followed up by a thorough education program around healthy sexuality, healthy relationships and the harms of abusive behaviour. [As recommended by Tokaji, 2016[32]]
h. Safe houses for Women and Children to be established, towards eradicating any feelings of helplessness or hopelessness. [As recommended by Minnie Mace, Indigenous Koa Elder]
i. Bodies representing mental health and allied health professions such as the Australian Psychological Society, Australian Medical Association and similar; as well as family, child and youth services; and sporting and community groups; to develop position statements and policies on pornography harms informed by research, a public health approach, and guided by a best practice industry response.

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4. Current digital approaches

The environment in which children access pornography is complex and interlinked. When reviewing the current digital environment, it is important to recall the legislative approaches which also impact the digital approaches. Outlined in SECTION 3 is the current approach of legislation that burdens the citizen with uncovering and reporting prohibited content; burdens the regulator with actioning it; and the issues with this system being responsive instead of preventative.

Within the current digital approaches, the main focus in the past has been on whether or not to implement mandatory filtering and age verification processes. Considering how the current laws, legislation and code of conduct are implemented, it is clear that there needs to be a wider, more comprehensive investigation and approach to ensuring our children are safe online, just as we do in offline environments.

4.1 Historical attempts to improve online safety

Historically, attempts were made to improve online safety and introduce what was referred to as a 'Clean feed' to Australia's internet. Detailed perspective can be gained from a review that examines the iterations of internet filtering policies from the 1990s to 2014 and some of the ideological underpinnings: Australian Governments and dilemmas in filtering the Internet: juggling freedoms against potential for harm[63].

What is clear when considering this information, is that the traps and pitfalls of the internet have been an area for disagreement within the Australian Government.

In 2012, it was announced after much debate, that mandatory filtering would be abandoned and instead, ISPs would be required '*to block child abuse websites on the INTERPOL "worst of" child abuse list*'. It was reported that the Government insisted that this change of heart would achieve its aim of protecting children from internet harm: '*blocking the INTERPOL "worst of" list [would] meet community expectations and fulfil the governments commitment to preventing Australian internet users from accessing child abuse material online*'.

From the review of legislation in SECTION 3, it is clear the current system is struggling to ensure children don't have access to hardcore pornography, which is essentially, child sexual abuse via digital images.

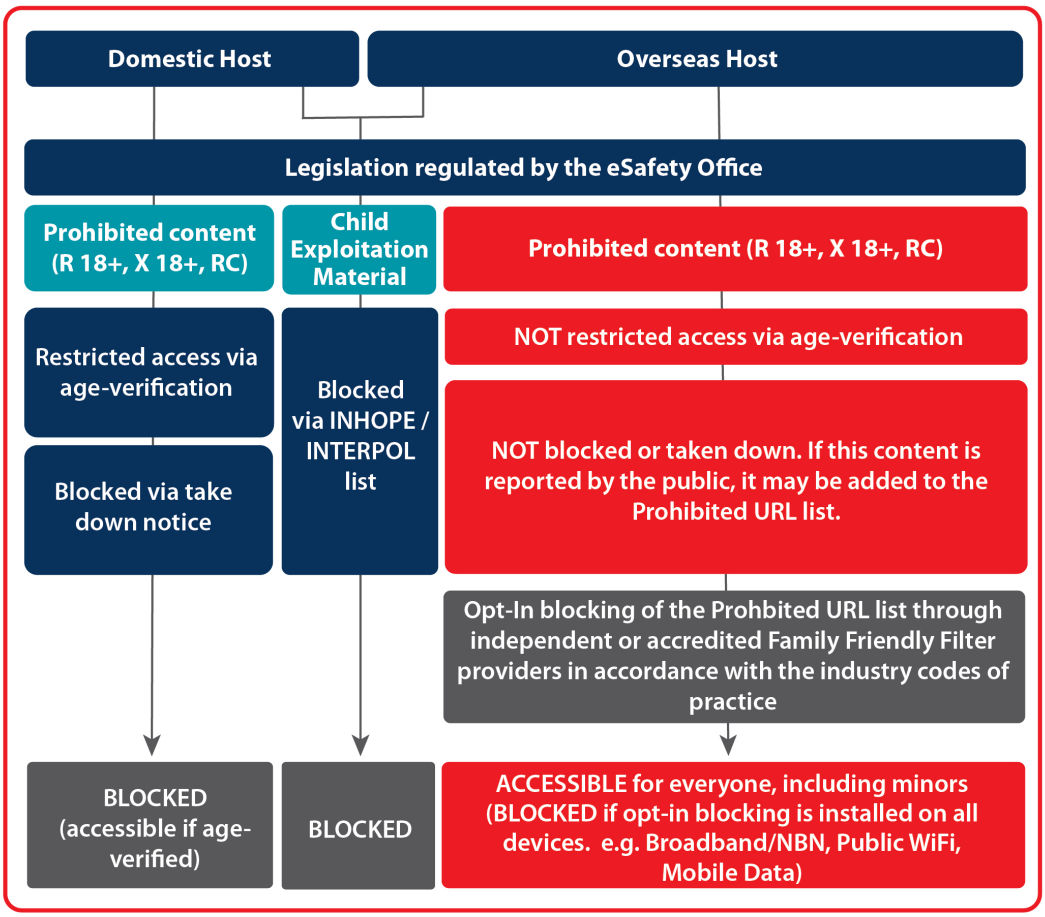
Several years on and it has become increasingly evident that free and easy access to pornography is serving as a grooming mechanism for children to be at risk for both online and offline exploitation; is being used as a 'how to' manual for engaging in sexually abusive behaviours towards other children; and normalising exploitation amongst young people.

The increasing number of professionals and community members who express concern about the ease of access to pornography, makes it clear that expectations for protecting children are not being met, and that historical measures implemented are **not** protecting children from internet harm.

Since inception, *Porn Harms Kids* has harnessed support from 1500+ concerned community members who have added their name to our 'pledge' for increased online protection of children. In addition, the *Porn Harms Kids* Statement of Research relating to pornography harms to children published on March 24, 2017, has received endorsement from 50+ academics, child youth advocates, anti-violence workers and community organisations. It is anticipated that these numbers will increase significantly as our work expands.

In June 2016, 2360 parents in Australia with children aged 8–17 years who access the internet, responded to a survey commissioned by the Office of the Children's eSafety Commissioner. Findings made publicly available[64], indicate that 60% of parents say their child is exposed to risks from being online. Of those, 60% see the risks as accessing inappropriate content.

CURRENT DIGITAL ENVIRONMENT



**the diagram is only pictorial and not definitive indications of percentages of content coming from hosts domestically and internationally*

