

# Submission to Select Committee on Social Media and Online Safety

## Inquiry into Social Media and Online Safety

January 2022

### Introduction

Collective Shout ([www.collectiveshout.org](http://www.collectiveshout.org)) is a grassroots campaigning movement challenging the objectification of women and sexualisation of girls in media, advertising 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 engage in issues relating to other forms of sexploitation, including the interconnected industries of pornography, prostitution and trafficking as well as the growing market in the sale of children for Live Distant Child Abuse<sup>1</sup> and in child sex abuse dolls and replica child body parts.<sup>2</sup>

Our work puts us in touch with the unique and specific ways children are at risk especially in their vulnerability to online grooming by predators and exposure to pornography.

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<sup>1</sup> Tankard Reist, Melinda (2017). Why are Australian Telcos and ISPs enabling a child abuse pandemic? *ABC Religion and Ethics*.  
<https://www.abc.net.au/religion/why-are-australian-telcos-and-isps-enabling-a-child-sexual-abuse/10095644>; For a summary of recent global campaigns relating to on-line child protection see Collective Shout (6 Sep 2021). *National Child Protection Week 2021: Join our campaigns to protect children and young people*. [https://www.collectiveshout.org/child\\_protection\\_week\\_2021](https://www.collectiveshout.org/child_protection_week_2021)

<sup>2</sup> Roper, Caitlin (9 Jan 2020). "Better a doll than a real child:" The spurious logic used to justify child sex dolls. *ABC Religion and Ethics*.  
<https://www.abc.net.au/religion/spurious-logic-used-to-justify-child-sex-dolls/11856284>

Young people are at unique risk of sexualisation, objectification and exploitation online. They are vulnerable to cyberbullying, sexual harassment, image-based abuse, predatory behaviour, grooming and exposure to pornography. This causes physical and psychological harm, hampering healthy development.

We have documented these harms over the past decade, including in the following:

- Submission to eSafety Consultation on the implementation roadmap for a mandatory age verification (AV) regime relating to online pornography 2021;<sup>3</sup>
- Submission on Harm Being Done to Australian Children Through Access to Pornography on the Internet to the Senate Environment and Communication References Committee 2016;<sup>4</sup>
- Submission to the Inquiry into Age Verification for Online Wagering and Online Pornography 2019;<sup>5</sup>
- Submission to the United Nations' review Children's Rights in the Digital Environment 2020;<sup>6</sup>
- Submission to the inquiry into Law Enforcement Capabilities in Relation to Child Exploitation 2021;<sup>7</sup> and
- Numerous other publications and commentaries.<sup>8</sup>

We have also analysed the intersections between the commercial sex industry - including the global pornography industry - and violence against women, sexual harassment, coercive control and other harmful behaviours which negatively impact the status of women. Our critique can be found in the following:

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<sup>3</sup> Collective Shout (2021). Submission: eSafety Consultation on implementation roadmap for a mandatory age verification (AV) regime relating to online pornography. *Collective Shout*.

<sup>4</sup> Collective Shout (2016). *Harm being done to Australian children through access to pornography on the internet: Submission to the Senate Environment and Communications References Committee*. [https://d3n8a8pro7vnm.cloudfront.net/collectiveshout/pages/1019/attachments/original/1457408234/CS\\_Submission\\_Harms\\_of\\_Pornography\\_Inquiry\\_March\\_2016.pdf?1457408234](https://d3n8a8pro7vnm.cloudfront.net/collectiveshout/pages/1019/attachments/original/1457408234/CS_Submission_Harms_of_Pornography_Inquiry_March_2016.pdf?1457408234)

<sup>5</sup> Collective Shout (2019). *Submission to Inquiry into Age Verification for Online Wagering and Online Pornography*.

[https://www.collectiveshout.org/submission\\_to\\_inquiry\\_into\\_age\\_verification\\_for\\_online\\_pornography](https://www.collectiveshout.org/submission_to_inquiry_into_age_verification_for_online_pornography)

<sup>6</sup> Collective Shout (30 Nov 2020). *UN Submission: Children's Rights in the Digital Environment*.

[https://www.collectiveshout.org/un\\_sub\\_children\\_digital\\_rights](https://www.collectiveshout.org/un_sub_children_digital_rights)

<sup>7</sup> Collective Shout (20 Aug 2021). *Submission: Law Enforcement Capabilities in Relation to Child Exploitation*. [https://www.collectiveshout.org/submission\\_law\\_enforcement\\_child\\_exploitation](https://www.collectiveshout.org/submission_law_enforcement_child_exploitation)

<sup>8</sup> For example, see Tankard Reist, Melinda (2016). Early sexualisation and pornography exposure: the detrimental impacts on children, Australian Childhood Foundation blog.

<https://professionals.childhood.org.au/prosody/2016/07/melinda-tankard-reist/>; Tankard Reist, M. (2016). Growing Up in Pornland: Girls Have Had It with Porn Conditioned Boys, *ABC Religion & Ethics*.

<https://www.abc.net.au/religion/growing-up-in-pornland-girls-have-had-it-with-porn-conditioned-b/10097244>; Tankard Reist, Melinda (2018). Never Again? Addressing Sexual Violence Must Include Pornography, *ABC Religion & Ethics*.

<https://www.abc.net.au/religion/never-again-addressing-sexual-violence-must-include-pornography/10094568>; Tankard Reist, Melinda (2021). Consent education does not stand a chance against pornography, *ABC Religion & Ethics*,

<https://www.abc.net.au/religion/consent-education-does-not-stand-a-chance-against-pornography/13231364>.

- Submission to eSafety’s inquiry into a Restricted Access System 2021;<sup>9</sup>
- Submission to the Department of Social Services National Summit on Women’s Safety 2021;<sup>10</sup>
- Submission to Parliamentary Joint Committee on Law Enforcement: Law Enforcement Capabilities in Relation to Child Exploitation;<sup>11</sup>
- Submission to Family, Domestic and Sexual Violence Inquiry 2020;<sup>12</sup>
- Submission to Victorian Review into Decriminalisation of Sex Work 2020;<sup>13</sup>
- Submission to the National Action Plan to Combat Modern Slavery 2020-2024;<sup>14</sup>
- Submission to Anti-Money Laundering and Counter-Terrorism 2020;<sup>15</sup>
- Submission to the Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces 2019;<sup>16</sup> and
- Submission to the Commonwealth Modern Slavery Bill 2018.<sup>17</sup>

We track the activities of online predators on popular social media sites, documenting and reporting thousands of accounts for preying on underage/prepubescent girls, attempting to engage with them privately, describing sex abuse acts they wish to carry out on these girls, and soliciting, selling and trading child exploitation material. We have also documented the tracking, tagging and sharing of the Instagram content of hundreds of underage girls to paedophile forums operating on the open web.

Our joint global #WakeUpInstagram campaign with the National Center on Sexual Exploitation (USA), Courtney’s House (US) and Defend Dignity (Canada) exposed Instagram as a platform for predators to access children, pornography companies to promote and link

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<sup>9</sup> Collective Shout (18 Oct 2021). *Submission on Restricted Access System*.

[https://www.collectiveshout.org/submission\\_restricted\\_access\\_system](https://www.collectiveshout.org/submission_restricted_access_system)

<sup>10</sup> Collective Shout (18 Oct 2021). *Submission to Department of Social Services National Summit on Women’s Safety*. [https://www.collectiveshout.org/submission\\_womens\\_safety](https://www.collectiveshout.org/submission_womens_safety)

<sup>11</sup> Collective Shout (9 Sep 2021). *Submission to Parliamentary Joint Committee on Law Enforcement: Law Enforcement Capabilities in Relation to Child Exploitation*.

[https://www.collectiveshout.org/submission\\_law\\_enforcement\\_child\\_exploitation](https://www.collectiveshout.org/submission_law_enforcement_child_exploitation)

<sup>12</sup> Collective Shout (27 Aug 2020). *Submission to Family, Domestic and Sexual Violence Inquiry*.

[https://www.collectiveshout.org/family\\_violence\\_submission](https://www.collectiveshout.org/family_violence_submission).

<sup>13</sup> Collective Shout (18 Jun 2020). *Submission to Victoria Review into Decriminalisation of Sex Work*.

[https://www.collectiveshout.org/decriminalisation\\_submission](https://www.collectiveshout.org/decriminalisation_submission)

<sup>14</sup> Collective Shout (7 Jul 2020). *Submission to the National Action Plan to Combat Modern Slavery 2020-24*.

[https://www.collectiveshout.org/submission\\_to\\_the\\_national\\_action\\_plan\\_to\\_combat\\_modern\\_slavery\\_2020\\_24](https://www.collectiveshout.org/submission_to_the_national_action_plan_to_combat_modern_slavery_2020_24).

<sup>15</sup> Collective Shout (15 Jun 2020). *Submission to Anti-Money Laundering and Counter-Terrorism Financing Inquiry*. [https://www.collectiveshout.org/submission\\_to\\_anti\\_money\\_laundering](https://www.collectiveshout.org/submission_to_anti_money_laundering).

<sup>16</sup> Collective Shout (2019). *Submission to the Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces*.

[https://www.collectiveshout.org/submission\\_on\\_national\\_inquiry\\_into\\_workplace\\_sexual\\_harassment](https://www.collectiveshout.org/submission_on_national_inquiry_into_workplace_sexual_harassment);

<sup>17</sup> Collective Shout (2018). *Commonwealth Modern Slavery Bill 2018 Submission*.

[https://www.collectiveshout.org/collective\\_shouts\\_submission\\_to\\_the\\_modern\\_slavery\\_bill\\_2018\\_provisions](https://www.collectiveshout.org/collective_shouts_submission_to_the_modern_slavery_bill_2018_provisions)

to hardcore porn sites, for hosting offers of paid sexual content featuring children, and for facilitating other practices harmful to children and young people.<sup>18</sup>

At United States Congressional hearings in October 2021, Facebook whistleblower and former data scientist Frances Haugen revealed that Facebook (owner of Instagram) had routinely put profit over user safety.<sup>19</sup> This confirms what we had observed for years and demonstrates the inability and/or unwillingness of Big Tech to regulate itself in the interests of consumers, especially young people. Haugen's evidence also shows the need for independent regulation beyond vested interests.

