



Submission on the *Enhancing Online Safety Act 2015* and Online Content Scheme Reviews

Introduction

Collective Shout: for a world free of exploitation welcomes the opportunity to make a submission to the reviews of the *Enhancing Online Safety Act 2015* and Online Content Scheme.

Collective Shout (www.collectiveshout.org) is a grassroots movement challenging the objectification of women and sexualisation of girls in the media and popular culture.

We target corporations, advertisers, marketers and media which exploit the bodies of women and girls to sell products and services, and campaign to change their behaviour. More broadly we also engage in issues relating to other forms of exploitation, including the inter-connected industries of pornography, prostitution and trafficking.

Australian children are growing up in a digital, interactive, internet-enabled society and culture. While the benefits of such connectivity can be great, Collective Shout and our supporters are also very conscious of the potential for the internet to enable malicious, and illegal activities against children, as well as more broadly exposing children to harmful and inappropriate content. We share in the growing expert concern about the experiences children and young people risk being exposed to online, and the consequences of these experiences on their wellbeing and healthy development.

We also hold significant concerns for those responsible for the welfare of children, particularly (although not only) parents, as they are attempting to maintain their childrens' online safety while helping them to navigate life in a digital world.

More broadly we are concerned with the threat to adults, especially women, from cyber bullying, non-consensual sharing of intimate images, and the pervasive presence of pornography that presents a distorted view of women and feeds toxic masculinity through what Dr Michael Flood has aptly described as "rape training".

In this submission we call for the implementation of proactive, effective, evidence-based measures to protect children and young people as well as adults (especially women) in the online environment.

1 Functions and powers of the eSafety Commissioner

There is merit in collocating all the legislated functions of the eSafety Commissioner in the *Enhancing Online Safety Act*.

We note with approval that the *Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Bill 2018*, which has been passed by the Senate and is currently before the House of Representatives, would add to the functions of the Commissioner:

administering a complaints and objections system for non-consensual sharing of intimate images.

We propose extending the Commissioner’s function of “administering a complaints system for cyber-bullying material targeted at an Australian child” to include the administration of a similar complaints system for cyber-bullying directed at any Australian person.

Collective Shout campaigner Caitlin Roper, has described her experience of intense cyber bullying by men incensed by her activism on behalf of women and girls:

My Twitter bio had been updated to include graphic descriptions of sex acts I would perform, inviting men to follow me. It also described me as “the biggest slut in Australia”. My website was changed from collectiveshout.org to a pornographic website. Various tweets were sent out in my name, claiming that I enjoyed being raped.

I was gripped with panic. There were so many thoughts running through my mind as I watched tweets going out in my name soliciting some men I knew, and others I didn’t.

And so I reluctantly went to the police station, already knowing that threats against women online are not regarded as a priority. “Why don’t you just close down your account?” asked the officer taking my statement.

I explained how I used Twitter in the course of my work for a non-profit organisation. She pressed further – “but why do you need to use it?” – as if it was somehow unreasonable for me to believe I had as much right as anyone to access social media without threats.

My colleague Talitha Stone also received international media attention when she was targeted with thousands of rape and death threats after criticising Tyler the Creator’s songs (whose lyrics include “rape a pregnant bitch and call it a three-way”). Tyler’s 1.7m twitter followers went after her, with one saying he would “cut her tits off”. A student from a Melbourne Catholic boys school shared her home address with the angry mob. He was out by one street. Local police sent Talitha home with a stack of cyber-safety pamphlets.

Another colleague went to the police after one man described how he intended to mutilate her body and dissolve it in acid. The police officer suggested that the Internet was “not a very nice place”, and maybe she should stay off it.¹

The tragic death by suicide of 19-year-old Jess Cleland, linked by the Victorian Coroner to cyber bullying of the young woman, starkly demonstrates that the harms of cyber bullying, and the need for a robust national scheme addressing this growing problem, are not limited to those aged under 18 years of age.

Gregarious and seemingly happy, Jess had big plans. In April 2014 she was due to attend orientation for her university course and she was learning to drive. On the morning of Easter Sunday she messaged her mother Jane to say she was going for a run. When she hadn't returned four hours later the family went out to look for her. It was Michael who discovered her alone in the bush. She was cold to the touch and her pockets were stuffed with suicide notes.

Confused and too shocked to grieve properly, Michael and Amy started hunting for the reason behind the tragic demise of their sunny, funny girl.

"We still had her iPad and her laptop," Michael says. "You could see that they had been nasty to her the night before."

They are two boys Jessica knew from school. They can't be named, by order of the Victorian Coroner's court. But in her report on the death, coroner Jacqui Hawkins found messages received by Jessica before she took her own life, in conjunction with the difficulties she was having with her boyfriend, were "precipitating factors."

"The circumstances of Jessica's death highlight the important role that social media and other communication technologies can play in young people's lives," Coroner Hawkins found.

The Facebook and text messages were problematic because ease of access to her phone meant she was exposed to potentially upsetting communications 24 hours a day, and she was able to re-read the upsetting messages and ruminate about them, the coroner found.

"This physical separation of parties to a conversation through online chat and SMS creates an environment where it is easier for individuals to say hateful and hurtful things without facing the immediate consequences of doing so," Coroner Hawkins said.

¹ Caitlin Roper, "Being pimped out online by misogynist harassers will not stop me from speaking out", *The Guardian*, 27 Oct 2014, <https://www.theguardian.com/commentisfree/2014/oct/27/being-pimped-out-online-by-misogynist-harassers-will-not-stop-me-from-speaking-out>

The "tragic and unintended consequences" of the messages left Jess' loved ones hungry for justice, and asking themselves how they could stop this from every happening again.