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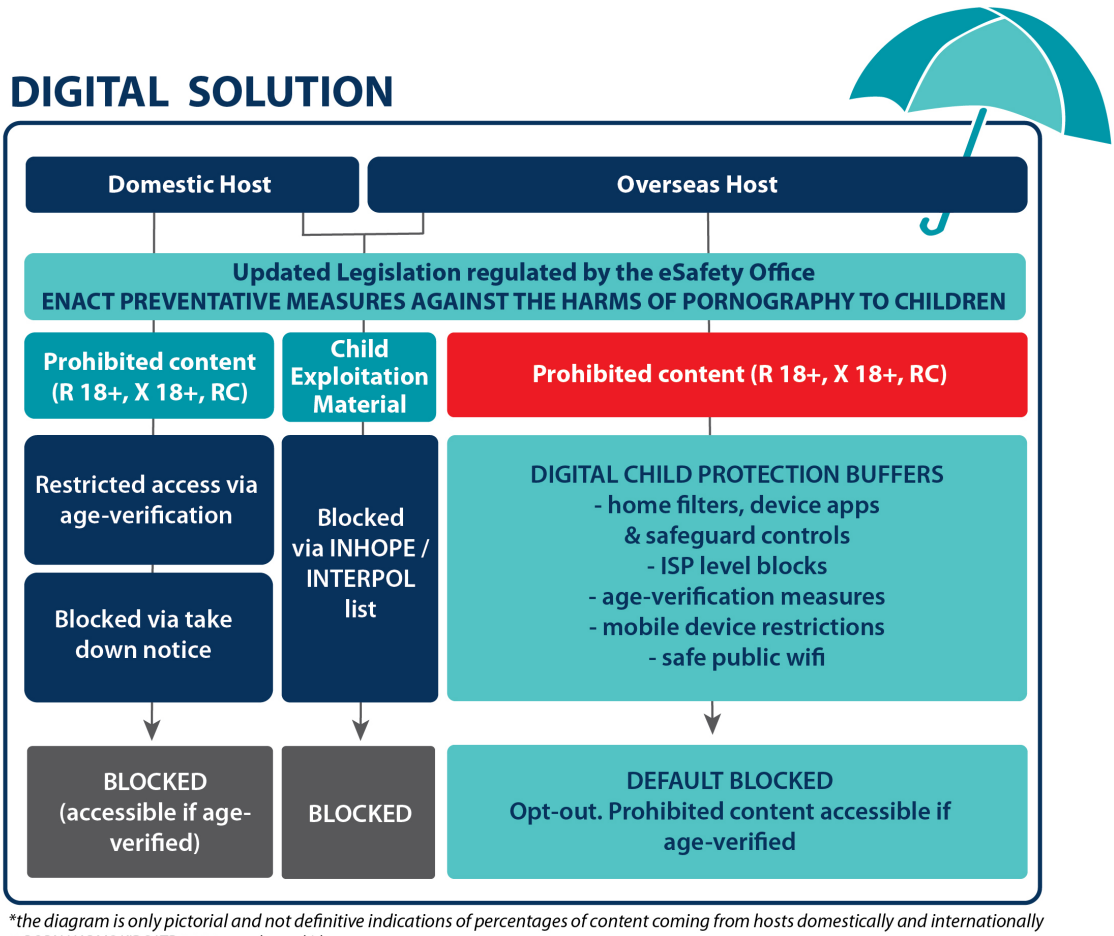
DIGITAL SOLUTION



**the diagram is only pictorial and not definitive indications of percentages of content coming from hosts domestically and internationally*

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4.2 The current status of ISP self-regulation and governance

The Australians Communications Alliance is an 'industry representative body'. They represent Australia's Internet Service Provider (ISP) industries and **state on their website**[66]:

> *It is important to note that the use of filters is not mandatory in Australia, either under law or Industry Codes. Users can choose whether or not to install filters, and if and when to activate them. Similarly, ISPs are not required to filter or monitor internet traffic. However, Communications Alliance recognises that some families find filters a useful addition to direct parental supervision, and for that reason supports their availability.*

In all sorts of ways[67] (for example, in respect of terrorism activities, privacy, fraud and other harms), people around the world are starting to say that the industry has failed to act with sufficient vigour or effectiveness on a voluntary basis and consequently, they are now being compelled to do so by new laws and regulations. In respect of the protection of children the same is also true.

After direct correspondence with the Communications Alliance, they have advised that they: "*are in discussion with a number of service providers and other relevant organisations to increase the visibility of the Family Friendly Filter program, and with filter providers to grow the number of certified filters. Throughout this we are working closely with the eSafety Commissioner as well. As the work progresses we will happily provide Porn Harms Kids with an update.*"

Porn Harms Kids notes this promise of action. At the date of the *Porn Harms Kids Report* release, information on the Communications Alliance site indicates the last time a filter was accredited was in February 2015[66]. Suggested solutions are provided in SECTION 6.3.

Porn Harms Kids **calls for the Communications Alliance to support calls for legislation and a binding code of conduct that governs ISPs and ensures:**

(i) Mandatory provision of ISP blocking tools to reduce access to prohibited content.
(ii) Cooperation with calls to implement age-verification measures to manage prohibited content
(iii) Monitoring adherence of ISPs to an accreditation process that measures effectiveness of blocking tools that restrict access to prohibited content.
(iv) Restriction of prohibited content on all digital devices that connect to Broadband/NBN, WiFi, Public WiFi, Mobile Data.
(v) Provision of a process for all ISPs to be connected through membership to the Comms Alliance, to position them to adhere to the proposed updated legislation and binding codes of conduct.

4.3 The current status of ISP level protection

With the advent of NBN, more carriers are opting for preconfigured modems

With the uptake of the NBN and the standardisation of Internet connectivity, more carriers are opting for preconfigured modems that have user details and DNS settings hard wired. This measure increases the success of blocking the INTERPOL 'worst of' list that identifies child sexual exploitation material. However, carriers only support their brand of modems. This means that families seeking to use DNS filtering need to either purchase their own modems which are not hard wired, or set up DNS filtering on the network settings of each device, making such technology cumbersome and subject to the user.

Porn Harms Kids requested verification from Optus to outline the use of preconfigured modems with the rollout of NBN and they did not provide comment. A representative from Telstra provides this explanation:

> *Telstra Broadband Protect works in exactly the same way if it's applied to an ADSL, Cable, or Fibre based Telstra Internet service. This is because the filter is applied at our DNS, and all Telstra services, by default, use our DNS, unless the customer has specifically customised it otherwise.*

While ISPs have a right to streamline their hardware and support mechanisms this does create additional barriers to user managed filtering. This places the onus on carriers to step up to the mark with more flexible filtering solutions that support families to block Prohibited URL Content.

The current approach places inequitable time and financial burden upon families. With reduced options to block content, ISPs are best positioned to provide an 'opt-in' scheme of filtering, or a default opt-out scheme.

FURTHER TO NOTE: *Porn Harms Kids* acknowledges that third-party services offer products to provide customisable filtering products such as stopping access to inappropriate content, and controlling internet access times. This indicates firstly, that such a product is a viable solution. Secondly, it calls to question yet again, why families should be expected to arrange for their own protection to content that is both harmful and classified as prohibited.

How do ISPs rate for filtering services?

Porn Harms Kids has relied upon information supplied on ISP websites, as well as phoning ISPs to speak with product representatives. *Porn Harms Kids* has also worked with both the Communications Alliance and individual representatives of ISPs to ascertain that the following information is correct at time of publication. The Infographic shows which ISPs provide safety or management features, with explanations provided below.

How does your internet service provider rate?

Internet Service Provider		Default block	Opt-in-block	Free to user	Set time restrictions	Social network protection	Device protection	Customisable controls	Implements safe searches	Mobile device protection
Telstra		×	✓	×*	✓	✓	✓	×	×	✓
OptusNet		×	×	×	×	×	×	×	×	×
TPG	TPG	×	×	×	×	×	×	×	×	×
	iiNet	×	×	×	×	×	×	×	×	×
	Internode	×	×	×	×	×	×	×	×	×
	Westnet	×	×	×	×	×	×	×	×	×
Vocus	iPrimus	×	×	×	×	×	×	×	×	×
	Dodo	×	×	×	×	×	×	×	×	×
Foxtel		×	×	#	×	×	✓	×	×	×

* Free to new customers # Free 60 day trial

Default Block (Opt-Out)
This option makes provision for 'blanket' blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level. Individual users could enact an 'opt-out' feature, enabling age-verified users to still access content classified prohibited by the classifications scheme.

Opt-In Block
This option makes provision for 'individual users' to request blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level.

Free to User
Provision of a free service that removes the financial burden from families for having to arrange for their own protections to block prohibited content.

Customisable Controls
This feature enables users to have individual settings applied to each device.

Set Time Restrictions
This feature allows users to set internet access times, to assist with children and young people's sleep and study patterns.

Social Network Protection
This feature assists parents to monitor children's activity on connected social media sites and notifies of potential cyberbullying.

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Device Protection
This feature assists to keep devices free from known viruses, spyware and other threats.

Implements Safe Searches
This feature provides automatic prevention through the safe search features of Google, other search engines, and enforcement of YouTube restrictions.

Mobile Device Protection
This app provides protection for mobile devices, utilising features consistent to the home product.

As the infographic demonstrates, the overwhelming majority of ISPs fail to provide families with the option to block harmful pornographic content.