## Our Approach

Collective Shout takes a human rights and evidence-based approach. Australia is a signatory to a number of human rights instruments which uphold that:

- Women and men have a fundamental human right to be free from violence and from cruel, degrading, and inhumane treatment.<sup>20</sup>
- Everyone has the right to the highest attainable standard of physical and mental health.<sup>21</sup> Cyberbullying and sexual exploitation have serious negative effects on physical and mental health.
- Children have a right to leisure and play, and should be able to safely play and socialise on age-appropriate social networking sites and websites.<sup>22</sup>
- Children have a right to education. Online education should be as safe as in-person education, and should allow children to positively achieve and develop.<sup>23</sup>
- Children have a right to privacy.<sup>24</sup>
- All forms of trafficking in women and exploitation of the prostitution of women shall be suppressed.<sup>25</sup>

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<sup>18</sup> See <https://www.collectiveshout.org/instagram>

<sup>19</sup> National Center on Sexual Exploitation (5 Oct 2021). *Statement: Congress must hold Big Tech to account.*

[https://endsexualexploitation.org/articles/facebook-chooses-profit-over-child-safety/?utm\\_source=facebook&utm\\_medium=social&utm\\_campaign=ncose](https://endsexualexploitation.org/articles/facebook-chooses-profit-over-child-safety/?utm_source=facebook&utm_medium=social&utm_campaign=ncose)

<sup>20</sup> Universal Declaration of Human Rights (UNHHR), General Assembly Resolution 217A (III), Convention on the Rights of Persons with Disabilities 2006, article 16; Committee on the Elimination of Discrimination Against Women, General Recommendation No. 19 – Violence Against Women (1992), paragraphs 4, 17 and 14; Committee on the Rights of the Child, General Comment No. 13, article 19; The right of the child to freedom from all forms of violence, UN Doc CRC/C/GC/13 (2011) paragraph 12.

<sup>21</sup> Universal Declaration of Human Rights General Assembly Resolution 217A (III), UN Doc A/810 (1948), article 25; International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, article 12(1); Convention on the Rights of the Child, 1989, article 24.

<sup>22</sup> Convention on the Rights of the Child, 1989, article 31.

<sup>23</sup> Universal Declaration of Human Rights General Assembly Resolution 217A (III), UN Doc A/810 (1948), art 26; ICESCR, 1966, art 13(1); CRC, 1989, art 29; Committee on the Rights of the Child, General Comment no. 1- The Aims of Education, (2001) art 29 (1) paragraph 8.

<sup>24</sup> Convention on the Rights of the Child, 1989, article 16.

<sup>25</sup> CEDAW. Art 6.

- Children shall be protected from all forms of sexual abuse and the exploitative use of children, including in pornography performances and materials.<sup>26</sup>

## Summary of Recommendations

### Recommendation 1.2

That provisions in the Bill dealing with online trolling, abuse and serious threats be expanded to enable re-dress beyond 'defamation'.

### Recommendation 2.4.1

That Meta be required to:

- Share its full research on children's mental health and well-being, and grant access to its data to independent researchers, civil society organisations and regulators
- Set out what research has been conducted on how Facebook's services and design choices contribute to child sexual abuse, and publish the findings
- Publish Facebook's risk assessments
- Provide transparency on Facebook's product reputational reviews
- Review the child protection implications of end-to-end encryption
- Abandon plans for a children's version of Instagram
- Remove all accounts belonging to users under the age of 13 years - even when the account appears to be "parent-run" or "parent-managed"
- Stop allowing parasite pages (including so-called "fan" and "shout-out" accounts) to repost content featuring children
- Prevent adults from connecting with/contacting children via live posts
- Prohibit promotion and sale of content (eg. posters, calendars, digital images and videos) featuring minors
- Improve systems to detect and remove sexualised/predatory/grooming comments directed at children
- Update all relevant policies, guidelines and help documents (including 'A Parent's Guide to Instagram') so that users are properly informed of the risks of sharing images of children to the platform
- Stop recommending unconnected adults to minors in "Discover People."
- Restrict all adults from seeing minors via search tools
- Disable Vanish Mode which is often used to send sexually explicit images and/or hide dangerous interactions

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<sup>26</sup> Convention on the Rights of the Child Art. 19 and 34. Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.

- Remove DM ability for 13 – 15 year-olds altogether given the high risk and reality of grooming and exploitation through this feature. If Instagram continues to move toward end-to-end encryption, considering this option becomes even more crucial for child safety
- Remove the ability for any unconnected adults from commenting on minors' posts, even if the account is public<sup>27</sup>

## Recommendation 2.4.2

Implementation of an age verification system across all social media platforms whose services are available for access and use by children, or where content featuring children is published.

## Recommendation 5.1

Social media and online platforms should:

- Protect all young people under 18 years old
- Protections should cover all social media and platforms that children and young people may use
- Put children's best interest at the heart of decision making about their data (best interests might include emergency situations with ambulance or police, or those working for children's wellbeing such as social workers at schools):
  - Expressed consent - only process data when children (and parents) have meaningfully consented, except in their best interests
  - Transparency and accountability - children (and parents) should know every time their data is processed, except in their best interests
  - Data minimisation and restricted data sharing - only collect the data you really need, and don't share it, except in their best interests

## Recommendation 7.1

Include e-commerce platforms in any relevant legislation relating to online safety.

## Recommendation 7.2

- Require social media platforms to abide by a two hour take-down notification for removal of reported image-based abuse
- Provide support and funding for specially trained police departments dedicated to handling of image-based abuse cases and victims

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<sup>27</sup> NCOSE (2021). #WakeUpInstagram: What Instagram Still Needs To Improve. <https://endsexualexploitation.org/instagram/>

- Establish a 24-hour hotline for victims of image-based abuse to obtain support

## Recommendation 7.3

That the Federal Government and relevant agencies continue to take a strong stand against end-to-end encryption and work with other state parties to condemn Facebook's plans and ensure its child protection efforts are not undermined.

### **1. The range of online harms that may be faced by Australians on social media and other online platforms, including harmful content or harmful conduct.**

#### **1.1 Sexual exploitation online**

Our core concerns relate to sexualisation, objectification and exploitation, and exposure to pornography and resulting harms. Online harms from this type of content include cyber bullying, sexual harassment, image-based abuse, predatory behaviour, grooming, and physical and psychological harm from behavioural/cognitive change as a result of Big Tech's algorithms, nudges, advertising and content moderation policies and practices.

The use of social media platforms by predators to locate and groom vulnerable children is a central concern. Our international joint campaign #WakeUpInstagram, run in partnership with the National Center on Sexual Exploitation (US), Defend Dignity (Canada) and Courtney's House<sup>28</sup> (US) calls on Instagram to improve its policies and enforcement of these.<sup>29</sup> For evidence of predatory behaviour and grooming, refer to Appendix A. We have identified and collated hundreds of comments posted by men on the Instagram pages of underage girls. These include grooming-style comments, sexually harassing comments, requests for sexualised content (including nudes), requests for direct messages and for images to be sent via direct messages. Large numbers of comments are porn-themed. Men describe in explicit detail sexual abuse fantasies involving the underage girls whose identities and locations are often evident, placing them at risk of further sexual exploitation.<sup>30</sup>

These predatory comments exist in plain view, unmoderated and unremoved. In some cases they have remained for more than a year - including on posts of girls as young as 4-years-old. Our reports on this behaviour to Instagram are often dismissed as not violating its 'community guidelines'. Examples of comments moderators refused to remove (and effectively endorsed) include: (on a 13-year-old girl's post) 'Omg i soooooo wanna (emoji

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<sup>28</sup> See <http://www.courtneyshouse.org/>

<sup>29</sup> Alison, Coralie (22 Nov 2019). Help Wake Up Instagram to Child Exploitation! *Collective Shout*. [https://www.collectiveshout.org/help\\_wake\\_up\\_instagram\\_to\\_child\\_exploitation](https://www.collectiveshout.org/help_wake_up_instagram_to_child_exploitation)

<sup>30</sup> Kennedy, Lyn (19 Dec 2019). Graphic rape comments fuel #WakeUpInstagram campaign. *Collective Shout*. [https://www.collectiveshout.org/wakeupinstagram\\_roundup](https://www.collectiveshout.org/wakeupinstagram_roundup)

denoting) lick your (emoji denoting) pussy n (emoji denoting) ass'; (on a child advertising underwear) 'Ok im going out of line you put it on i take it off'; (on a 9- year-old girl's post) 'please open your legs' + emojis including kiss-lips; (various comments on underage girls' posts) eggplant/peach/cucumber/squirt emojis denoting sexual acts. If these comments genuinely meet Instagram's standards, clearly those standards need to be revised.

Instagram has updated its reporting systems to allow users to report sexualised comments made to and/or about children. However, it is unclear what impact the update has had to protect children (Meta's most recent Community Standards Enforcement Reports do not contain data pertaining specifically to detection or removal of sexualised comments directed at children). We continue to document widespread sexual harassment, abuse and grooming-style comments made by predators on posts featuring children. Some comments have been on display for months.

Instagram must also take action to prohibit adults from using 'live' posts to contact minors. We viewed a 13-year-old girl's live posts during which she was bombarded with sexual comments including a request for sex, questions about her underwear, a man telling her he wanted her to give him an erection, another saying he would pay to meet her and others pressuring her to remove her shoes and show her feet. We witnessed a 14-year-old girl's live video joined by a naked man masturbating. We documented these and other similar instances:<sup>31</sup>

*An underage girl has just – with no moderation or intervention from the global multi-billion dollar Facebook-owned platform - broadcast a live video of a naked man masturbating. She and her friend - and fifty other people - just witnessed a serious criminal act, prohibited by Australia's Commonwealth, state and territory [child exploitation material laws](#).*

*Who else witnessed the live sex act? Other school friends? Perhaps younger children – cousins or neighbours who tuned in to catch up on some big-girl news? How widely did Instagram disseminate this piece of child exploitation material that it failed to moderate and helped produce? How many times is this scene being played out in Australia each day? How many kitchens and bathrooms and bedrooms of Australian homes are being infiltrated by predators who want to abuse underage girls in this way? How many men are using Instagram to broadcast live sex acts to children? Has this type of criminal behaviour become 'normal' for girls who have been desensitised to predatory advances because sexual objectification, harassment and predation are so entrenched in their everyday, lived experiences? Why - in flagrant disregard of*

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<sup>31</sup> Kennedy, Lyn (17 Mar 2020). School girl's Instagram 'live' post becomes sex predator webcam. *Collective Shout*.  
[https://www.collectiveshout.org/schoolgirl\\_instagram\\_live\\_post\\_sex\\_predator\\_webcam](https://www.collectiveshout.org/schoolgirl_instagram_live_post_sex_predator_webcam)

*human rights, law, child safety principles and common sense - is Instagram connecting predators to minors?*

*Four days later our concerns that this event was not a one-off, that predators are targeting underage girls for the purpose of broadcasting live sex acts to them and that this is 'normal' for some girls were confirmed when we found the public Instagram account of a 9 year old girl based in Europe. She had saved a live post to her profile, allowing anyone to watch it for the 24-hour period that followed. We watched the video and saw that it was interrupted several times as the young girl accepted requests from different viewers to be in the broadcast. We counted three different viewers who filmed themselves masturbating. We then followed the girl. Within an hour we received a notification from Instagram that she had started a live post. We began viewing the video immediately and within seconds she accepted a viewer's request to be in the broadcast. It was another naked, masturbating man.*

We note Instagram's claims about using "proactive technology" to keep the platform free from content that is harmful to children.<sup>32,33</sup> The methods Instagram has employed to date are insufficient for dealing with the rampant predation of children that we have documented.

