SUBMISSION

TO THE SENATE STANDING COMMITTEE ON ENVIRONMENT AND COMMUNICATIONS: ENVIRONMENT AND COMMUNICATIONS REFERENCE COMMITTEE

ON

HARM BEING DONE TO AUSTRALIAN CHILDREN THROUGH ACCESS TO PORNOGRAPHY ON THE INTERNET

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Thank you for the opportunity to comment on this matter..

This submission has been prepared on behalf of the Board of the ACCM by Prof Elizabeth (President) and Ms Barbara Biggins OAM (Hon CEO).

1. **INTRODUCTION TO AUSTRALIAN COUNCIL ON CHILDREN AND THE MEDIA**

The ACCM is the peak not-for-profit national community organisation supporting families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

ACCM has a national Board representing the states and territories of Australia, and a membership of individuals and organisations including Early Childhood Australia, the Australian Council of State Schools Organisations, the Australian Primary Principals Association, the Australian Education Union, the Parenting Research Centre, the NSW Parents Council, the South Australian Primary Principals Association, and the Council of Mothers' Unions in Australia.

ACCM's core activities include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

ACCM bases much of its work on the United Nations Convention on the Rights of the Child 1990, which is the most authoritative document about how children and families fit into society. Para 3(1) provides that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Further, Article 18 makes it very clear that governments have an obligation to support parents in fulfilling their responsibilities towards their children. This includes the responsibility of ensuring that they can access the mass media without being exposed to material that is injurious to their well-being (see article 17).

2. **COMMENT ON TERMS OF REFERENCE**

These are :

a. trends of online consumption of pornography by children and their impact on the development of healthy and respectful relationships;
b. current methods taken towards harm minimisation in other jurisdictions, and the effectiveness of those methods;
c. the identification of any measures with the potential for implementation in Australia; and
d. any other related matters.

2.1 ACCM's framework for consideration of these issues

ACCM is aware that a substantial proportion of the community equates concerns about pornography with prudishness or wowserism. Others take the more nuanced and practical view that pornography needs to be addressed because, here and now, it tends to propagate a particular view of sex and sexuality that perpetuates the power imbalance between men and women. This is no coincidence: a highly profitable and monetised form of communication will naturally lend itself towards supporting existing social power structures because economic power structures are so closely linked to them. It is quite possible that if social power structures changed, the content of pornography would change too. However, it is questionable whether such change could ever come about as long as freely available media content is supporting those very power structures in the way just described.

Whatever one might think of the merits of pornography and the regulation of adults' access to it, we feel sure that everybody agrees that the situation is different for children. This is something that we would have known and accepted, as a society, even without all the evidence that has been emerging about the ways in which exposure to pornographic content is influencing children's and young people's thoughts, attitudes, behaviours and relationships. That evidence is helpful, however, because it reminds us that what is at stake is both the healthy development of children's capacity for respectful relationships and equal rights and dignity for men and women (and boys and girls).

The question then becomes what if anything to do about children's access to pornographic content?

Beginning with 'if anything', it does appear that there are voices in the community that oppose regulation of access to pornographic content, even for the protection of children. Sometimes this is on freedom of speech grounds: whatever impact there is on children's wellbeing is simply the price we have to pay for living in a free society. This is a profound argument that goes to the heart of political morality and we do not propose to attempt to resolve it here. We will say, however, that nearly all people and legal systems recognise some limitations to freedom of speech. Obviously as an organisation we see the protection of children's wellbeing as an important basis for such a limitation; and we believe the broader community sees it that way too.

To understand the importance of children's wellbeing in this context it is helpful to look beyond the individual child and the individual family, to the interactions that they have with others in their community. As mentioned above, exposure to pornographic content can shape attitudes and behaviours and it is only to be expected that the attitudes and especially behaviours thus influenced will have an impact on other children and young people, in fact potentially on anybody they encounter.

For this reason (among others- see below) it is not enough to rely on parents to regulate their own children's access to pornography. Unlike many aspects of parenting which are a matter of individual, private choice, regulating children's access to media (of all kinds, but especially pornographic content) is a highly socially significant activity. It is appropriate for society, through its representatives in government, to take action at the societal level for the prevention of a societal problem.