Telstra provides the most comprehensive protection for families through an Opt-In Block service. A representative from Telstra provided comprehensive information about their products below, and have indicated that there are areas for product improvement in the pipeline. We note an opportunity for Telstra to consider the inclusion of other features within their services, such as providing protection across all platforms of Telstra broadband, Telstra mobile and Telstra air (safe WiFi for public spaces). We also note an opportunity to extend their products to include a solution for schools, which would assist with the current challenge for educators and parents of ensuring children's devices are protected at school and in the home. Telstra is demonstrating the ability to use technology to reduce access to pornography, thereby contributing to a public health approach. *Porn Harms Kids* expresses thanks to Telstra for their informative and helpful consultation, and for providing an example to other ISPs of possible technological solutions through implementation of Digital Child Protection Buffers.

How Telstra Broadband Protect Parental controls work

(i) Parental Controls provide a single set of protection for the entire household, as long as the device they're using is connected to the Telstra home broadband service.
(ii) We deliberately built the service to apply to the Broadband Service, so that Parents are able to simply apply rules no matter which device the child uses.
(iii) This specifically helps parents ensure porn can be easily blocked from being accessed in the household.
(iv) Our ambition is to eventually allow users to apply individual rules.

Parental Controls can be setup and managed using:
Telstra 24x7 My Account; Telstra 24x7 App, and Telstra Home Dashboard app

(vi) The Telstra Home Dashboard app gives parents more control of how their kids use their internet in the Home by allowing them to quickly set and update parental controls to keep their kids safe. You can find the Telstra Home Dashboard App on the App Store and on Google Play
(vii) We provide three simple options to choose from to give parents more comfort about what the family can see online. Parents can customise their controls so that only Websites in specific categories will be blocked.
(viii) Parents can also apply Access Time Restrictions to block internet access on every device at certain times of day. And they can separately add Homework Time to so that the kids can have access to the internet for study without distraction from Social Networks and Gaming.

How Parental Controls block content:

(ix) Block Pages are served if Parental Controls identifies a request for a site which has been marked as unacceptable by your content controls or if an Access Time Restriction is set.
(x) If parents are blocked from a site they want to visit, they can use their Telstra ID to turn off Parental Controls for an hour or, if it's been blocked by content controls, to add the site to your whitelist.
(xi) If your child wants to access a site blocked by Parental Controls, and you've set up notifications, you'll receive a notification by email or SMS if they request access on a block page.
(xii) Block Pages in Apps and encrypted websites.
(xiii) Disallowed Apps on mobile devices and encrypted websites will be blocked by Parental Controls but the user will instead see an error message like Unable to connect or Network error.

Full details can be found here: www.telstra.com.au/support/category/broadband/security/how-to-use-parental-controls-and-homework-time

Telstra and Optus are to be commended for funding cyber safety education initiatives into schools. However, *Porn Harms Kids* notes that important elements such as defining pornography using age-appropriate and relatable terms, or provision of advice for how to navigate harms resulting accidentally or deliberately accessing this online content, are overlooked within cyber safety education.

Related to Internet Service Providers, *Porn Harms Kids* calls for:

a. ISPs to cooperate with calls for legislation that would enact age-verification processes and blocking to prevent access to prohibited content.
b. All ISPs to be connected through membership to the Communications Alliance and adhere to the proposed updated legislation and binding codes of conduct.
c. ISPs to make cyber safety a proactive part of their business model.
d. ISPs to follow Telstra's example by updating or creating filtering products and services that provide practical and comprehensive blocking options to control harmful content.
e. ISPs to place child protection over profits.
f. ISPs to support government and community through initiatives that fund education to directly deal with the harms of pornography as a public health crisis.
g. ISPs to uphold an ethical responsibility to exercise due diligence to protect children from online harms.

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Related to Mobile Phone Service Providers, *Porn Harms Kids* calls for:

h. Mobile device restrictions through use of SIM cards that restrict access to adult content unless and until the account holder completes an age-verification procedure.

4.4 The current digital environment and key stakeholder responsibilities

Porn Harms Kids notes that although there is action being taken to improve availability of Family Friendly Filters and a working group has been set up by the government to address the harms (OSCWG), the focus has been too strongly placed on parents and children. Considering internet access is now readily available on mobile devices, businesses, schools, in public places and almost every single home, it is not enough to just rely on Family Friendly Filters for those who choose to use them. We need a national plan to implement Digital Child Protection Buffers, so that no matter where kids go, access to hardcore pornography is restricted as much as possible. Explanation of Digital Child Protection Buffers is outlined in SECTION 6.3.

Related to additional digital areas that require action, *Porn Harms Kids* calls for:

i. The eSafety Office to facilitate oversight of ISP membership to the Communications Alliance and compliance by all providers of internet services to the proposed updated legislation and binding codes of conduct; and issue penalties for non-compliance.

j. The eSafety Office to facilitate the establishment of an accreditation body that facilitates compliance by all providers of Public WiFi, to ensure Prohibited content is blocked in public spaces. Explanation of this Digital Child Protection Buffer is outlined in SECTION 6.3.

k. The eSafety Office to establish a phone hotline for parents, to assist in providing technical advice to implement and monitor home filters and device apps.

l. The eSafety Office to explore initiatives that place pressure on social media companies to implement age-ratings consistent with those for films set by the Australian Classification Board [As recommended by the NSPCC[68]]. These initiatives include (but are not limited to)
- Safe accounts automatically offered to under 18's – with default privacy settings, proactive blocking of harmful content and mechanisms to guard against grooming [As recommended by the NSPCC[68]]
- Penalties for non-compliance for social media companies who fail to protect children. [As recommended by the NSPCC[68]]

5. Current education approaches

The Government Response indicates that certain initiatives are targeted at reducing the risks of harm to children and young people on the Internet. However, it is pertinent to consider these programs and curriculum, and their current content capacity to address pornography harms. At the same time, students are often required to use school issued and/or BYOD devices as part of their education; or, bring personal mobile devices to the school environment. This presents additional requirements for policies to incorporate the management of wanted and unwanted exposure to prohibited content within the schooling environment, and related sexual harms that may result; and provide education to the whole school community to explain these policies.

The Government Response acknowledges its role in providing readily available educational materials for teachers, however, the programs currently provided by the government do not adequately address pornography. The Foundation to Year 10 Australian Curriculum falls short of providing direction on how to educate about pornography, and implement age-appropriate measures to prevent sexual harms. And cyber safety education is all too often presumed to cover pornography, when in fact, it most often avoids it. In addition, schools are not supported and equipped by government led policies that address this issue.

Porn Harms Kids is encouraged by the recommended review process of current education materials to consider the adequacy of the information available to parents, guardians and teachers on how to keep children safe online. However, the implementation of robust measures is required to address educational shortfalls that will effectively prevent children's vulnerabilities to the harms of pornography.

5.1 Online and in-person programs and resources

The Government Response states that *"The protection of children from online harms requires a whole of government approach, including education and prevention programs. The Government provides a range of these programs through the Office of the Children's eSafety Commissioner, through the AFP's ThinkUKnow program, and through the Department of Education and Training's Student Wellbeing Hub."*

The AFP's ThinkUKnow program, and the Department of Education and Training's Student Wellbeing Hub, provide online safety resources and information and resources on student wellbeing. However, neither platform adequately address pornography and its harms, or prevention of harms related to pornography.

The Government Response makes strong recommendations to utilise the eSafety Office iParent portal. This site provides parents and carers of young people information and advice about a wide range of digital content and online safety issues that assist safe use of the online environment. *The Government Response* indicates that *"The eSafety website is the main promotion vehicle for the Office's online safety resources targeting parents, children and young people."* Since *The Government Response*, the eSafety Office has launched the 'Online Pornography' resources section of their site, to assist parents to have conversations with their child or young person. These government recommended programs and resources have been reviewed by *Porn Harms Kids*.

ThinkUKnow Review

After an extensive review our investigations reveal that the ThinkUKnow[69] Program, Website and Information Booklets do not provide adequate information, resources or policy guidance to address pornography as a harm to children's safety and wellbeing.

Overall *Porn Harms Kids* notes an attempt to cover some of the harms of pornography and offer basic preventive and reporting measures to protect children. However, the information around inappropriate content is ambiguous in terms of directly addressing the harms of pornography, and adequately educate on the issue as a public health approach for the safety and wellbeing of children and young people. *Porn Harms Kids* notes that pornography harms are an emerging issue requiring specialist support, and that to cover this content thoroughly requires education, resources, training and skills that may be outside the current remit of the ThinkUKnow program aims and objectives.