### **Evidence of Instagram products and tools putting underage/preteen girls at risk**

Sexualisation and sexual exploitation of children continue to be serious problems on Instagram. While some children are themselves posting sexualised content, hashtags, or comments, we know that adults are using the platform to normalise the idea that children are sexual objects, grooming children through comments (and still through direct messages - despite recent changes), and using Instagram to solicit, buy, sell and trade children's images and even children themselves.

Despite recent changes on Instagram aimed at improving child safety,<sup>34</sup> minors including pre-teens are still being recommended via Explore, 'Suggested for you', and (particularly concerning) Reels. Instagram is in effect serving young and even pre-teen girls (who according to Instagram are "not allowed" on the platform) up as sexual entertainment for men. Some girls have hundreds of thousands of followers, and millions of views on their Reels.

Refer to Appendix for further information.

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<sup>32</sup> Kennedy, Lyn (3 Jun 202). Facebook-facilitated sexploitation. *Collective Shout*. [https://www.collectiveshout.org/facebook\\_sexploitation](https://www.collectiveshout.org/facebook_sexploitation)

<sup>33</sup> Alison, Coralie (23 Nov 2019). No Facebook, you're not doing enough to protect children. *Collective Shout*. [https://www.collectiveshout.org/facebook\\_instagram\\_response](https://www.collectiveshout.org/facebook_instagram_response)

<sup>34</sup> Kennedy, Lyn (2 Aug 2021). WIN! Instagram rolls out new safety measures for teens. *Collective Shout*. [https://www.collectiveshout.org/instagram\\_new\\_safety\\_measures\\_for\\_teens](https://www.collectiveshout.org/instagram_new_safety_measures_for_teens)

## 1.2 Trolling and threats

We are very concerned that the Bill does not adequately deal with threats made online. Our team has experienced serious online trolling, abuse and threats over the past decade. Defamation laws are inadequate for dealing with these harms online, as defamation is not the same as cyber hate, abuse, doxxing and threats. The latter may not result in reputational damage, but are harmful and damaging in other ways. Collective Shout Campaigns Manager Caitlin Roper documented her experience in a piece for Huffpost. She wrote of being doxxed on an 8 chan website, with names and addresses of friends and family, phone numbers, and photos of her and her children. One commenter said, “Find her children and make their life a living hell. Best way to get a woman is through her children.” Pornographic photos with Caitlin’s face superimposed were posted. Men openly strategised on how to have her raped or seriously hurt. Police told her they were unable to pursue the perpetrators and the site remained in place for several months.<sup>35</sup>

Caitlin and activist Talitha Stone appeared on ABC Lateline to discuss the limitations on police in tracking down internet trolls.<sup>36</sup> Talitha was subjected to thousands of abusive messages on Twitter after protesting Tyler the Creator and Snoop Dogg entering Australia, “and the police just laughed at me.”<sup>37</sup>

In a piece published by the *Online Hate Prevention Institute*, Caitlin detailed her experience of the online hate, she received: general hostility, sexist slurs, death threats, rape threats, and reputational damage through impersonation.<sup>38</sup> A related piece appeared in *The Guardian*.<sup>39</sup>

Our then Director of Operations Coralie Alison received more than 2000 sexually graphic and violently abusive tweets in response to our campaign to have US rapper Tyler the Creator’s visa denied on the basis of violent, misogynistic lyrics and behaviour during an earlier tour.<sup>40</sup>

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<sup>35</sup> Roper, C. (8 Jan 2018). The online abuse of women isn’t ‘trolling,’ it’s an expression of misogyny. *Huffpost*.

[https://www.huffingtonpost.co.uk/entry/the-online-abuse-of-women-isnt-trolling-its-an-expression-of-misogyny\\_uk\\_5a523863e4b0ee59d41c0ba7](https://www.huffingtonpost.co.uk/entry/the-online-abuse-of-women-isnt-trolling-its-an-expression-of-misogyny_uk_5a523863e4b0ee59d41c0ba7)

<sup>36</sup> Collective Shout (9 Mar 2021). Caitlin Roper and Talitha Stone on Lateline [YouTube video]. *YouTube*. <https://www.youtube.com/watch?v=RnXMHxTkcSs&t=4s>

<sup>37</sup> Lyons, K. (23 Jun 2014). “I got thousands of death and rape threats and the police just laughed at me.” The anti-violence campaigner who was afraid to leave her house after she stood up to superstar rappers over their offensive lyrics. *Daily Mail UK*.

<https://www.dailymail.co.uk/news/article-2665594/I-got-thousands-death-rape-threats-police-just-laughed-The-anti-violence-campaigner-afraid-leave-house-threatened-rappers-fans.html>

<sup>38</sup> Roper, C. (8 Mar 2015). An experience of online violence against women. *Online Hate Prevention Institute*. <http://ohpi.org.au/an-experience-of-online-violence-against-women/>

<sup>39</sup> Roper, C. (26 Oct 2014). Being pimped out online by misogynist harassers will not stop me from speaking out. *The Guardian*.

<https://www.theguardian.com/commentisfree/2014/oct/27/being-pimped-out-online-by-misogynist-harassers-will-not-stop-me-from-speaking-out>

<sup>40</sup> Brownworth, V. (1 Aug 2015). Why do hundreds of men want to rape and kill Coralie Alison? *Curve*. <https://www.curvemag.com/blog/blogger/why-do-hundreds-of-men-want-to-rape-and-kill-coralie-alison/>

## Recommendation 1.2

That provisions in the Bill dealing with online trolling, abuse, doxxing/impersonation and serious threats be expanded to enable re-dress beyond 'defamation'.

## 2. Evidence of:

### 2.1 The potential impacts of online harms on the mental health and wellbeing of Australians

In 2017, the UK's Royal Society for Public Health (RSPH) and the Young Health Movement research identified Instagram and Snapchat as the platforms most detrimental to young people's mental health and wellbeing.<sup>41</sup> The health and wellbeing issues identified by the research were:

1. Awareness and understanding of other people's health experiences
2. Access to expert health information you know you can trust
3. Emotional Support - empathy and compassion from family and friends
4. Anxiety - feelings of worry, nervousness or unease
5. Depression - feeling extremely low and unhappy
6. Loneliness - feelings of being all on your own
7. Sleep - quality and amount of sleep
8. Self-expression - the expression of your feelings, thoughts or ideas
9. Self-identity - ability to define who you are
10. Body Image - how you feel about how you look
11. Real World Relationships - maintaining relationships with other people
12. Community Building - feeling part of a community of like-minded people
13. Bullying - threatening or abusive behaviour towards you
14. FOMO (Fear of Missing Out) – feeling you need to stay connected because you are worried things could be happening without you.

It is now clear that the most popular platforms knew about these problems but did not act to prevent them.

Wall Street Journal revealed that Facebook had conducted research of their own and already knew that "teens blame Instagram for increases in the rate of anxiety and depression... This reaction was unprompted and consistent across all groups. Comparisons on Instagram can change how young women view and describe themselves."<sup>42</sup>

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<sup>41</sup> Royal Society for Public Health (2017). Instagram ranked worst for young people's mental health. <https://www.rsph.org.uk/about-us/news/instagram-ranked-worst-for-young-people-s-mental-health.htm>

<sup>42</sup> Wells, G., Horwitz, J. and Seetharaman, D. (14 Sept 2021). Facebook knows Instagram is toxic for teen girls, company documents show. *The Wall Street Journal*.

Lindsay Crouse, reporting on the story for the New York Times, wrote:

*...the whistle-blower was citing the company's own research, which among other things found that, based on surveys, 'Thirty-two percent of teen girls said that when they felt bad about their bodies, Instagram made them feel worse,' as The Wall Street Journal reported. (Ms. Haugen provided internal documents to The Journal from Facebook, which owns Instagram.) ...*<sup>43</sup>

Haugen told the Senate subcommittee that Facebook knows that Instagram causes “severe harm” to children and teens.

*Haugen said Facebook claims that it can't find underage kids on the platform because they lie about their age when they sign up, but testified to senators that is false. She stated that Facebook could employ the mechanisms it uses to analyze other types of audiences on the platform but just chooses not to do so...*

*She went on to urge senators to overhaul Section 230, which shields digital platforms from lawsuits over content posted by their users, specifically suggesting that Facebook and other tech giants be made legally liable for decisions about how to rank content in users' feeds.*

*“They have a hundred percent control over their algorithms, and Facebook should not get a free pass on choices it makes to prioritize growth and virality and reactivity over public safety,” she said.*<sup>44</sup>

The American Academy of Pediatrics (AAP), the American Academy of Child and Adolescent Psychiatry (AACAP), and the Children's Hospital Association (CHA) have declared a National State of Emergency in Children's Mental Health.<sup>45</sup>

American social psychologist Dr Jonathan Haidt, writing about Haugen's revelations, says:

*Social-media platforms were not initially designed for children, but children have nevertheless been the subject of a gigantic national experiment testing the effects of those platforms. Without a proper control group, we can't be certain that the experiment has been a catastrophic failure, but it probably has been. Until someone*

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<https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>

<sup>43</sup> Crouse, Lindsay (8 Oct 2021). For Teen Girls: Instagram is a Cesspool. The New York Times. [www.nytimes.com/2021/10/08/opinion/instagram-teen-girls-mental-health.html](https://www.nytimes.com/2021/10/08/opinion/instagram-teen-girls-mental-health.html)

<sup>44</sup> McCluskey, Megan (5 Oct 2021). 4 Big Takeaways From the Facebook Whistleblower Congressional Hearing. *Time*.

<https://time.com/6104070/facebook-whistleblower-congressional-hearing-takeaways/>

<sup>45</sup> American Academy of Pediatrics (2021). AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health.

