



28 March 2021

S21.05

Submission on the Films, Videos, and Publications Classification (Urgent Interim Classification of Publications and Prevention of Online Harm) Amendment Bill 268-1

Introduction

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. This submission has been prepared by the NCWNZ Consumer Affairs Committee and the Parliamentary Watch Committee.

1. Summary

- 1.1. NCWNZ has a long-standing concern about the amount of extreme Internet-based violence and abuse that is freely available on the Internet, the lack of protections against this sort of abuse, and the ability for perpetrators of online violence and abuse to do so with impunity.
- 1.2. We believe the original Films, Videos and Publications Classification legislation, drafted 25 years ago in a pre-Internet age, is no longer fit for purpose and urgently needs updating, as in its current form, online content hosts cannot be charged for creating and sharing harmful, objectionable and illegal online content.
- 1.3. The bill aligns with a global movement to better regulate online harmful and objectionable content.
- 1.4. We are aware that this bill is aimed at preventing the publication of violent or extremist terrorist content, such as that which was live-screened during the Christchurch terror attack of 15 March 2019. We fully support this focus and the measures that are proposed to protect the New Zealanders from livestreaming this sort of violent and extremist content online.
- 1.5. Additionally, we are concerned that the Internet and social media generally have provided new platforms for the expression of extreme violence against women with Internet-based violence and

abuse becoming a daily backdrop to the lives of many teenage girls and young women. In view of this, NCWNZ urges Parliament to consider extending the provisions of this bill to include objectionable online content relating to extreme acts of sexual violence, such as websites that promote and encourage rape and sexual assaults on women and men.

2. Specific Clauses

- 2.1. NCWNZ strongly supports the proposed amendments to the Films, Videos and Publications Classifications (Urgent Interim Classification of Publications and Prevention of Online Harm) Amendment bill.
- 2.2. We support the objectives of this bill to protect New Zealanders from online harm, to increase online safety, and to deter the spread of objectionable content online.
- 2.3. We support new clauses 119C-119K that will strengthen the original act by introducing a new take-down regime to require online platforms such as Facebook and Google to remove objectionable, extreme online content or face significant fines. These provisions will enable non-compliant websites to be legally punished for the first time by significant fines.
- 2.4. We support the regulation in clauses 119L-119O that will allow for the creation of Internet web filters that can block content that is ruled objectionable by the Chief Censor. These clauses will enable the Chief Censor to make an immediate determination that online, livestreamed content is objectionable, and that livestreaming it would be a criminal offence.
- 2.5. We note that the proposal for Internet web filters is intended for livestreamed content that promotes terrorism and violent extremism and we support its use for this purpose.
- 2.6. We further note that the original Films, Videos and Publications Classification legislation defines 'objectionable content' as any content that describes, depicts, expresses or otherwise deals with matters such as sex, horror, crime or violence in such a manner that the availability of the publication is likely to be injurious to the public good, and we wish to see the provisions of this legislation extended to cover extreme online sexual violence.
- 2.7. Our wish to extend the legislation is based on our awareness of the existence of an immense and growing network of online blogs, forums, chatrooms and social media groups such as Men Going Their Own Way (MGTOW) where men express their hatred of women and discuss rape fantasies openly and uncensored on the web. Evidence suggests these sites have millions of followers.
- 2.8. The author, Laura Bates, details the existence of this network in her book, *Men Who Hate Women*¹. She infiltrated this network and discovered that online communities such as MGTOW's and INCELS (involuntary celibates) promote the hatred of women and are full of messages such as "rape is the answer"; "you have a 98.95% chance of getting away with it if you rape"; "rape is the alpha method of pleasure and procreation and fiords (women) know this and that is why they prefer to get raped".
- 2.9. NCWNZ believes these sorts of dangerous websites, which actively promote rape and violence against women, have no place in society and that there must be legislative power to block them.

¹ Bates L. 2020. *Men Who Hate Women*. Simon and Schuster.

Such websites normalise sexual harm, contribute to rape culture and actively promote extreme violence against women. We, therefore, urge the committee explore the possibility of extending the legislation's take-down powers and web-based filters to include harmful and objectionable sites that promote extreme violence against women.

- 2.10. Laura Bates points out in her book that membership of online misogynistic groups often overlap with white supremacist and other extremist groups and even terrorist groups. The organisation, Proud Boys, for example, began its life as a male-only group that opposes feminism and promotes the idea that women should be subordinate to men. Subsequently it has developed into a violent, white supremacist group that was at the forefront of the January 6 attacks on Capitol Hill in Washington DC. It has recently been designated as a terrorist organisation by Canada's government².
- 2.11. We note that some groups such as Internet NZ³ claim that Internet filters that block terrorist and violent extremist content could amount to censorship, while others claim that public software exists that could get around any web-based filters.
- 2.12. NCWNZ does not consider these concerns sufficient to argue that Parliament should not tackle this sort of extreme online harm, and that the matter can be left unattended. We agree with Martin Cocker, CEO of Netsafe, that while filters could be circumvented by bad actors, they will be able to help protect ordinary New Zealanders from inadvertently encountering abhorrent and objectionable material online⁴.
- 2.13. We note that major Internet service providers such as Spark and Vodafone support the proposed new measures, including a filter system for terrorist and violent, extremist content. We agree with the Chief Censor, David Shanks, that we need to take whatever practical steps we can to provide safeguards to protect New Zealanders from violent extremism and the dissemination of online harm.
- 2.14. We believe that any online filtering system should have independent oversight and transparency especially regarding the criteria defined to justify its use.

3. Conclusions

- 3.1. For the reasons outlined above NCWNZ strongly supports the proposed bill and wishes to see its provisions extended to cover extreme sexual violence and abuse.



Suzanne Manning
NCWNZ Board

Sue Kedgley
Convenor NCWNZ Consumer Affairs Standing Committee

² Proud Boys: Canada labels far-right group a terrorist entity. <https://www.bbc.com/news/world-us-canada-55923485>

³ Carter J. 2021. A filtered Internet is not the Internet we need. <https://internetnz.nz/news-and-articles/a-filtered-internet-is-not-the-internet-we-need/>

⁴ Daalder M. 2020. Heads butt over new bill's internet powers. <https://www.stuff.co.nz/national/300023365/heads-butt-over-new-bills-internet-powers>