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In the past financial year, the ThinkUKnow program provided online safety education to more than 10,803 parents, carers and teachers and more than 151,899 students. Considering the reach of this program, *Porn Harms Kids* recommends that there is a significant opportunity for the Australian Federal Police to include education about more robust preventative measures, including explanation of how pornography can lead to exploitation and grooming vulnerabilities; provision of information for those harmed; and other educational responses informed by a public health approach. This opportunity exists across all program platforms (parents, teachers and students) in an age and demographically appropriate way.

Interested parties may find details of our findings here: www.pornharmskids.org.au/thinkuknowreview

Student Wellbeing Hub Review

After an extensive review of The Student Wellbeing Hub[70], it was found that this site fails to provide adequate information, resources or policy guidance to address pornography as a harm to children's safety and wellbeing.

Our investigations indicate that "Online" or "Cyber safety" education avoids direct mention of pornography related harms; and is inadequate in providing policy guidance to support student welfare and reduce sexual harms.

The Hub school audit survey tool (to assess effectiveness of policies and procedures for student wellbeing), fails to provide mention of pornography; how it can lead to exploitation and grooming vulnerabilities; guidance for schools to address pornography; or information to prevent all forms of sexual harms related to pornography.

Interested parties may find details of our findings here: www.pornharmskids.org.au/the_hub

Related to ThinkUKnow and Student Wellbeing Hub websites, *Porn Harms Kids* calls for:

a. Provision of a dedicated space to provide resources relating to pornography harms prevention, tailored for each target group. In alignment with other materials already provided, this could include:
   EDUCATORS: Key information and classroom resources
   PARENTS: Information and advice
   STUDENTS: Information and activities
b. Provision of policy guidelines to support schools to address pornography.
c. Targeted preventive measures that specifically mention online pornography and not just inappropriate content.
d. Provision of information about the harms of pornography to mental health and addiction related issues.

e. Further explanation and strategies related to the potential for pornography to be used as a grooming tool (either directly or indirectly) for sexual exploitation.
f. Explanation and strategies to address the potential for pornography to trigger problem sexual behaviours and sexually abusive behaviours towards other children.
g. Explanation and strategies to address the potential for pornography to normalize online and offline exploitation (including sexting).
h. Explanation and strategies to address the potential for pornography to shape sexual tastes and desires.
i. Provision of curriculum links to address pornography.
j. Inclusion of pornography as a risk factor within the school audit survey tool; guidance for schools to address pornography; and information to prevent all forms of sexual harms related to pornography.

eSafety iParent Online Pornography and Policy Resource Review

After an extensive review of iParent and other components of the eSafety Office site, it was found that there are attempts to directly address online pornography within the iParent 'Inappropriate, Offensive or Illegal Content', 'Online Pornography', and 'School Policies/Implementing Policies' sections. *Porn Harms Kids* notes that although there have been attempts to address potential risks and harms of pornography, there are several areas that need improving. The content falls short in some areas of providing effective information, education, resources or policy guidance to address pornography as a harm to children's safety and wellbeing and the wider effects on society, including how pornography can lead to exploitation and grooming vulnerabilities. *Porn Harms Kids* has provided recommendations to expand upon content relating to harms, improve terminology, and provide more effective solutions. Policy recommendations are found in Section 3.

Interested parties may find details of our findings here:
www.pornharmskids.org.au/esafety_information_review

Related to the eSafety Office website resources more generally, similar recommendations to the ThinkUKnow and Student Wellbeing Hub websites apply.

Related to the eSafety iParent website Online Pornography section, *Porn Harms Kids* calls for updated content:

a. Provision of a resource list of children's books for parents to use with young children to help them with conversations regarding the harms of pornography.
b. Provision of links to reputable, factual, holistic sex education websites for parents to refer their young people to, and that these sites adequately acknowledge and explain the harms of pornography.
c. Clearly explain that unless a parent uses a filtering service or app, their child has access to pornography whenever they have access to the internet at home, personal devices or elsewhere. Due to unfettered access to prohibited content, their child is not guaranteed from avoiding pornography in other homes, peers' devices or public spaces.
d. Provision of a link back to The action we take eSafety webpage, along with a link to the recommended implementation of a complaints process as outlined in SECTION 3.3.
e. Reframing the conversation around arousal as mentioned in the Porn Harms Kids review, so that parents have necessary information to explain this fact to children and young people correctly.
f. Comprehensive explanation of what pornography is using the critical porn analysis educational response, making clear how the porn industry sets out to normalise consumption of its product; and how serious the risks of potential harms are to children, particularly relating to sexual harms including exploitation, grooming, addiction and mental health vulnerabilities.
g. Provision of more detailed information for parents to effectively understand the potential harms of pornography on a young person's attitudes, behaviours, identity, relationships and overall wellbeing - emotional, mental and physical.
h. Full explanation of how pornography can shape sexual tastes and desires of its viewers and the impacts this can have on a developing child's sexuality and future relationships, including potential to increase violence against women.
i. Culturally appropriate information for parents and carers on how to teach their children about the potential harms of pornography, and where to seek help if their child is displaying inappropriate sexualised behaviours. [As recommended by Safe4Kids]

5.2 National Curriculum

The Foundation to Year 10 Australian Curriculum sets the standards for what all students should be taught. *The Government Response* states that:

"The Foundation to Year 10 Australian Curriculum sets the standards for what all students should be taught. The Digital Technologies learning area provides students the opportunity to learn to apply safe and ethical practices to protect themselves and others as they interact online for learning and communicating. Safety and social contexts are taken into account as students' or provision of advice *progress through the learning area and develop their digital literacy skills."*

Whilst generalised capabilities may be present within the curriculum, there is very little guidance provided specific to sexualized content or pornography. A search within the Digital Technologies learning area did not reveal any significant mention that would indicate directly dealing with the harms of pornography. A sample of found mentions within the Health and Physical Education curriculum are included here:

Year 7 & 8 content description: Communicating and interacting for health and wellbeing[71]
- understanding and applying online and social protocols to enhance relationships with others and protect their own wellbeing, including recognising and responding to inappropriate online content

Year 7 & 8 content description: Being healthy, safe and active[72]
- examining online profiles and identities and developing strategies to promote safety in online environments

Year 9 & 10 content description: Communicating and interacting for health and wellbeing[73]
- demonstrating and advocating appropriate bystander behaviour when participating in online interactions, for example in situations where another person's photo has been tagged without permission, sexting and posting explicit content

Year 9 & 10 content description: Being healthy, safe and active[74]
- exploring external influences on sexuality and sexual health behaviours, and recognising the impact that decisions and actions can have on own and others' health and wellbeing

It is evident that these content descriptions have the potential to be interpreted to include information about pornography; however equally, have the potential to be delivered via less complex and generalised cybersafety and sexual health information.

Given the National Curriculum has been identified by *The Government Response* as a means to address the harms of pornography on children and young people, major and significant changes are required to ensure its viability and capacity to achieve this outcome.

The below calls are to the Independent, Private and State Department of Education schooling sectors. They are purposed to decrease viewing, and reduce wanted and unwanted exposure to prohibited content for all children whilst in the schooling environment.

Related to The Foundation to Year 10 Australian Curriculum, *Porn Harms Kids* calls for:

a. Implementation of updated curriculum guidelines to address pornography harms within both High School and Primary Schools, underpinned with a public health approach.
b. Updated curriculum guidelines to address the impact of pornography on mental, physical, relational and emotional health; and the influences upon attitudes and behaviours.
c. Updated curriculum to address key areas, such as prevention of sexual harms linked to pornography (including through technology use).
d. Introduction of school protocols for implementing policies that prevent sexual harms.
e. Implementation of an updated curriculum response that utilises Critical Porn Analysis: an educational response to the researched harms of pornography as a public health crisis. Outlined in SECTION 6.2: Framing an Educational Response to pornography.

Related to student laptops and hand held devices, *Porn Harms Kids* calls for:

f. An independent audit of school issued and BYOD devices required for schooling education to ascertain if these contain content found on the Prohibited URL list.
    i. Through the auditing process, weigh findings against the school policy and measures taken to prevent access to content found on the Prohibited URL list.
    ii. Identify where schools could improve in following existing policies
    iii. Identify how policy could improve reporting, digital management, child protection, and responses to sexual harms.
g. Consultative focus groups within school communities and parents to identify improved processes for managing students' personal mobile devices within schools.