<https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>

*comes up with a more plausible explanation for what has happened to Gen Z girls, the most prudent course of action for regulators, legislators, and parents is to take steps to mitigate the harm.*<sup>46</sup>

Big Tech executives continue to hide behind their claimed “community standards” and terms and conditions, while the pursuit of profit directly clashes with the wellbeing of users.<sup>47</sup> ‘Terms of Use’ have been proven inadequate or irrelevant in ameliorating harms of use. For example, while executives repeat the mantra “children are not allowed on our platforms,” the fact is that children *are* on their platforms in large numbers. Members of Congress allege, from leaked reports, that Meta (rebranded parent company of Facebook and Instagram) has secretly marketed its social media products to children.<sup>48</sup> Social media companies must be held accountable for their content and their appeal to children.

Algorithms are designed to achieve metrics of success including engagement (likes, comments, shares), increasing time spent on the app, referrals, conversions to sales, and response rates and times. To achieve these outcomes, they are set up to push highly emotional, provocative, and controversial content. This content amplifies the mental state that the app has already detected in the user, such as depression, anger, hate and anxiety. If the user demonstrates interest in the content, more and more extreme versions of it are fed to them.<sup>49</sup>

## Harm to children from exposure to online pornography

A growing body of global evidence demonstrates that the commercial pornography industry gives rise to the harmful outcomes that this Bill aims to address.<sup>50,28</sup>

Child Sexual Exploitation Material (CSEM) investigators and child protection authorities understand well the role of pornography and porn culture<sup>51</sup> in grooming children for abuse.

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<sup>46</sup> Haidt, Jonathan (21 Nov 2021). The Dangerous Experiment on Teen Girls. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2021/11/facebooks-dangerous-experiment-teen-girls/620767/>

<sup>47</sup> For evidence of this, see US Congressional hearings: *Protecting Kids Online: Snapchat, TikTok, and YouTube*. October 26, 2021.

<https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>

<sup>48</sup> US Congressional hearings: *Protecting Kids Online: Snapchat, TikTok, and YouTube*. October 26, 2021. <https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>

<sup>49</sup> Zakrewski, Cat *et al* (5 Oct 2021). Facebook whistleblower Frances Haugen tells lawmakers that meaningful reform is necessary ‘for our common good’. *Washington Post*. <https://www.washingtonpost.com/technology/2021/10/05/facebook-senate-hearing-frances-haugen/>

<sup>50</sup> CEASE [Centre to End All Sexual Exploitation] (Sep 2021). Submission of Evidence to the Joint Pre-Legislative Scrutiny Committee on the Online Safety Bill.

<https://cease.org.uk/wp-content/uploads/2021/09/CEASE-Submission-of-Evidence-to-the-Joint-Committee-on-the-Online-Safety-Bill-Sep-21.pdf>. See also Tankard Reist, Melinda and Bray, Abigail (eds.) (2012). *Big Porn Inc: Exposing the harms of the global pornography industry*. Spinifex Press, South Melbourne.

<sup>51</sup> See Dines, Gail (29 Apr 2015). Growing Up in a Pornified Culture, *TedX Talks*.

[https://www.youtube.com/watch?v=\\_YpHNlmNsx8](https://www.youtube.com/watch?v=_YpHNlmNsx8) (Accessed 23 Nov 2021); Kennedy, L. (10 Sep

Children are groomed and made vulnerable by being exposed to mainstream pornography in which sexual abuse by men who are teachers, step-fathers or employers is portrayed as normal and desirable.<sup>52</sup>

Children are exposed to rape porn, sadism porn, incest porn and other violent and degrading depictions of sex, before their first kiss.<sup>53</sup> This is an unprecedented experiment on the sexual development of children and young people. We are beginning to see the results. Our Movement Director Melinda Tankard Reist reports from her extensive work with young people in schools across Australia that girls and young women describe boys pressuring them to provide sex acts based on what they have seen in pornography. Girls are expected to put up with dangerous and painful acts that they do not enjoy, and learning they exist as service stations for male gratification and pleasure.<sup>54</sup>

We strongly refute the suggestion by sex industry representatives that pornography can contribute to the normal and healthy sexual development of young people.<sup>55</sup> Recent research has established that one-in-eight titles seen by first-time visitors to pornographic sites depicts sexual activity that constitutes criminal sexual violence - relating to incest, physical aggression, sexual assault, image-based sexual abuse and depictions of coercion and exploitation.<sup>56</sup> Commercial sexual exploitation material normalises sexual violence towards women and girls along with refugees, racial minorities and people with disabilities.

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2021). "Australians should be outraged by this offending", *Collective Shout*.  
[https://www.collectiveshout.org/national\\_child\\_protection\\_week](https://www.collectiveshout.org/national_child_protection_week); Tankard Reist, M. (13 Apr 2014).  
The dark world of paedophilia exposed, *Sydney Morning Herald*.

<https://www.smh.com.au/opinion/the-dark-world-of-paedophilia-exposed-20140413-zqu8v.html>

<sup>52</sup> CEASE [Centre to End All Sexual Exploitation] (Sep 2021). *Submission of Evidence to the Joint Pre-Legislative Scrutiny Committee on the Online Safety Bill*.

<https://cease.org.uk/wp-content/uploads/2021/09/CEASE-Submission-of-Evidence-to-the-Joint-Committee-on-the-Online-Safety-Bill-Sep-21.pdf>

<sup>53</sup> Tankard Reist, M. (6 Jul 2016). Early sexualisation and pornography exposure: the detrimental impacts on children, *Australian Childhood Foundation*.

<https://professionals.childhood.org.au/prosody/2016/07/melinda-tankard-reist/>; Tankard Reist, M. et al, *Getting Real: Challenging the Sexualisation of Girls*, Spinifex Press, 2009; Tankard Reist, M. and Bray, A. (eds.). *Big Porn Inc: Exposing the Harms of the Global Porn Industry*, Spinifex Press, 2011.

<sup>54</sup> Tankard Reist, Melinda (7 Mar 2016). Growing Up in Pornland: Girls have had it with porn conditioned boys. *ABC Religion and Ethics*.

<https://www.abc.net.au/religion/growing-up-in-pornland-girls-have-had-it-with-porn-conditioned-b/10097244>

<sup>55</sup> For example, Vanting, G. (2021). *Submission to Restricted Access System Inquiry*. Scarlet Alliance.

[https://www.esafety.gov.au/sites/default/files/2021-09/Scarlet%20Alliance%20RAS%20submission%20%28September%202021%29\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2021-09/Scarlet%20Alliance%20RAS%20submission%20%28September%202021%29_0.pdf); Payne, Rachel (2021). Submission to age verification call for evidence and restricted access system call for submissions. *Eros: the adults only association*.

[https://www.esafety.gov.au/sites/default/files/2021-09/Eros%20Association%20RAS%20submission%20%28September%202021%29\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2021-09/Eros%20Association%20RAS%20submission%20%28September%202021%29_0.pdf); Floreani, Samantha (2021). Submission to the eSafety Commission on the discussion paper on the Restricted Access System Declaration. *Digital Rights Watch*.

[https://www.esafety.gov.au/sites/default/files/2021-09/Digital%20Rights%20Watch%20RAS%20submission%20%28September%202021%29\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2021-09/Digital%20Rights%20Watch%20RAS%20submission%20%28September%202021%29_0.pdf)

<sup>56</sup> Vera-Gray, F., McGlynn, C., Kureshi, I. and Butterby, K. (2021). Sexual violence as a sexual script in mainstream online pornography. *Br J Criminology* 61(5):1243-1260.

This has been well known for at least a decade. In 2016, child protection advocate (the late) Professor Freda Briggs AO described the child-on-child abuse attributed to children's exposure to pornography in her submission to the Inquiry, reporting that preschool-aged children are "acting out what they have seen and experienced, sexually abusing others in schools, kindergartens and child care settings."<sup>57</sup>

- Pornography is frequently an influencing factor for children who initiate invasive sexual behaviours against other children.<sup>58</sup>
- A meta-analysis of 59 different studies comparing adolescent male sex offenders to male non-sex offenders found that adolescents who had sexually offended were significantly more likely to have had early exposure to pornography and to report higher rates of exposure to pornography.<sup>59</sup>
- In a US study of 472 boys and young men (aged 12-20 years; mean age 16 years) with criminal offenses, researchers evaluated and compared the self-reported childhood traumatic experiences of three groups: sexually victimised boys/young men with sexual offenses, nonsexually victimised boys/young men with sexual offenses, and nonsexually victimised boys/young men with general criminal offenses (eg assault, theft). They found that persons who were sexually victimised and who had committed sexual offences showed greater developmental antecedents including early exposure to pornography and pornography use.<sup>60</sup>

A number of authorities believe that pornography provides viewers with a sexual script, portraying often violent and aggressive sexual behaviours as normal, appropriate and rewarding.<sup>61</sup> This message is especially dangerous for young people whose brains and sexual templates are still under development.

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<sup>57</sup> Briggs, F. (2016). Submission to Senate Environment and Communications References Committee, Inquiry into harm being done to Australian children through access to pornography on the internet, p20.

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Onlineaccesstoporn45/Report/c02#c02f77](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Onlineaccesstoporn45/Report/c02#c02f77)

<sup>58</sup> De Lago, C., Schroder, C. M., Cooper, B., Deblinger, E., Dudek, E., Yu, R. and Finkel, M. A. (2020). Children who engaged in interpersonal problematic sexual behaviors. *Child Abuse Negl.* 105:104260.

<sup>59</sup> Seto, M.C. and Lalumière, M. L. (2010). What is so special about male adolescent sexual offending? A review and test of explanations through meta-analysis. *Psychological Bulletin*, 136(4), 526-575.

<sup>60</sup> Cited in National Center on Sexual Exploitation (12 Mar 2019). *Confronting the rise of child-on-child harmful sexual behaviour: Research Summary*. NCOSE.

[https://endsexualexploitation.org/wp-content/uploads/COCSA\\_Research-Summary\\_FINAL\\_3-12-19-1.pdf](https://endsexualexploitation.org/wp-content/uploads/COCSA_Research-Summary_FINAL_3-12-19-1.pdf)

Source: Leibowitz, G et al (2012). Part II: Differences between Sexually Victimized and Nonsexually Victimized Male Adolescent Sexual Abusers and Delinquent Youth: Further Group Comparisons of Developmental Antecedents and Behavioral Challenges, *J Child Sexual Abuse*, <https://www.tandfonline.com/doi/full/10.1080/10538712.2012.675421?scroll=top&needAccess=true>

<sup>61</sup> Hornor, G. (2020). Child and Adolescent Pornography Exposure. *J Pediatric Health Care* 34:191-199.