Another reason for society-level action is the fact that some parents are unwilling or unable to protect their own children. We do generally take a position, as a society, against allowing parents to make every single call as to how their children are raised. As an organisation we

believe that media use is one call that should not be left completely up to parents; and this is an idea that has traditionally been accepted, as expressed for example through the institution of the *National Classification Scheme* for publications, films and computer games.

Another reason some people oppose the regulation of children's access to pornographic content, at least online content, is perceived technological barriers to such regulation. The argument seems to be that because such regulation can never be 100% effective, it is not worth putting any in place. ACCM disagrees with this line of reasoning. No system of regulation is 100% effective, but regulation can help to shape both behaviours and attitudes.

Coming back to parents, strong statements from the government about the inappropriateness of certain content can be an excellent support for parents who are doing their best to manage these things at home. Perhaps regulation on its own cannot change attitudes, but it can be a useful tool towards that end if combined with other strategies.

Responsibility for the protection of children from internet pornography

ACCM holds the view that government and industry both need to provide more protections for children from harmful content on the internet, and ongoing support for parents in this regard.

More and more children are starting to access the internet before they start school. This underlines once again the importance of parents and the home environment in shaping the experience children have online, and keeping them safe. Closer attention to the role of parents would be consistent with the UN Convention on the Rights of the Child (UNCROC - see esp articles 3(2), 5, 18(2) and 29(1)(c)) and with the Coalition's election promises (The Coalition's Policy to Enhance Online Safety for Children, pp 6-7).

However, neither government nor industry should place sole or even most of the responsibility on parents.

Highly experienced UK researcher into children's uses of and exposure to risks from the internet content, Sonia Livingstone sums up well where responsibilities lie.

This responsibility may be construed in terms of parental empowerment, and a fair amount of resources are devoted to raising awareness among parents and educating them in the ways of the Internet, along with the development (and marketing) of software solutions to support their role.

But, many parents experience this task as something of an imposition—burdening them with a technically and socially difficult task for which they are ill-equipped and under-resourced and which often falls disproportionately on mothers. The evidence confirms that while many parents do their best, not all are entirely competent or reliable, leaving some children's rights and safety at risk. Nor do all act as expected by child welfare experts, for the application of top-down domestic restrictions clash with the values of the modern 'democratic family' in which parents and children ground their relationship in trust rather than control. ….

Particularly problematic for policy makers hoping to rely on parental mediation is the fact that those parents whose children are most at risk are precisely those least likely to mediate their child's Internet use effectively. [emphasis added]

*For the majority of children, it seems that parental mediation is fairly constructive, although both parents and children prefer active mediation to top-down restrictive strategies. **Further, there is little evidence that children's exposure to risks is effectively reduced by parental efforts (except insofar as restricting Internet use prevents both risks and opportunities).***

For a few, whether by acts of omission or commission, parents may actively threaten or undermine children's well-being (and such arguments lead to calls for children's right to privacy from their parents, since 'there is a privacy problem when parents monitor their children'.

Indeed, for the 'at risk' minority, a generic policy of reliance on parenting may precisely exacerbate their vulnerability, since the main source of online vulnerability appears to be vulnerability offline.
(Livingstone and O'Neill 2014 p31-32)

Livingstone, elsewhere has described a principle of **safety by design** as it could apply to industry responsibilities in relation to their internet products. She says

In cases where the risk at stake is unambiguous or uncontroversial, most would agree that the online environment should be designed so that little or no reliance is placed on the individual's competence: examples might include preventing paedophiles from using social networking sites popular with children or ensuring that financial fraud is eliminated by securing payment systems; to rely on the competence of children in such cases seems unnecessarily hazardous. In such cases, a strategy of 'safety by design' (as already occurs in offline in the domains of engineering, urban planning, health and safety at work) can reduce risk without affecting opportunities.