5.3 Updating education policies

On the eSafety iParent website on the page When someone shows your child pornography: at home, school or play, the advice provided states: *Expect the school will review its policies related to student use of personal screens, such as in playgrounds, classrooms, libraries, or on public transport travelling to and from school*. In addition, whilst the eSafety Checklist provides general query of policy related to pornography, no specific guidance is provided. This is expanded upon here: www.pornharmskids.org.au/esafety_information_review

Relevant to this, schools (in particular, schools governed by State Education) appear to face a perplexing challenge. *Porn Harms Kids* has been advised that state government schools are unable to update processes and practices, without prior directive through policies that address pornography harms, issued by the relevant State Education Department.

Related to additional educational areas that require action, *Porn Harms Kids* calls for:

Whole School p-12 education

h. For the eSafety Office to work with Departments of Education (State and Independent sectors) to update policies to include preventative measures for the harms of pornography, particularly related to prevention of sexual harms including exploitation, grooming and mental health vulnerabilities.
i. Early intervention, and incorporating attention to education for young people and families, social determinants, and health promotion.
j. More proactive child-protection measures that include age appropriate education about the harms of pornography within primary schools.

k. Early intervention in Indigenous communities to begin with educating Children that they are sacred and in control of their body's and actions. [As recommended by Minnie Mace, Indigenous Koa Elder]
l. Mandatory relationships and sexuality programs to include information on healthy relationships, the prevention of sexual harms, and the importance of consent in a sexual relationship. The negative impacts of pornography are included in both sexuality education programs and respectful relationship programs. [As recommended by Safe4Kids[5]]
m. Departments of education to introduce a of whole-school scoping document to ascertain where in curriculum pornography is addressed as a harm, particularly related to prevention of sexual harms including exploitation, grooming and mental health vulnerabilities.
n. Schools to fully disclose what cyber safety education does and does not cover in relation to prevention of sexual harms through pornography education.

Problem sexual behaviours education and support

o. Adjust sexually abusive behaviour treatment models to take pornography into account. [As recommended by McKibbin et al., 2017[44]]
p. A comprehensive education and health care approach so that health care professionals are provided with the relevant information to assess and treat harms resulting from pornography.

Professional and community training

q. For the eSafety Office and government to implement a comprehensive nationally mandated framework underpinned by preventative policies, education and restorative policies. This broadens the scope to sectors which include (but are not limited to) family, child and youth services; mental health and allied health professionals; universities and sporting and community groups.
r. Provision of training for teachers and educators on how to recognise a child who is displaying inappropriate sexualised behaviours and what actions they need to take from a mandatory reporting perspective; and how to discuss this with parents and carers. [As recommended by Safe4Kids]
s. Training and education for the whole children's workforce in their role and responsibilities for preventative measures for the harms of pornography, particularly related to prevention of sexual harms including exploitation, grooming and mental health vulnerabilities.
t. A whole-of-community education program including a national advertising campaign to raise the awareness of the negative impact pornography can have on children. [As recommended by Safe4Kids] Such a campaign could be led by Our Watch.

5.4 The current education environment and key stakeholder responsibilities

Education is an essential part of effectively dealing with pornography as a public health approach and building children and young people's protective factors. At the same time, free and easy access to graphic and extreme content is not acceptable. Secretary of the Children's Charities Coalition on Internet Safety[6], John Carr, states it this way:

"...it is not a binary choice. Educating children and young people about sex, sexuality and relationships have always been important and, if anything, the arrival of the internet has made it even more so. For this reason, I very much welcomed the announcement earlier this year that sex education is to be made a compulsory part of the national curriculum. But you cannot "educate" a 9-year-old girl out of the horror of witnessing or being exposed to some of the stuff that is readily available on many of the sites that will be caught by the Digital Economy Act."[75]

The current education responses are leaving our children vulnerable. Parents, health professionals, educational institutions and school educators are most often attempting to navigate this arena from an uncertain or uninformed position, and therefore struggle to effectively equip children and young people to deal with the harms of pornography.

A national public health approach is required, to ensure all key stakeholders involved in the protection, support and development of children and young people, are educated and resourced to deal with this public health crisis. *Porn Harms Kids* outlines its recommended educational solutions in SECTION 6.3

6. Framing a robust response

Current community knowledge and understanding of the researched harms of pornography is insufficient to effectively respond to its impacts upon children and young people. For pornography to be understood in scope, it is important to know what a public health approach looks like and frame all legal, policy, technological preventative measures, and education efforts through this lens. This section considers robust responses to pornography harms on children and young people, implemented via our public health approach, and informed by a Critical Porn Analysis Educational Response.

6.1 Framing Public Health

Framing a Public Health Response has been authored by Cordelia Anderson, M.A. Human Development, with a focus on sexuality and prevention of sexual violence. Cordelia is the Founder of Sensibilities Prevention Services, and has over 40 years' experience working to promote sexual health and prevent sexual harm.

Many speak to the importance of prevention efforts using a "public health" approach, but it is not always clear that those using both the term "prevention" and "public health" are defining them in the same way or really understand what the terms actually means.

The basic approach used in public health seeks to: define and monitor/surveillance the problem (use data to inform practice); identify risk and protective factors; pilot and evaluate effective prevention programs; and assure broad-base dissemination. Because of the health equity principles inherent in public health, many argue it's also a social justice approach, while some see public health as more of a "medical model."

Some key concepts used in public health involve thinking about systemic change as well as an individual focus and developing programs on data/research. Public health recognizes the impact of the broader environment on the behaviour, health and choices of individuals who live within it. Public health approaches point out the impact of the environment on behaviours and the way the environment shapes or perpetuates social norms which again effect behaviours. John Briere, PhD researcher and clinician points out that "Toxic decisions seem rational in toxic environments."

Social issues from public health perspective involve problems that affect individuals or groups beyond their capacity to correct. That means once something is recognized as a social issue – responsibility shifts from individuals to holding external social causes or influences accountable.

Public health involves different intensities of efforts to different tiers:

- *Universal – efforts addressed to the whole population*
- *Selective – efforts focused on a specific sub-group with risk factors*
- *Indicated – efforts focused on identified groups already showing signs of a problem*

Further to the above explanation, a public health response works towards reaching Medical Doctors, Psychologists, Social Workers, Mental Health Experts, Child and Youth Specialists, and other allied health professionals, to provide them with a deeper understanding of the psychological, neurological and physical health issues for users and victims of pornography. This may include (and is by no means limited to) knowledge dissemination related to neurological brain changes through addiction; porn induced erectile dysfunction; internal injuries for young women whose partners replicate porn acts; and awareness of porn scripts that may result in behaviours that are harmful to children and young people.

Contained within a public health response, is the essential underpinnings of policy and legislative change. Included as a means to practically implement policy and legislation, is the requirement of an equally responsive technology sector. Within a public health framework, there is opportunity for technology to improve educational efficiency and accessibility. Clear policies and supportive educational resources form the basis of mobilisation for the allied health sectors.

Porn Harms Kids acknowledges that in order to fully address the harms of pornography on children and young people under the public health approach, the education solutions currently available need to be expanded upon. The below information provides a framing to understand the required shift in approach.

References for Public Health

Koop, C. E. (1986). Report of the Surgeon General's Workshop on Pornography and Public Health. United States. Public Health Service. Office of the Surgeon General, 4 August 1986. Official Report. Available from URL: https://profiles.nlm.nih.gov/NN/B/C/K/H/

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Wallack, L., Woodruff, K., Dorfman, L., Diaz, I. (1999). News for a change: and advocates guide to working with the media. SAGE Publications, California. ISBN: 9780761919247

6.2 Framing an Educational Response to pornography

Moving beyond 'Porn Literacy'

Currently, the educational approach most often mentioned to address pornography is known as 'Porn Literacy'.