Dillard et al. list the possible consequences of child and adolescent exposure to pornography:<sup>62</sup>

- Sexual aggression
- Gender role distortion
- Objectification of women
- Unrealistic expectations of sexual relationships
- Brain changes
- Development of internet disorder
- Development of internet pornography disorder

Parents and carers have shared with Melinda Tankard Reist many distressing stories of how young children's ideas of sexuality are influenced by pornography. For example:

- "My 10 year old granddaughter was approached by a boy while waiting for the school bus and asked, 'Do you do arse?'"
- "My 8 yr old found a note in her school bag which read, 'Ready for sex?'"
- "An 8 yr old boy told my 8 yr old girl he wanted to 'f\*\*k you hard'."
- "10 yr old boy told my 10 yr old daughter that he was going to break in and rape her."

In the foreword to the 2012 report noted above, *Basically ... Porn is Everywhere*, Deputy Children's Commissioner for England Sue Berelowitz highlights violence done to girls by porn-influenced boys:<sup>63</sup>

*The first year of our Inquiry ... revealed shocking rates of sexual violation of children and young people... The Inquiry team heard children recount appalling stories about being raped by both older males and peers, often in extremely violent and sadistic circumstances, and in abusive situations that frequently continued for years... The use of and children's access to pornography emerged as a key theme... It was mentioned by boys in witness statements after being apprehended for the rape of a child, one of whom said it was 'like being in a porn movie'; we had frequent accounts of both girls' and boys' expectations of sex being drawn from pornography they had seen; and professionals told us troubling stories of the extent to which teenagers and younger children routinely access pornography, including extreme and violent images. We also found compelling evidence that too many boys believe that they have an absolute*

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<sup>62</sup> Dillard, R., Maguire-Jack, K., Showalter, K., Wolf, K.G., and Letson, M. M. (2019). Abuse disclosures of youth with problem sexualized behaviors and trauma symptomatology. *Child Abuse and Neglect* 88:201-211.

<sup>63</sup> Horvath MAH, Alys L, Massey K, Pina A, Scally M & Adler JR (2012) *Basically ... Porn is Everywhere: A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People*, Office of the Children's Commissioner (UK), 21-12, [https://www.childrenscommissioner.gov.uk/sites/default/files/publications/Basically\\_porn\\_is\\_everywhere.pdf](https://www.childrenscommissioner.gov.uk/sites/default/files/publications/Basically_porn_is_everywhere.pdf)

*entitlement to sex at any time, in any place, in any way and with whomever they wish. Equally worryingly, we heard that too often girls feel they have no alternative but to submit to boys' demands, regardless of their own wishes.*

Frontline service providers offer vital first-person testimony on the way pornography contributes to the nature and types of injuries to women and girls. The Director of the Gold Coast Centre Against Sexual Violence, Di Macleod, reports:

*In the past few years we have had a huge increase in intimate partner rape of women from 14 to 80+. The biggest common denominator is consumption of porn by the offender. With offenders not able to differentiate between fantasy and reality, believing women are 'up for it' 24/7, ascribing to the myth that 'no means yes and yes means anal', oblivious to injuries caused and never ever considering consent. We have seen a huge increase in deprivation of liberty, physical injuries, torture, drugging, filming and sharing footage without consent. I founded the centre 25 years ago and what is now considered to be the norm in 2015 is frightening. I wonder where we will be in another 10 years!<sup>64</sup>*

We draw attention to the following Articles in the Convention on the Rights of the Child to which Australia is a signatory:<sup>65</sup>

#### *Article 19*

*1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*

#### *Article 34*

*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

*(a) The inducement or coercion of a child to engage in any unlawful sexual activity .*

The evidence overwhelmingly points to pornography as a danger to children. Australia's human rights commitments require that we prioritise the protection of children from exposure to it.

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<sup>64</sup> Di Macleod, Director of the Gold Coast Centre Against Sexual Violence, personal correspondence to Melinda Tankard Reist, 7 April 2015.

<sup>65</sup> United Nations Convention on the Rights of the Child, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

## Design features harmful to children

Software designers should be required to remove or disable features harmful to children. Certain features exist to increase engagement with products and are geared toward the commercial benefit of the company that reaps profits. They can have devastating effects on child users:

- Push notifications, feeding a fear of missing out, not allowing children to take a break from the app
- Endless scrolling feeds, encouraging long sessions on the app
- Quantifying and displaying popularity (likes, followers, etc.)
- Making it easy to share
- In-app or in-game purchases, adding risks for children to overspend
- Making it easy to connect with friend or follower suggestions, exposing children to potentially malicious users

## 2.2 The extent to which algorithms used by social media platforms permit, increase or reduce online harms to Australians

It has become clear that social media platforms are aware that their products cause harm, that they have buried and ignored this knowledge, and have continued to recruit children and teens. They have prioritised profit over their users' wellbeing.

Our own investigations have revealed how Instagram products such as the Search tool, "Suggested for you" feature and "Suggested reels" are connecting child predators to more and more content featuring underage girls, including pre-teens who - Meta claims - are not allowed on the platform in the first place. See Appendix for evidence provided in a December 2021 meeting with Instagram's Head of Safety and Head of Global Policy.

## 2.3 Existing identity verification and age assurance policies and practices and the extent to which they are being enforced

Facebook and Instagram require birthdate disclosure at the time of signing up. Acknowledging the failures of this practice, Meta has announced the development of improved age verification measures including image scanning technologies and utilisation of

other markers, for example age indicators in birthday posts. These products are still in development.<sup>66</sup>

Facebook has the technology to protect children but does not do so. In a briefing late last year organised by Federal Member for Ryan Julian Simmonds and Reset Australia, Frances Haugen said Facebook had not done enough to protect children. Melinda Tankard Reist and campaigner and Corporate Social Responsibility expert Lyn Swanson Kennedy attended the briefing held via Zoom. Mr Simmonds, who is also Chair of the Parliamentary Joint Committee on Law Enforcement, asked Ms Haugen why the corporation had allowed users aged under 13 years on its platform contrary to its own policies. Ms Haugen responded that Facebook had the means for keeping children safe – but wasn't using them. "Facebook could have done this for a while", Haugen said, explaining the platform knows how to compute the ages of users but does not do it.

According to Ms Haugen, when faced with a decision between safety and profit, Facebook - worth \$10billion a year - continued to choose profit. Ms Haugen said Facebook could not be trusted when it claimed to be working on making its platform safer. Greater transparency and independent oversight was needed to tackle the threats the platform posed to children, public safety and democracy.

## **2.4 The effectiveness, take-up and impact of industry measures, including safety features, controls, protections and settings, to keep Australians, particularly children, safe online.**

Social media platforms claim there is "no place for child exploitation" on its platforms. But they have failed to take necessary steps to stop this.

Following global pressure to abandon plans to develop a children's version of Instagram,<sup>67</sup> platform Head Adam Mosseri announced last September it was putting its plans on hold.<sup>68</sup> The announcement came immediately prior to Facebook Head of Safety Antigone Davis' appearance before the US Senate Subcommittee on Consumer Protection, Product Safety, and Data Security September 30, 2021. In her testimony Ms Davis said that in months prior Instagram had removed 600,000 accounts for failure to meet minimum user age (13 years) requirements.<sup>69</sup> In December 2021 we were advised by Instagram executives that the

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<sup>67</sup> Collective Shout (23 May 2021). 'I would love to f\*\*\* you so hard': Girls deserve better than Instagram. [https://www.collectiveshout.org/girls\\_deserve\\_better\\_than\\_instagram](https://www.collectiveshout.org/girls_deserve_better_than_instagram)

<sup>68</sup> Mosseri, Adam (27 Sep 2021). Pausing 'Instagram Kids' and Building Parental Supervision Tools, Meta. <https://about.fb.com/news/2021/09/pausing-instagram-kids-building-parental-supervision-tools/>

<sup>69</sup> US Senate Subcommittee on Consumer Protection, Product Safety, and Data Security (30 Sep 2021). Protecting Kids Online: Facebook, Instagram, and Mental Health Harms. <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>

number had increased to 800,000. This is not the picture of a company which prioritises child safety, as Facebook has claimed for years. Contrarily, this is evidence that Facebook has by routine prioritised profits over children.

Development and rollout of tools to protect children has been slow. Meanwhile, tools which have serious and direct negative consequences to children's safety appear to have been rolled out without consideration of how children will be impacted, for example disappearing messages and reels.

The failure of the corporation to protect children motivated a global coalition of 59 child protection organisations and experts - including ourselves - to sign a joint letter to Facebook CEO Mark Zuckerberg last October,<sup>70</sup> calling on the tech giant to improve child safety on its platforms. Led by the UK's National Society for the Prevention of Cruelty to Children (NSPCC), the letter lists five actions Facebook must take in the interests of children's wellbeing. The Coalition wrote:

*We cannot continue with a situation in which children's needs are or appear to be secondary to commercial motivations, and in which young people's right to safety, privacy and wellbeing is traded-off to prioritise the interests of adults and other more influential drivers.*

*..[T]he company must do significantly better to regain the trust of parents and child protection professionals, and most importantly, to ensure its product decisions contribute to rather than compromise children's safety and wellbeing.*

### **Recommendation 2.4.1**

That Meta be required to:

- Share its full research on children's mental health and well-being, and grant access to its data to independent researchers, civil society organisations and regulators
- Set out what research has been conducted on how Facebook's services and design choices contribute to child sexual abuse, and publish the findings
- Publish Facebook's risk assessments
- Provide transparency on Facebook's product reputational reviews
- Review the child protection implications of end-to-end encryption
- Abandon plans for a children's version of Instagram

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<sup>70</sup> Collective Shout (20 Oct 2021). Collective Shout joins global coalition calling for child protections on Facebook. [https://www.collectiveshout.org/global\\_coalition\\_facebook\\_letter](https://www.collectiveshout.org/global_coalition_facebook_letter)

- Remove all accounts belonging to users under the age of 13 years - even when the account appears to be “parent-run” or “parent-managed”
- Stop allowing parasite pages (including so-called “fan” and “shout-out” accounts) to repost content featuring children
- Prevent adults from connecting with/contacting children via live posts
- Prohibit promotion and sale of content (eg. posters, calendars, digital images and videos) featuring minors
- Improve systems to detect and remove sexualised/predatory/grooming comments directed at children
- Update all relevant policies, guidelines and help documents (including ‘A Parent’s Guide to Instagram’) so that users are properly informed of the risks of sharing images of children to the platform
- Stop recommending unconnected adults to minors in “Discover People.”
- Restrict all adults from seeing minors via search tools
- Disable Vanish Mode which is often used to send sexually explicit images and/or hide dangerous interactions
- Remove DM ability for 13 – 15 year-olds altogether given the high risk and reality of grooming and exploitation through this feature. If Instagram continues to move toward end-to-end encryption, considering this option becomes even more crucial for child safety
- Remove the ability for any unconnected adults from commenting on minors’ posts, even if the account is public<sup>71</sup>

We understand that many of the changes we advocate for are dependent on robust proof-of-age measures. We therefore support the implementation of age verification across all social media platforms whose services are available for access and use by children, or where content featuring children is published.