"I was questioning them saying why would you do that, why would you say that, how could you have the right to tell someone they're not worthy to be in this world?" Amy says.²

2 Administration of the eSafety Commissioner

Given the expanding functions of the eSafety Commissioner, there is merit in giving the Commissioner more independence, including the power to directly hire staff and to delegate certain functions to any appropriate person, including contractors.

3 Effectiveness of the eSafety Commissioner

The effectiveness of the eSafety Commissioner in relation to groups other than children is hard to assess given the Commissioner was only empowered in this regard in June 2017.

The additional functions of “*administering a complaints and objections system for non-consensual sharing of intimate images*” and, as we propose above, administering a complaints system for cyber-bullying material targeted at any Australian, will be challenging for the Commissioner who needs to be given adequate resources to carry out these functions.

4 Regulatory approach

Collective Shout does not support the idea that there is a question of “balancing” government intervention with measures such as developing an individual’s ability (presumably including a child’s ability) to identify, assess and self-manage risks in addressing online safety in Australia.

Rather than being balanced against each other these two spheres of action should be complementary and reinforce each other.

Only government has the power to compel individuals and corporate actors to comply with those standards of social behaviour which are necessary to protect children and adults (especially women) from real harm and to refrain from acts which harm children or adults (especially women).

² “Sticks and stones and mobile phones: The horrible truth about cyber bullying and its victims” *Australian Women’s Weekly*, 22 Feb 2018

Collective Shout believes that the current regulatory regime fundamentally fails to adequately address the global nature of the cyber world and the real harm to children and women caused by the pervasive nature of pornography.

The Australian Government needs to give serious consideration to implementing a filter system across all platforms that deliver online content that provides a porn-free, child friendly, clean feed as the default service, with limited access with age verification on an opt-in system only to adult material that is or would be classified no higher than R18+.

Such a system should apply to content regardless of where it is hosted, Australia or overseas.

5 Cyber bullying complaints system

As proposed above, the cyber bullying complaints scheme should be extended to cover adults as well as children.

6 & 7 Online content complaints system and enforcement mechanisms

The current system is limited because it fails to adequately limit access to the global flood of pornography which is, as our co-founder Melinda Tankard Reist recently observed, “a particularly monstrous” enabler of violence against women. After describing a horrific genre of pornography known as “refugee porn”, Tankard Reist writes:

While looking into this genre - and trying to remain sane - I noticed the Prime Minister and Opposition Leader in rare bi-partisan agreement following the [death of Eurydice Dixon](#): saying that we must not tolerate violence against women, and that we must tackle the enablers of that violence. We are hearing pronouncements like this more and more. But while there are many enablers of violence against women, there is a particularly monstrous one that rarely rates a mention. It is the global industrialisation of the bodies of women - among them, the most powerless - as fodder for men's consumption. As Abigail Bray writes in [Misogyny Re-loaded](#), porn and rape culture means "inhabiting a paradoxical space where the rape and murder of women is prohibited but everywhere eroticised and the object of laughter."

Enabling sexual violence

Pornhub is the [world's largest provider](#) of porn content. It attracts [80 million visits a day](#). The company, now owned by MindGeek, is headquartered in beautiful Montreal, where its more than 1,000 employees toil day and night to bring you the best scenes of suffering on the market.

Pornhub is both a repository and disseminator of hate propaganda. It hosts evidence of crimes against women for men to enjoy. Popular videos depict brutal sexual violence against women. Sadistic titles revel in women's inability to stop the violent assaults carried out against them. The most violent have views in the millions. Many titles are centred around the sexual abuse and

rape of teen and underage girls. Men are fantasising about raping young girls with impunity while government, children charities and advocacy groups try to tackle an epidemic of child sexual abuse.

Cultural norms are taught through pornography. When boys learn early to enjoy, take pleasure in, laugh at, and get off on torture and humiliation videos, when they are fed a diet of rape porn and racist sexual abuse, does the avalanche of violence against women come as a surprise?

James Ogloff, an experienced clinical forensic psychologist, was [recently quoted in The Australian](#): "In serious sexual offending, the motivation is often a deviant sexual interest. It is very much a sexual motivation." That deviant sexual interest has to come from somewhere. Pornhub features in the [top five favourite sites of boys aged 11-16](#), according to [ChildWise UK](#). Rape is on the menu for boys whose sexuality is still being formed. They see, and are taught to be aroused by, girls who are choking, sobbing, vomiting, their eyes popping, having their skin bruised, being called abusive names, slapped, kicked, pounded, hair ripped out.

Tell me this is not enabling.

There is a disturbing disconnect between condemnations of violence against women that invariably follows horrifying events like the rape and murder of Eurydice Dixon and the utter silence about the role played by pornography in enabling that violence. Failing to address pornography as a driver of male violence gives future porn-inspired perpetrators a leave pass to commit it.

If we truly care about confronting the enablers of violence against women and girls, we must tackle porn's role as, in [Tom] Meagher's words, "a deeply regressive sexual re-enforcement of the cultural misogyny." If we don't, I fear that all the talk about addressing enablers and creating a safe culture for women is mere rhetoric and cant, devoid of meaning.³

As proposed above, it is imperative that a comprehensive filter scheme across all platforms and applying to content regardless of whether it is hosted in Australia or overseas is seriously considered. To fail to do so is to fail Australia's women and children. We refer committee members to our submission to the Senate Environment and Communications References Committee, on the 'Harm being done to Australian children through access to pornography on the Internet which can be found here: https://www.collectiveshout.org/submission_inquiry_harm_to_children_internet_pornography.

³ Melinda Tankard Reist, "Never Again? Addressing Sexual Violence Must Include Pornography", *ABC Religion and Ethics*, 3 July 2018, <http://www.abc.net.au/religion/articles/2018/07/03/4865737.htm>

Thank you for considering our submission.

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