According to Berkeley University Health Services[76], a porn literacy approach would increase access to sexual information, encourage young people to study media literacy, and engage them in conversation about gender, race, consent, and power. These versions promote sexual pleasure and productive solutions to sexual harm. Students would ponder questions such as (quoting): *What role does porn play in your life and relationships?; What messages about yourself or about potential (or current) sexual partners do you receive from porn?; 'How do these messages align with your values and real life actions?; and What feelings come up for you before, during, and after you watch porn? Is it a positive, entertaining experience, or does it cause you some level of distress?*

These approaches seem rational and reasonable; however, they only tell part of the story related to the need for pornography and sexual health education of young people and the broader community.

Critical Porn Analysis - an educational response

The alternative approach by Culture Reframed[3] is a Critical Porn Analysis - an educational response to the researched harms of pornography as a public health crisis. Critical Porn Analysis moves beyond the micro focus of how the individual interacts with pornographic content, to consider a more holistic approach on how porn's proliferation and ease of access impacts the health and wellbeing of individuals, relationships, families, communities and cultures.

Critical Porn Analysis requires a critique through five interconnected lenses:

- global industry
- sex, gender, power and relationships
- sexual exploitation
- child sexual exploitation; and
- mental health and addiction.

Critical Porn Analysis provides educators, decision makers, and community a greater understanding of the scope of impacts, and frames the discussion to respond to pornography as the public health crisis of the digital age. Critical Porn Analysis builds upon the work of Natalie Collins[77], a UK-based Gender Justice Specialist. This inquiry begins a difficult, but necessary conversation. Questions are by no means exhaustive.

Pornography is a social problem[78] and cannot be addressed by placing the burden on parents and educators alone. It requires a multisectoral, collaborative, coordinated, integrative response. It calls upon government and community leaders; mental health, medical and legal professions; educators; parents; child, youth, women,

men and family advocates; activists and survivors; and digital technology experts to engage in preventative and proactive responses. Public health[30] focuses on safeguarding and improving the physical, mental, and social wellbeing of the community as a whole.

Complete details and framing questions for the Critical Porn Analysis educational response may be found at www.culturereframed.org/educational_response

6.3 Porn Harms Kids Stage 1 Action Plan 2017-2020

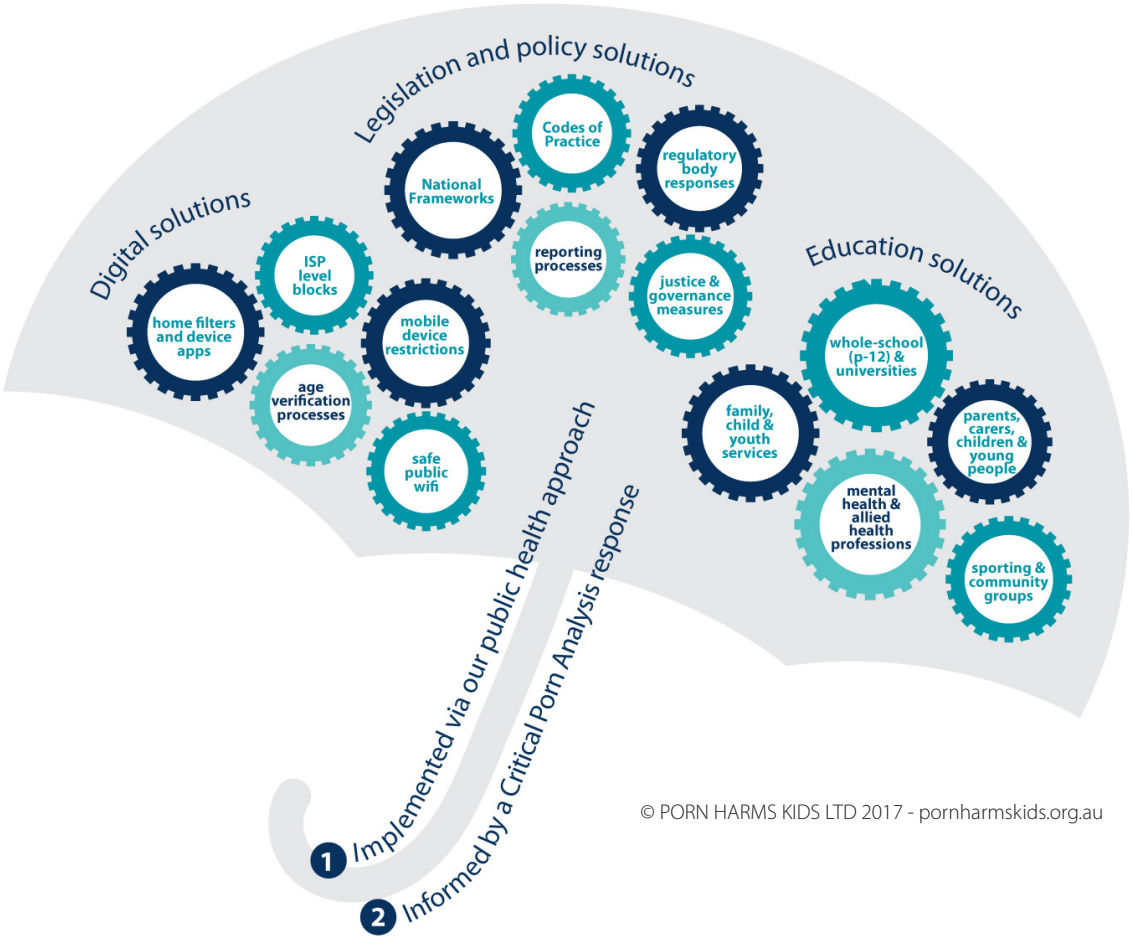
This solutions-focused Action Plan was developed to respond to children and young people's vulnerabilities to pornography, in consultation with experts around the world. It is clear that harms from pornography are complex, nation-wide and every increasing. We are encouraged by the numerous different organisations and government led bodies attempting to address and prevent the harms, yet approaches to date have not considered solutions through a public health lens.

Our focus and strategy is envisioned on creating a safer digital future to promote health and prevent sexual harms. In order to effectively prevent, equip and restore children, young people, and their carers, we need a collaborative, coordinated and integrative response across all sectors involved in this issue.

The Action Plan presents a positive framework to be enacted in consultation with key stakeholders and supporters. Progress will be informed by ongoing updates from key stakeholders, and any research undertaken to assess effectiveness of strategies as they are implemented. The following is an outline of the solutions *Porn Harms Kids* supports and is working towards over the next 3 years, as we unite with the public to advocate for our children and young people.

Porn Harms Kids - Stage 1 Action Plan 2017-2020

Addressing the harms of children and young people accessing online pornography



Legislation and Policy Solutions

Legislation and policy collectively underpin the operations of every small-to-medium size business, government and non-government department, non-profit, company, large corporation, state and nation. When an entity functions smoothly, it is pointless to invest time and resources into adjusting legislation and policy. However, when entities are making losses (of any measure), one of the first places for scrutiny would be to understand 'what' the cost is; followed by review of the mechanism that facilitates this loss.

In the instance of pornography, the loss is first and foremost to our children, and the cost burdens (mental, physical, emotional, relational, social and financial) are rapidly accumulating. The mechanism that facilitates this ongoing burden is failed legislation and policy.

Whenever an entity has direct or indirect influence with children and young people, there exists opportunities to strengthen responses and adjust the mechanism of legislation and policy. This includes (but is not limited to) child and youth services, educational sectors, mental health and allied health professions, government and non-government sectors; and sporting and community groups. Areas relevant to each entity for considered change may include:

- national frameworks
- codes of practice
- reporting processes of harms
- regulatory body responses, and
- justice and governance measures

Stakeholders within each sector are best positioned to consider how a response to the harms of children and young people may be met through these changes with the knowledge of a public health approach and critical porn analysis.