#### **Recommendation 2.4.2**

- Implementation of an age verification system across all social media platforms whose services are available for access and use by children, or where content featuring children is published.

### **3.The effectiveness and impact of industry measures to give parents the tools they need to make meaningful decisions to keep their children safe online**

Given its history, parents cannot trust Facebook to prioritise children’s safety over profit. For example, in multiple reports Facebook describes secret, secondary Instagram accounts hidden from parents or family known as Finstas as a “unique value proposition,” indicating that secret accounts are a growth strategy to boost activer user metrics. At the same time,

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<sup>71</sup> NCOSE (2021). #WakeUpInstagram: What Instagram Still Needs To Improve. <https://endsexualexploitation.org/instagram/>

Facebook has rolled out tools to help parents navigate social media and keep their kids safe online. Parents are unable to apply these tools to accounts they know nothing about.<sup>72</sup>

Why would Facebook and Instagram (now Meta) press ahead with plans to engage with younger users? Because this is the key to ensuring the company's future success.

*Young demographics are vital for social media companies, according to Ygal Arounian at Wedbush Securities, a US financial firm, because they want loyal users to grow older with their platforms, which appeals to advertisers looking to shape buying decisions. In that context, attracting users on to Messenger Kids (for six to 12-year-olds) or Instagram (for those aged 13 and older) or Instagram Kids if it ever launches, is commercially advantageous if over time they gravitate on to Facebook and its 1.9 billion daily users worldwide. Instagram has more than 1 billion users.*<sup>73</sup>

We are concerned by Frances Haugen's claim made before the US Senate subcommittee that Instagram knew parents were in the dark about the dangers it posed to children, yet did not disclose the dangers. Facebook "articulates the idea that parents today are not aware of how dangerous Instagram is... can't coach their kids on basic safety things," Haugen told the committee.

We support calls for Meta to disclose what it knows about parents' lack of knowledge about Instagram. We also recommend it be required to provide a comprehensive list of specific risks posed to children on its platforms including risks to mental health, predatory approaches, sexualisation and sexual harassment, sexual exploitation, grooming and trafficking.

It is unrealistic to continue relying on parents to manage their children's use of social media. We have documented widespread sexualisation, harassment and exploitation of minors on so-called "parent-run" or "parent-monitored" accounts. We have repeatedly highlighted how improved and increased "parent tools" will not protect these children.

We further commend to you the evidence documented by our campaign partners at Courtney's House - a Washington DC-based child sex trafficking victims' support and advocacy organisation.<sup>74</sup> Courtney's House has repeatedly pointed out how parent safety

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<sup>72</sup> US Congress (30 Sept 2021). Protecting Kids Online: Facebook, Instagram, and Mental Health Harms. Witness: Antigone Davis, Global Head of Safety. <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>

<sup>73</sup> Milmo, D. and Skopeliti, C. (8 Oct 2021). 'I might delete it': Facebook's problem with younger users. *The Guardian*. <https://www.theguardian.com/technology/2021/oct/08/i-might-delete-it-facebooks-problem-with-younger-users>

<sup>74</sup> Recommendations related to Courtney's House evidence can be viewed here: <https://endsexualexploitation.org/instagram/>

advice and tools offered by Big Tech fail to keep vulnerable children safe from approaches from pimps and traffickers, sexual exploitation and abuse.

While in general we support better measures to help parents protect their children online, we acknowledge these measures will do nothing to mitigate the harms to children which we and our campaign partners have documented on Instagram.

#### **4. The transparency and accountability required of social media platforms and online technology companies regarding online harms experienced by their Australians users**

Senate committee hearings with Meta executives did not foster public trust. The corporate knew the harms of their products, but buried that knowledge and continued to recruit children and teens as consumers.

An example of broader harms was a leaked report which showed Facebook knew about content coercing women into domestic servitude, yet did nothing about it until Apple threatened to pull Facebook from its App Store.<sup>75</sup> In the market of domestic slavery, women are kept behind closed doors and deprived of basic rights.<sup>76</sup> Facebook was aware of the buying and selling of maids online, as well as the exploitation of foreign workers, and the use of Instagram to trade women.<sup>77</sup> The problem remains.<sup>78</sup>

We have lobbied for stronger measures to address human slavery since our formation, including through submissions to relevant state and Federal inquiries.<sup>79</sup> We remain concerned about the use of social media to recruit, buy, and sell people, especially women and girls, for domestic servitude and sexual slavery.

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<sup>75</sup> US Congress (30 Sept 2021). Protecting Kids Online: Facebook, Instagram, and Mental Health Harms. Witness: Antigone Davis, Global Head of Safety.  
<https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>

<sup>76</sup> Pinnell, O. (23 Sept 2021). Apple threatened Facebook ban over slavery posts on Instagram.  
<https://www.bbc.com/news/technology-58645547>

<sup>77</sup> Canales, K. (17 Sept 2021). Apple reportedly threatened to boot Facebook from the App Store over human trafficking concerns. *Business Insider*.  
<https://www.businessinsider.com/apple-threatened-to-kick-facebook-off-app-store-human-trafficking-2021-9>

<sup>78</sup> India Today (26 Oct 2021). Apple threatened to remove Facebook, Instagram apps from App store over slavery posts. *India Today*.  
<https://www.indiatoday.in/technology/news/story/apple-threatened-to-remove-facebook-instagram-apps-from-app-store-over-slavery-posts-1869556-2021-10-26>

<sup>79</sup> Submission to the National Action Plan to Combat Modern Slavery 2020-24 (7 Jul 2020)  
[https://www.collectiveshout.org/submission\\_to\\_the\\_national\\_action\\_plan\\_to\\_combat\\_modern\\_slavery\\_2020\\_24](https://www.collectiveshout.org/submission_to_the_national_action_plan_to_combat_modern_slavery_2020_24), and Submission to the Modern Slavery Bill 2018 (Provisions) (24 Aug 2018)  
[https://www.collectiveshout.org/collective\\_shouts\\_submission\\_to\\_the\\_modern\\_slavery\\_bill\\_2018\\_provisions](https://www.collectiveshout.org/collective_shouts_submission_to_the_modern_slavery_bill_2018_provisions).

In our submission on Basic Online Safety Expectations for industry providers (eSafety consultation, November 2021) we highlighted the failures of self regulation and called for the explicit minimum standards for child sexual exploitation-related matters.<sup>80</sup>

*We note eSafety’s definition of child sexual exploitation material (CSEM), based on the Luxembourg Guidelines, which describes this illegal content as “material that promotes or provides instruction of paedophile activity.”<sup>81</sup> We are deeply concerned by the ubiquity of paedophilic activity on mainstream social media platforms such as Instagram. Enabling sexual discussions about children to take place on mainstream and public platforms is slowly eroding a generally agreed upon social code that children are sexually off-limits.<sup>82</sup>*

*Providers must ensure their services are not creating safe havens for child predators, and are not serving to normalise the egregious notion that children should be available for men’s sexual enjoyment.*

*We urge the Commissioner to outline comprehensive expectations regarding CSEM, namely, that providers will*

- *include a full definition of CSEM as per the Luxembourg Guidelines and Australian legislation in all relevant codes, user terms of service, Parent Safety Advice, reporting tools and other documents.*
- *require users to agree explicitly to not engage in any activity which sexualises or otherwise exploits a child, or promotes pedophilic activity - including distributing virtual/digital/‘deepfake’ CSEM.*
- *advise users of consequences for CSEM-related activities/breach of this term of service (eg. alert users that their account has been flagged for CSEM activity; mandatory reporting to authorities; suspension of service to user; platform bans; prevention of creating new accounts etc).*
- *encourage and support user reporting of CSEM-activities, including provision of simple, user-friendly reporting tools.*
- *provide simple, user-friendly reporting tools to report underage users - a group which is particularly vulnerable to sexualisation, grooming and exploitation.*

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<sup>80</sup> Collective Shout (2021). Children over profit: Big Tech needs to protect children from exploitation, porn. *Collective Shout*. [https://www.collectiveshout.org/big\\_tech\\_needs\\_minimum\\_safety\\_standards](https://www.collectiveshout.org/big_tech_needs_minimum_safety_standards)

<sup>81</sup>eSafety Commissioner (Sept 2021). Development of industry codes under the Online Safety Act, Position Paper. <https://www.esafety.gov.au/sites/default/files/2021-09/eSafety%20Industry%20Codes%20Position%20Paper.pdf>

<sup>82</sup> Evans, James (26 Apr 2021). The mainstreaming of child exploitation material on Instagram, *Collective Shout*. [https://www.collectiveshout.org/mainstreaming\\_child\\_exploitation\\_material\\_on\\_instagram](https://www.collectiveshout.org/mainstreaming_child_exploitation_material_on_instagram)

- *provide details of regulators/law enforcement agencies so that users can easily refer CSEM-related activities to relevant authorities.*

## **5. The collection and use of relevant data by industry in a safe, private and secure manner**

### **5.1 Protect children from data mining and harmful design features**

As outlined in the new campaign *Children's Data Code* by Reset Australia, we are concerned that children and young people have their data mined from birth for commercial purposes.<sup>83</sup> This creates risks that children are unable to understand and consent to:

- Children's live location can be broadcast publicly
- Algorithms suggest extreme content unsuitable for children or young people (and possibly harmful for anyone)
- 'Nudges' extend unhealthy use of the internet
- Ads target vulnerable users

Big Tech companies claim user wellbeing is a top priority. However, advertising revenue and the sale of personal data is the business. In the United States, both Meta and Google have been fighting privacy and transparency measures for years.<sup>84</sup>

We support the policy proposals in *Children's Data Code* including:

#### **Recommendation 5.1**

Social media and online platforms should:

- Protect all young people under 18 years old
- Cover all services children and young people may use
- Put children's best interest at the heart of decision making about their data (best interests might include emergency situations with ambulance or police, or those working for children's wellbeing such as social workers at schools):
  - Expressed consent - only process data when children (and parents) have meaningfully consented, except in their best interests
  - Transparency and accountability - children (and parents) should know every time their data is processed, except in their best interests

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<sup>83</sup> <https://www.childrensdatacode.org.au/>

<sup>84</sup> United States Congress (26 Oct 2021). Protecting Kids Online: Snapchat, TikTok, and YouTube. <https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>

- Data minimisation and restricted data sharing - only collect the data you really need, and don't share it, except in their best interests

## 6. Actions being pursued by the Government to keep Australians safe online

### Age Verification

The significant harms to children of exposure to explicit content have been extensively documented. We therefore welcomed the Federal Government's initiating of a process to develop a roadmap for implementation of a system of mandatory age verification (AV).<sup>85</sup> While a proof-of-age system will not be a silver bullet preventing children from accessing a harmful content, it will at least provide one obstacle in the way of immediate exposure to rape, torture, sadism, incest and related content. An age verification system would bring the government's approach to online pornography into alignment with its 18+ restrictions on physical pornography and other age-restricted products and services including alcohol, tobacco and gambling.