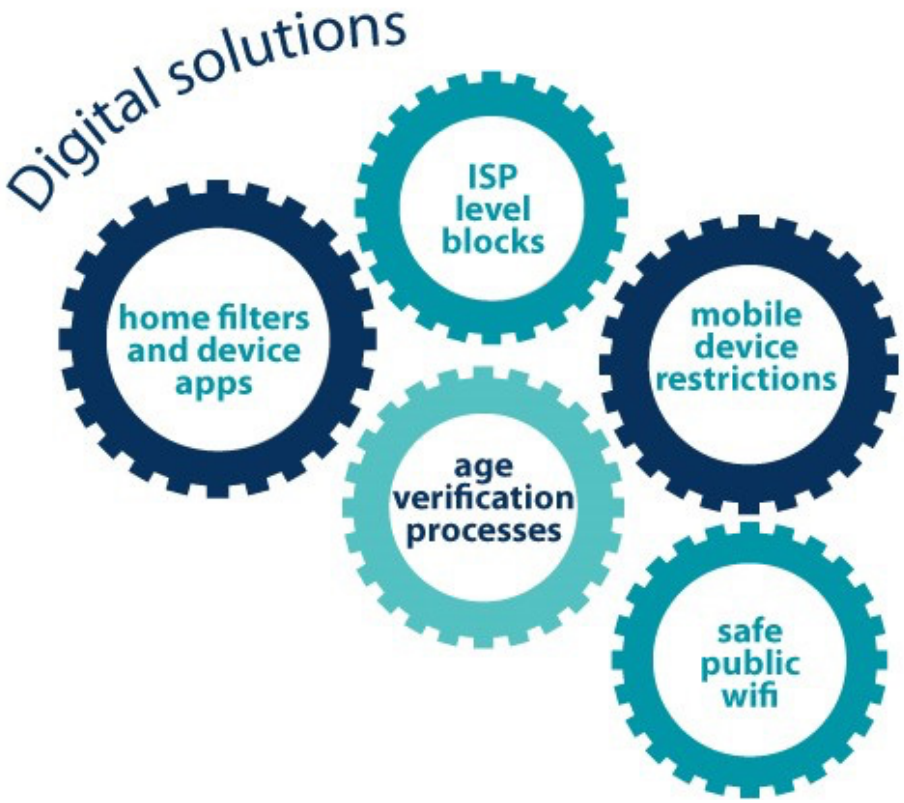
Digital Solutions

[67]Whilst the involvement of ISPs to provide blocks to pornography are an important part of digital solutions, they are only one (comparatively) small cog in the much larger wheel of the internet. They sometimes, with justification, may feel they are unduly put upon to solve problems which are created by other online businesses' bad or poor behaviour or inattention. It is not the place of ISPs (or any other digital solution provider), to be put in the position of arbiters around issues that are seen as being sensitive free speech or political debates.

[67]When terrorism, hacking and fraud are such major national security concerns, child protection seemingly slips down the list of priorities. In other words, online child protection is not a high enough political priority. This is what must change. It should never be either/or. In a country where the rule of law is honoured, nobody's free speech, political or artistic rights are threatened by well thought-out online child protection measures. As such, the underpinning of enacting legislation provides a way forward for ISPs to carry out directives that are in the best interests of children.

ISP involvement is important, however to broaden understanding of digital solutions that extend beyond this 'cog in the wheel', *Porn Harms Kids* has adopted the term **Digital Child Protection Buffers**, to refer to the various ways in which pornography harms can be prevented.

- Safeguarding homes with home filters, device apps and parental controls
- Internet Service Provider (ISP) level blocks
- Age-verification processes to access pornographic websites
- Mobile device restrictions through use of SIM cards that restrict access to adult content unless and until the account holder completes an age-verification procedure
- Safe public WiFi



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In the best interests of child safety, health and wellbeing, actions to implement Digital Child Protection Buffers are of vital importance. Other important conversations include the regulation and monitoring of Social Media platforms to provide minimum standards to safeguard children.

Home filters and device apps: These are currently the most readily known and available response to preventing access to pornography. Home filters and device apps are typically provided by organisations who (most often) charge for their product. They can require a certain amount of technical skill to install the product, and have moderate to high effectiveness rates within the home and on devices, depending on the product. However, when children leave the home to interact within community, they are faced with increased vulnerabilities to ubiquitous pornography.

ISP Level Blocks: This level of buffer can be implemented in 2 main ways. Opt-In block makes provision for individual users to request blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level. Or Default Block, which makes provision for 'blanket' blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level. Individual users could enact an 'opt-out' feature, enabling age-verified users to still access content classified illegal by the classifications scheme. This measure is partially available in Australia with Telstra providing an opt-in block (which occurs a cost for existing users). ISPs would be best supported to implement this measure underpinned by legislation.

Age-verification measures: This is a legislative measure (as adopted in the UK) that creates penalties for online pornographers who do not verify the age of their customers, and ISP level blocking of non-compliant sites. Age-verification occurs through utilising a third-party trusted verification process that accesses existing robust data sources (credit card, mobile ID etc.). This form of eID is currently being implemented in European countries and is intended to protect the privacy of the user, with the site accessed not privy to information other than if the user has been age-verified or not. This measure utilises legislation and regulations that force the pornography industry to comply with existing classification and protective measures already implemented across other sectors (i.e. Film and Media). Age-verification measures have been legislated in the UK and will be implemented in 2018; this buffer is not available in Australia. This measure is best supported through the implementation of legislation.

Mobile device restrictions: This buffer requires that every mobile phone number is an account in its own right (irrespective of the device or handset into which the SIM is installed). Every account is assumed to belong to a child and therefore access to content on the prohibited URL list is restricted unless and until the account holder completes an age-verification measure. This measure is implemented in the UK and relies upon a self-regulated Mobile Network Code of Practice. This buffer is not available in Australia. This measure is best supported through the implementation of legislation.

Safe Public WiFi: This buffer is to ensure safety standards for venues or precincts offering free public WiFi. Entities may include public libraries and council spaces; chain stores; individual businesses; workplace environments; ISPs and secondary providers of WiFi products and services. Through an accreditation process, providers of WiFi must provide evidence to ascertain if the service they provide is safe for use within a public space. Upon approval, they receive a 'stamp of approval' to be displayed for public consumer confidence. In the UK, this accreditation process is undertaken by an independent accreditor, Digital Friendly WiFi; some organisations have commenced this process in Australia.

As previously stated in SECTION 5.2, education is an essential part of effectively dealing with pornography as a public health approach and building children and young people's protective factors. At the same time, free and easy access to graphic and extreme content is not acceptable. Secretary of the Children's Charities Coalition on Internet Safety[6], John Carr, states it this way:

"...it is not a binary choice. Educating children and young people about sex, sexuality and relationships have always been important and, if anything, the arrival of the internet has made it even more so. For this reason, I very much welcomed the announcement earlier this year that sex education is to be made a compulsory part of the national curriculum. But you cannot "educate" a 9-year-old girl out of the horror of witnessing or being exposed to some of the stuff that is readily available on many of the sites that will be caught by the Digital Economy Act."

Education Solutions

When people hear 'education', naturally, first thoughts are towards schools. However, education, from a public health perspective involves drawing in key stakeholders from a wide range of government, non-government, health professions, 'people helping' services and community organisations. Prevention of pornography harms needs to be addressed both within sectors, and collectively – with a common goal of breaking down the 'silo' situation that currently presents itself. If the key aim is to provide children and young people a safe online environment in which to thrive, all involved with young people – either directly or indirectly – have a role to play in ensuring this outcome. This therefore, includes the digital, legislation and policy solution sectors; and education directed towards three main areas: universal, selective and indicative.

Currently the harms of pornography are incorrectly presumed to be addressed under an online safety lens. Through this lens alone, pornography harms are not encompassed within the context of child development, more specially relating to a child's healthy social, sexual, emotional, physical and relational development. Creating a robust education requires pairing the harms of exposure to pornography with a mandatory holistic sex education curriculum. This creates a buffer for when a child is exposed to pornography, enabling them to reflect on accurate information and discredit what is viewed. It also sets the harms of pornography in the

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correct space to discuss why its harmful from a critical porn analysis framework, and provide alternatives to children and young people for which lay the foundation for healthy development. This can be further broken down into age appropriate content; focusing on preventative behaviours for children within primary education; and critical porn analysis discourse for secondary, college, university and all professional and community bodies supporting children.

Effectively, this means educational strategies will be directed towards three main areas:

1. Universal education efforts that address the whole population. This starts by changing the public discourse around pornography through wide-spread marketing campaigns that highlight the harms to children and young people; the links between pornography and attitudes and behaviours that support violence against women; the impacts on mental health, wellbeing and relationships. This initiative provides the platform to establish support for wide-spread social change, including through legislation and policies that inform the response of other sectors and stakeholders.