The technologies necessary to achieve age verification are available. The Federal Government and its agency, eSafety, must urgently build a fit-for-purpose age verification system to protect Australian children and resist pressure by vested interests not to proceed. The wellbeing of the community, especially of its most vulnerable members, needs to be put before industry profits.

Harmful material comes in many forms, however pornography and child sexual exploitation material [CSEM] warrant special concern. A report recently released by Cease UK demonstrates that 'Big Porn' is virtually unregulated and unaccountable to any government in the world.<sup>86</sup> The report exposes the behaviour of the predatory online pornography industry, reveals its broad reach and shows the majority of UK citizens support strict laws to regulate the industry.<sup>87</sup>

Age verification will provide an obstacle to minors accessing harmful content and improve internet experiences. Its establishment would be an important move toward prioritising the

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<sup>85</sup> Collective Shout (1 June 2021). *Media Release: Overdue Federal Government announcement on porn protections for kids welcomed.*

[https://www.collectiveshout.org/media\\_release\\_gov\\_support\\_for\\_age\\_verification](https://www.collectiveshout.org/media_release_gov_support_for_age_verification)

<sup>86</sup> Cease UK (14 Jul 2021). *New Expose Big Porn Report Launched 14 July 2021.*

<https://cease.org.uk/expose-big-porn/>

<sup>87</sup> Cease UK (14 Jul 2021). *New Expose Big Porn Report Launched 14 July 2021.*

<https://cease.org.uk/expose-big-porn/>

safety and wellbeing of underage users, above the revenues of the global sex industry.<sup>88</sup> The EU's Digital Policy Alliance calls it a sensible "know your user" approach for businesses.<sup>89</sup>

Big Tech companies understand their users well: their likes, dislikes, demographic profile, sex, reading habits and purchasing habits, and more. Internet users should be provided with online experiences suitable for their age. We share the position of UK online safety body, the 5Rights Foundation:

*Many companies have a detailed picture of their users' interests, location, relationships, family status, income, sexuality and so on. Understanding users (profiling) and tailoring user journeys (personalisation) are the bread and butter of the tech sector, so it is perplexing that companies claim it is difficult, impossible, intrusive to identify children by age, which has in turn undermined the faith of policy makers and civil society in the validity and possibility of recognising children in the digital environment.<sup>90</sup>*

5Rights Foundation explains how age verification will improve the internet for users:

*Done properly, age assurance can drive the development of new products and services to create a richer and more diverse digital ecosystem in which children (one in three internet users) are a recognised user group...Rather than viewing it as simply restricting access, we should be looking at age assurance as a chance to invite children into a digital world that offers them greater privacy, freedom from commercial pressures, content and information in formats and language that they like, protection from misinformation or material that promotes harmful activities (such as suicide, self-harm or disordered eating), alongside supporting digital services in their legal duty not to provide children with age restricted contact and content. Real and effective age assurance has the opportunity to help build the internet that young people deserve.<sup>91</sup>*

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<sup>88</sup> Virgo, Philip (4 Apr 2015). The case for Online Age Verification has gone political with a Conservative pledge. *Computer Weekly*.

<https://www.computerweekly.com/blog/When-IT-Meets-Politics/The-case-for-Online-Age-Verification-has-gone-political-with-a-Conservative-pledge>

<sup>89</sup> EURIM Digital Policy Alliance (2 Jun 2021). DPA Briefing for Parliamentarians: Age/Identity Verification - challenges, solutions and benefits. *EURIM Digital Policy Alliance*.

<https://www.dpalliance.org.uk/dpa-briefing-for-parliamentarians-age-identity-verification-challenges-solutions-and-benefits/>

<sup>90</sup> 5Rights Foundation (March 2021). But how do they know it is a child? Age assurance in the digital world. [https://5rightsfoundation.com/uploads/But\\_How\\_Do\\_They\\_Know\\_It\\_is\\_a\\_Child.pdf](https://5rightsfoundation.com/uploads/But_How_Do_They_Know_It_is_a_Child.pdf)

<sup>91</sup> 5Rights Foundation (March 2021). 'But how do they know it is a child?' Age assurance in the digital world.

<https://5rightsfoundation.com/in-action/but-how-do-they-know-it-is-a-child-age-assurance-in-the-digital-world.html>

## Australian Classification Scheme Review

In our submission to the Review of Australian Classification Regulation (2020),<sup>92</sup> we wrote that the National Classification Scheme has failed to even slow - let alone prevent - the proliferation of publications, films, television, billboards, images and words on mobile phones and the internet, as well as radio and music recordings, which demean women, reduce them to sexual objects, pressure girls to adopt pornified roles and behaviours and foster a culture which normalises and condones sexual violence against women.

Our submission to the Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces (2019)<sup>93</sup> made this point also: “through a pornified culture, women and girls are fed a message that their only value lies in their sex appeal and ability to attract the male gaze. The proliferation of sexualised images of women and girls is linked to mental health problems such as low self-esteem, poor body image, eating disorders, depression and self-harm.”

Our recommendations included:

- Replace the current system with an evidence-based and age-based classification system
- Content that should be classified includes all professionally produced content for exhibition or distribution via all delivery formats including internet and streaming
- Broaden the provisions relating to ‘sex’ to reflect new research insights into sexual objectification
- Any regulatory body (the existing or a new body) should be required to consult the international research along with child and youth development experts to ascertain the possible impact of content with sexualised content or messaging on this audience
- If self-classification is to be introduced, it must be strongly regulated by the government using approved classification tools, overseen by a single regulator with powers of enforcement
- Pornography should no longer be treated by default as ‘adult content’, but as commercialised sexual exploitation
- Reliance on parents to control what their children access is unrealistic

We commend to you the recommendations submitted by the Australian Council on Children and the Media (ACCM) based on expert knowledge of child development. Professor Elizabeth Handsley, President of ACCM, writes that children have different needs as

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<sup>92</sup> Collective Shout (2020). *Submission to the Review of Australian Classification Regulation*. [https://www.collectiveshout.org/submission\\_to\\_review\\_of\\_australian\\_classification\\_regulation](https://www.collectiveshout.org/submission_to_review_of_australian_classification_regulation)

<sup>93</sup> Collective Shout (2019). *Submission to the Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces*. [https://www.collectiveshout.org/submission\\_on\\_national\\_inquiry\\_into\\_workplace\\_sexual\\_harassment](https://www.collectiveshout.org/submission_on_national_inquiry_into_workplace_sexual_harassment)

consumers as they grow and develop.<sup>94</sup> Along with ACCM, we are particularly concerned with the lack of attention paid by the Draft Restricted Access Systems Declaration to the category of MA15+, a category encompassing a vast amount of material which is unsuitable for children.<sup>95</sup> We endorse their recommendations:

- Continue as a matter of priority the development of an improved National Classification Scheme
- Incorporate expert knowledge of childhood development into classification guidelines
- Consider inclusion of MA15+ material being restricted from access by children under 15

## 7. Any other related matters

### 7.1 E-commerce Platforms

In our extensive campaign work documenting the promotion and sale of child sexual exploitation material on e-commerce platforms, particularly childlike sexual abuse dolls and replica body parts marketed for men’s sexual use,<sup>96</sup> we have noted a range of age-inappropriate (and illegal) content freely available for viewing online, hosted by these corporates including:

- Explicit pornographic images used to advertise products.
- Explicit pornographic images uploaded by users to “customer review” sections.
- Customer reviews used as paedophile forums for sexualised (implied and explicit) discussions about prepubescent children in undergarments, swimwear and “cosplay” items. In some instances users provided email addresses for other users to contact them through. Girls’ genitals are often visible, lending to our belief that the images constitute child exploitation material.<sup>97</sup>

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<sup>94</sup> Handsley, Elizabeth (7 Oct 2021). Editorial: ACCM on the Restricted Access System Declaration. *Australian Council on Children and the Media*. <https://childrenandmedia.org.au/news/news-items/2021/editorial-accm-on-the-restricted-access-system-declaration>

<sup>95</sup> Our submission on the Draft Restricted Access Systems Declaration 2021 can be viewed at [https://www.collectiveshout.org/submission\\_draft\\_ras\\_declaration\\_2021](https://www.collectiveshout.org/submission_draft_ras_declaration_2021)

<sup>96</sup> Roper, C. (6 Oct 2020). *Our investigation exposing Etsy for selling child sex abuse dolls*. Collective Shout. [https://www.collectiveshout.org/etsy\\_selling\\_child\\_sex\\_abuse\\_dolls](https://www.collectiveshout.org/etsy_selling_child_sex_abuse_dolls); Kennedy, L. (10 Jul 2020). *Alibaba Group: Stop selling child sex abuse dolls*. Collective Shout. [https://www.collectiveshout.org/alibaba\\_child\\_sex\\_abuse\\_dolls](https://www.collectiveshout.org/alibaba_child_sex_abuse_dolls)

<sup>97</sup> In an email to our Alibaba and Amazon contacts August 28, 2020 we alerted both platforms to a number of concerning listings where prepubescent girls were being sexualised. One product was called 'Fantasy String Thong Panties'. We said that “the review and Q+A sections connected to some

- Customers are uploading images of underage girls wearing items purchased through the platforms in the review sections, placing the girls at risk of sexual exploitation.
- Products with messages which normalise, trivialise and fetishise child sexual abuse.<sup>98</sup>
- Images depicting graphic, sexualised violence and degradation of women.
- Child sex abuse dolls including replica toddler-children with orifices for sexual penetration, and instructional videos on how these can be used. Several sellers offer customised dolls made in the likeness of real children, based on customer-supplied photos. Other products include childlike/child-size replica body parts such as heads, mouths and feet with orifices for men’s sexual penetration.

Examples of current age ratings for popular e-commerce online shopping apps where we have documented this activity include:<sup>99</sup>

- Alibaba: 4+
- Amazon: 4+
- Etsy: 4+
- Wish: 12+
- Shein: 12+

Each of these platforms and content described above were freely accessible online. We do not believe that these age ratings are appropriate, and urge that e-commerce platforms must comply with requirements of the Restricted Access Systems Declaration and Basic Online Safety Expectations<sup>100</sup> to protect children from exposure to pornographic and other age-inappropriate content.

In November 2021 mega e-commerce shopping platform Alibaba announced it will block all sales of sex dolls to Australia. This followed its decision to remove and penalise merchants selling dolls modelled on the bodies of prepubescent girls, toddlers and babies, after Collective Shout’s investigations uncovered 23 suppliers on Alibaba.<sup>101</sup> We commend Alibaba on this decisive move to protect children.

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of the Alibaba listings appear to contain paedophilic comments, illegal requests for child exploitation material and paedophile networking.”

<sup>98</sup> Collective Shout (19 Jan 2021). *‘Daddy’s little c\*ck whore’: How Etsy profits from child abuse + incest-themed products*, Collective Shout. [https://www.collectiveshout.org/etsy\\_incest\\_products](https://www.collectiveshout.org/etsy_incest_products)

<sup>99</sup> Apple App Store, September 10, 2021

<sup>100</sup> Our November 2021 Submission on Online Safety (Basic Online Safety Expectations - BOSE) Determination can be viewed at [https://www.collectiveshout.org/big\\_tech\\_needs\\_minimum\\_safety\\_standards](https://www.collectiveshout.org/big_tech_needs_minimum_safety_standards)

<sup>101</sup> Collective Shout (17 Nov 2021). Media Release: Strong action against sex dolls by e-commerce giant Alibaba. [https://www.collectiveshout.org/mediarelease\\_alibaba\\_geoblock](https://www.collectiveshout.org/mediarelease_alibaba_geoblock)

## Recommendation:

7.1 Ensure e-commerce platforms are included in any legislation pertaining to online safety.

## 7.2 Image-based Abuse

In our February 2021 submission to the Consultation on the Exposure Draft Online Safety Bill 2020<sup>102</sup> we called for stronger measures to combat image-based abuse.<sup>103</sup> We argued that the 24-hour takedown commitment was at least a start, noting that the US is considering a two-hour takedown notice period.<sup>104,105</sup> This tighter time frame is a more appropriate response, given the devastating impact of image-based abuse.<sup>106</sup> Any delay in take-down affords greater opportunity for wider sharing causing even more trauma to the victim. Social media platforms have the resources to do this.

The fact that it is so easy to upload image-based abuse content is a serious problem. The Federal Government could invest in tech solutions to address this, for example by identifying individuals uploading image-based abuse material and barring them from uploading further material. Australia could also implement the use of trauma-informed evidence collection and interviewing techniques for victims. We understand it is common for victims to experience shame through the process of reporting and evidence collection, as well as being asked to hand over their intimate images to proceed with charges.

Dedicated and specially trained police departments would be a positive step forward in obtaining justice for victims and preventing further offending.

Civil liability is an important way to get convictions and achieve redress for victims. When victims have recourse through civil courts, the standard of proof will be lower, allowing a less

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<sup>102</sup> Liszewski, Melinda (9 Mar 2021). Submission to the Consultation on the Exposure Draft Online Safety Bill 2020. [https://www.collectiveshout.org/submission\\_exposure\\_draft\\_online\\_safety\\_bill\\_2020](https://www.collectiveshout.org/submission_exposure_draft_online_safety_bill_2020)

<sup>103</sup> We acknowledge advice provided by Laura Bloomer, CEO of Backed Technologies, providing data and legal knowledge to provide support to victims of image-based abuse/leaked content and create more accountability and convictions for offenders.

<sup>104</sup> Merkley, J. (2020). A BILL To prevent the uploading of pornographic images to online platforms without the consent of the individuals in the images.

[https://cdn.arstechnica.net/wpcontent/uploads/2020/12/256391\\_SasseMerkleyDEC2020.pdf](https://cdn.arstechnica.net/wpcontent/uploads/2020/12/256391_SasseMerkleyDEC2020.pdf) 20

<sup>105</sup> Merkley, J. (2020). Merkley, Sasse Unveil Urgently Needed Legislation to Crack Down On Online Sexual Exploitation.

<https://www.merkley.senate.gov/news/press-releases/merkley-sasse-unveil-urgently-needed-legislation-to-crack-down-on-online-sexual-exploitation>

<sup>106</sup> Moore, Anna (6 Jan 2022). 'I have moments of shame I can't control': the lives ruined by explicit 'collector culture'. *The Guardian*.

<https://www.theguardian.com/world/2022/jan/06/i-have-moments-of-shame-i-cant-control-the-lives-ruined-by-explicit-collector-culture>

invasive and traumatic process for the victim. Being able to identify uploaders will involve user ID verification, age and consent verification, and personal civil liability for users and porn platforms.

We also recommended the establishment of a 24-hour hotline for victims to obtain support.

## **Recommendations 7.2**

7.2.1 Require social media platforms to abide by a two hour take-down notification for removal of reported image-based abuse.

7.2.2 Provide support and funding for specially trained police departments dedicated to handling image-based abuse cases and victims.

7.2.3 Establish a 24-hour hotline for victims of image-based abuse to obtain support.

## **7.3 End-to-end encryption (E2EE)**

We are concerned that ISPs are moving ahead with implementation of E2EE, including the encryption of websites being requested. This will have flow on impacts for example where parent/school filters won't recognise CSAM content because it will be fully encrypted.<sup>107</sup> Meeting and grooming children online is still most commonly carried out on publicly-accessible social media platforms, while CSAM is shared mostly via P2P file sharing.<sup>108</sup> The application of E2EE by industry would mean that these companies will be increasingly unable to identify and flag malicious use of their own platforms.<sup>109</sup>

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<sup>107</sup> WePROTECT Global Alliance (2019). *Global Threat Assessment 2019: Working together to end the sexual exploitation of children online*.  
<https://www.end-violence.org/sites/default/files/paragraphs/download/Global%20Threat%20Assessment%202019.pdf>

<sup>108</sup> WePROTECT Global Alliance, 2019.

<sup>109</sup> WePROTECT Global Alliance, 2019.

Experts on the frontline battle against online child exploitation have repeatedly urged against E2EE. For example, in February 2021, UK man David Wilson was imprisoned for 25 years after he admitted to 96 sex offences against boys aged 4 to 14. Wilson primarily used Facebook to find his victims. In response to the news, Director of Threat Leadership for the National Crime Agency (UK) Rob Jones warned against Facebook's intended rollout of E2EE across its messaging services:

*Facebook's plans (for E2EE) are a disaster for child safety and law enforcement and mean the very many other David Wilsons out there will not be caught. Their plans will create a haven for child sex offenders to congregate to target children.*<sup>110</sup>

Our experience working in schools all over Australia shows that online and text grooming is endemic and a daily experience for many children online, especially girls. This has been acknowledged by Instagram which has in recent months has rolled out improved safety features for children and teens.

We have joined the calls made by governments and child safety advocates to block Facebook's plans for E2EE across all its messaging services for this very reason: child exploitation will go undetected. In the weeks following the enactment of EU's ePrivacy Directive in December 2020, the National Center for Missing and Exploited Children, US (NCMEC) reported a drop of 46 per cent in reports of child exploitation material from tech companies.<sup>111</sup> These reporting figures are expected to drop further if Facebook proceeds with its plans.<sup>112</sup>

We understand that even with E2EE, tech companies are able to screen certain features of accounts for child exploitation material and activity. We urge that all obligations to detect, remove and report CSAM must apply to all service providers, regardless of their employment of E2EE. We urge that legislation must not serve to incentivise service providers to hide under the cover of E2EE for exemption from mandatory CSAM detection, removal, and reporting requirements.

WePROTECT published a Global Threat Assessment in 2019, finding:<sup>113</sup>

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<sup>110</sup> Dodd, Vikram (10 February 2021). Facebook under fire over encryption plans as man is jailed for abusing 52 children. *The Guardian*.  
<https://www.theguardian.com/uk-news/2021/feb/10/man-who-posed-as-girl-online-jailed-for-abusing-51-children>

<sup>111</sup> Missing Kids (29 April 2021). A battle won, but not the war in the global fight for child safety. *Missing Kids Blog*.  
<https://www.missingkids.org/blog/2020/we-are-in-danger-of-losing-the-global-battle-for-child-safety>

<sup>112</sup> See our submission to Online Safety Bill Exposure Draft here for more information:  
[https://www.collectiveshout.org/submission\\_exposure\\_draft\\_online\\_safety\\_bill\\_2020](https://www.collectiveshout.org/submission_exposure_draft_online_safety_bill_2020)

<sup>113</sup> WePROTECT Global Alliance, 2019.

- Two thirds of the total 18.4 million referrals (to NCMEC of CSAM by US technology companies) originated in messaging services, at risk of disappearing if E2EE is implemented
- 94% of CSAM material found online by the Internet Watch Foundation (IWF) contains images of children aged 13 or under, while 39% contains images of children 10 or under
- 750,000 individuals across the globe are estimated to be looking to connect with children for sexual purposes at any one time

According to the USA's Missing Kids, the EU is the largest geographical hub of CSAM globally, hosting almost 90% of reported URLs. The vast majority (94%) of these cases were on Facebook platforms: Messenger, Instagram, WhatsApp. That same year, Facebook announced its intention to deploy end-to-end encryption across its services. Child welfare advocates say that this would make 70% of CSAM cases impossible to detect by law enforcement as well as FB itself.<sup>114</sup>

The EU is considering whether it is legal for tech platforms in the EU to filter electronic communications for CSAM. In the absence of clarity, the European Commission proposed a derogation from the safeguards of the ePrivacy Directive, so that tech companies can continue to filter content for CSAM.

Notwithstanding these challenges, the European Council adopted a resolution on encryption in November 2020. This signals EU member states' willingness to work with industry, create a balance between security "despite and through encryption," design a regulatory framework, and innovate investigative capabilities around encryption.<sup>115</sup> The European Parliament Intergroup on Children's Rights warned that without this balance, the EU would become a "safe haven for paedophiles."<sup>116</sup>

### **Recommendation 7.3**

That the Federal Government and relevant agencies continue to take a strong stand against end-to-end encryption and work with other state parties to condemn Facebook's plans and ensure its child protection efforts are not undermined.

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<sup>114</sup> Koomen, Maria (March 2021). *The Encryption Debate in the European Union: 2021 Update. International Encryption Brief*. Carnegie Endowment for International Peace. [https://carnegieendowment.org/files/202104-EU\\_Country\\_Brief.pdf](https://carnegieendowment.org/files/202104-EU_Country_Brief.pdf)

<sup>115</sup> Koomen, 2021.

<sup>116</sup> Koomen, 2021.