2. Selective education efforts that focus on a specific sub-group with risk factors. This includes the five areas within education solutions that are best positioned to support families, children and young people:

    - mental health, health and allied health professions
    - family, child and youth services
    - whole-school (p-12) and universities
    - parents, carers, children and young people
    - and sporting and community groups

3. Indicated education efforts focused on identified groups already significantly harmed from exposure to pornography. The Royal Commission into Child Sexual Abuse produced findings that seem to indicate that children who are harmed by violent pornography, are then expressing tendencies to perpetuate those harms upon others. This results in the need for inclusion of sexual health policies for groups of children and young people vulnerable to becoming sexually abusive; psychology and counselling services to support those harmed directly or indirectly from resulting abuse or exploitation factors; and the development of service delivery that supports restorative justice responses[32, 44].

    Schools provide one opportunity to implement solutions within a much wider education sector. Thorough education programs around holistic healthy sexuality, healthy relationships and the prevention of sexual harms, are one avenue to address pornography. There also exists opportunity to extend cybersafety education; media literacy, social sciences and humanities; and incorporate informed education about pornography within each subject stream. With a public education campaign bringing the conversation mainstream, an education and consultation piece between parents and schools ensures that parents are enrolled in the necessity of this education, and supportive of schools rolling out comprehensive education measures.

    Informed education includes an understanding of a critical porn analysis response, implemented through utilising the lens of our public health approach, with research commissioned to measure outcomes and change.

    There exists an opportunity for the eSafety Commissioner and government to implement a comprehensive nationally mandated framework underpinned by preventative, educational and restorative policies. Priority must be placed on supporting the provision of robust educational materials, and skills and training for the five areas within education solutions.

7. Closing Statement

Protecting children from online harms is everyone's business and should be supported by a shared vision across all sectors, particularly health, education, technology and justice. The only way we will combat this crisis is via a public health approach that is informed by a Critical Porn Analysis educational response. *The Porn Harms Kids Stage 1 Action Plan* brings together the core components of digital protection buffers, and cross sector, nationwide educational strategies that are fundamentally supported by legislation, policy and national frameworks. *The Porn Harms Kids Stage 2 Action Plan* will be informed by the response of all stakeholders to the calls for action in this Report.

It is essential to understand that education is not a stand-alone piece, and without supporting structures, is insufficient to address the harms of pornography on children and young people from a public health perspective. Also, due to the speed at which the digital environment is evolving, regular review processes are required in all areas to continually mitigate risks against children and young people.

Leading with legislation and policies, *The Porn Harms Kids Stage 1 Action Plan* ensures protection for our children through robust digital solutions and mandatory holistic and informed education. Whilst long-term educational strategies are rolled out and begin to take effect, implementation of the other two solutions enable us as a society, to catch up to the harms and reinforce the overarching legal and ethical mandate to protect children and young people from the harms of online pornography.

Interested parties can learn more and add voice to the pledge at: www.pornharmskids.org.au/add-your-name

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APPENDIX A – Senate inquiry

Senate Inquiry titled Harm being done to Australian children through access to pornography on the Internet recommendations, government response and observations on progress[26];

1. Commissioning dedicated research into the exposure and impact of pornography on children and young people.

   The Australian Government supported this recommendation and awaits a desktop review of available research, is to be carried out by the Australian Institute of Family Studies (AIFS).

Observations

- Existing research is available in the *Porn Harms Kids* Statement of Research, endorsed by key academics.
- An urgent and robust response is warranted given the current data.

2. Following completion of the research referred to in Recommendation 1, the Committee recommends that the Australian Government commission an expert panel to make recommendations to the Government regarding possible policy measures.

   The Australian Government strongly supports this recommendation and this panel is in progress through the Online Safety Consultative Working Group (OSCWG).

Observations

- We understand the taskforce formed for focus on this particular issue, met for the first time on July 25, 2017, and is detailed in a blog by the eSafety Commissioner Julie Inman Grant: Pornography is everyone's business[81], who expresses concern about the "growing prevalence of "extreme pornography".

3. The Committee recommends that state and territory governments consider the adequacy of:

- their current policies on, and responses to, allegations of sexual abuse perpetrated by children within schools, and
- the training on children protection matters provided to individuals employed in, or preparing for employment in, roles that could involve children.

   The Federal Government indicates they will rely on the support of state and territory governments to meet this recommendation.

Observations

- The Government believes that the protection of children is a shared responsibility.
- The notes included with Recommendation 3 place heavy emphasis on the Council of Australian Governments (COAG) endorsed National Framework for Protecting Australia's Children 2009–2020 - reviewed in SECTION 3.4.
- Recommendation 3 also noted the role of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

4. The Committee recommends that the Australian Government consider how the adequacy of the information available to parents, guardians and teachers to keep children safe online, including whether existing resources such as the Office of the Children's eSafety Commissioner's iParent website can be promoted more effectively.

   The Australian Government supports this recommendation.

Observations

The Government Response highlights the ThinkUKnow initiative as an additional education measure. This resource is critiqued in the *Porn Harms Kids Report* within SECTION 5.1.

The Government Response highlights the Student Wellbeing Hub initiative as a site that includes a wealth of best-practice, curriculum-aligned resources on contemporary topics and issues that impact on the wellbeing of students. This resource is critiqued in the *Porn Harms Kids Report* within SECTION 5.1.

Porn Harms Kids calls for the eSafety Office to consider implementation of several additional measures to support families to deal with the impacts of access to pornography, noted throughout *The Report*.

APPENDIX B – Legislation

The Crimes Act 1914 section 3C defines a serious offence as an offence that is punishable by imprisonment for 2 years or more; and that is one of the following: A Commonwealth offence; an offence against a law of a State that has a federal aspect; an offence against a law of a Territory and that is not a serious terrorism offence.

Cooperative Classification Enforcement Acts which allow State Police to pursue offenders against the Commonwealth Classification laws for fines and imprisonment terms for non-compliance.

STATE	Section with penalty of imprisonment
NSW	CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995 - SECT 9: 'sale or delivery' of films classified RC or X18+ to a minor - Penalty 2 years' imprisonment
QLD	Classification of Films Act 1991 – S 21(1)(d) - Prohibition against exhibition of certain films in public places: Penalty 2 years' imprisonment
VIC	CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) ACT 1995 - S 8 (b) Exhibition of RC and X 18+ films – 2 years' imprisonment
TAS	CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995 - SECT 22 22. RC or X 18+ film not to be exhibited in public place – Penalty max 2 years' imprisonment
WA	Imprisonment limited to 18 months
NT	CLASSIFICATION OF PUBLICATIONS, FILMS AND COMPUTER GAMES ACT - SECT 37 Exhibition of RC and X 18+ films – Penalty imprisonment for 2 years

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APPENDIX C – UN Convention on The Rights of the Child

Article 17 (Access to information; mass media): Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books.

Article 19 (Protection from all forms of violence): Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However, any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

APPENDIX D – Northern Territory Law Handbook

Relevant to Indigenous Communities - Indecent dealing with a child under 16 years

The offence of indecently dealing with a child under 16 years covers a wide range of activities and would appear to include those indecent acts committed upon or with children that are not covered by the definitions of sexual intercourse or gross indecency without consent. Once again, the term indecent is given its ordinary and popular meaning but will require a sexual connotation.

According to the CCA, several different kinds of acts are covered by this offence [CCA s.132], including:

- indecently dealing with a child under the age of 16 years
- permitting to be indecently dealt with by a child under the age of 16 years
- exposing a child under the age of 16 years to an indecent act by the offender or any other person
- procuring a child under the age of 16 years to perform an indecent act
- without legitimate reason, intentionally exposing a child under the age of 16 years to an indecent object or indecent film, video tape, audio tape, photograph or book
- without legitimate reason, intentionally and unlawfully taking or recording, by means of any device, an indecent visual image of a child under the age of 16 years.

The term deal with is defined to include any act that would constitute an assault.

The relevant penalties are:

- if the child is under 16 years old, 10 years' imprisonment
- if the child is under 10 years old, 14 years' imprisonment.

A person has a defence to an offence under this section if they believe, on reasonable grounds, that the victim was 16 years or older and the child is in fact over 14 years. This defence does not, however, apply if the victim was a lineal descendant of the person.

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