But in cases where the risk at stake is ambiguous (for example, making new online contacts may be beneficial but may be dangerous) or controversial (for example, is seeing online pornography harmless or harmful?) or dependent on circumstances (for example, most children are not tempted to take the advice of pro-harm sites but a few are vulnerable to such advice), the online environment cannot simply be designed to be risk free, for this is to undermine individual opportunities. Even then, 'safety by design' can reasonably be employed to reduce risks provided that individuals' choices are not prevented entirely: examples might include the use of default filters that can, if desired, be overridden, or programmed in reminders on sending images or posting personal information to think carefully before acting. Though the effect of such features is likely to increase media literacy, this remains to be established by empirical research.
(Livingstone 2011 p8-9)

2.2 Ref a) Trends and impacts

2.2.1 Trends:

The most recent figures for Australian children's exposure to porn on the internet seem to be those of Green et al 2013 , with their findings that

… the first four categories of unprompted concern to Australian children are: conduct-related risks (30%), pornographic content (27%), other contents (19%) and violent contents (12%), compared with the more even spread, and slightly different order in Europe of: pornographic content (22%), conduct-related risks (19%), violent content (18%) and other contents (17%).

Trends in exposure were outlined by Flood (2016) in his recent conference paper. Those identified were::

• *Increase in overall rates of exposure*
• *Exposure at younger ages*
• *Shifts in the means of exposure: increasingly, via the internet, and mobile phones*
• *A changing cultural context: the increasing normalisation of pornography use and the pornographication of mainstream culture.*
• *Shifts in pornography's content*

Earlier studies by Flood identified that
In an Australian study among 16 and 17-year-olds, 73 per cent of boys had watched an X-rated video, with one in twenty watching them on a weekly basis while more

than a fifth watch an X-rated video at least once a month. Only 11 per cent of girls had watched an X-rated video, all of them less often than once every two to three months (Flood 2007). (quoted in Flood 2013)

In an Australian survey, 44% of 9-16 year-olds have seen sexual images in the last 12 months, whether offline or online (defined in terms of images which are "obviously sexual – for example, showing people naked or people having sex") (Green et al. 2011: 28). (quoted in Flood, 2013)

In terms of online exposure, Australian researchers have found

In an Australian survey of 9-16 year-olds, children were more likely to see sexual images online than in other media. 28% had seen sexual images on any websites, 22% on TV, film, or video / DVD, and 12% in a magazine or book (Green et al. 2011: 29).

Among 13- to 16-year-olds in Australian schools, 93 per cent of males, and 62 per cent of females had seen pornography (Fleming et al. 2006: 145).

Where young people have deliberately exposed themselves to pornography

In an Australian study among 16 and 17-year-olds, 38 per cent of boys aged 16-17 and only two per cent of girls had searched the Internet for sex sites (Flood 2007).

2.2.2 Impacts:

Figures from the EU Kids online project show that

European 9- to 16-year-olds, some 10,000 children reported a range of risks that concern them on the internet. Pornography (named by 22% of children who mentioned risks), conduct risk such as cyber-bullying (19%) and violent content (18%) were at the top of children's concerns. The priority given to violent content is noteworthy insofar as this receives less attention than sexual content or bullying in awareness-raising initiatives. Many children express shock and disgust on witnessing violent, aggressive or gory online content, especially that which graphically depicts realistic violence against vulnerable victims, including from the news. Video-sharing websites such as YouTube were primary sources of violent and pornographic content. (Livingstone, 2015)

Impacts on Australian children are quoted by Australian researchers

Whereas pornographic content was the most significant risk in the EU Kids Online data, and second in the Australian data, there was a higher proportion of Australian children making a comment about pornography (27%) compared with the 22% in Europe. "Other content" was the third largest category in Australia at 19% and includes hate sites, anorexia and suicide sites and other potentially harmful user-generated content. The equivalent European category accounted for 17% of comments … (Green et al, 2013a)

Exposure to pornography is routine among children and young people, with a range of notable and often troubling effects. Particularly among younger children, exposure to pornography may be disturbing or upsetting. Exposure to pornography helps to sustain young people's adherence to sexist and unhealthy notions of sex and relationships. And, especially among boys and young men who are frequent consumers of pornography, including of more violent materials, consumption intensifies attitudes supportive of sexual coercion and increases their likelihood of perpetrating assault. While children and young people are sexual beings and deserve age-appropriate materials on sex and sexuality, pornography is a poor, and indeed dangerous, sex educator.(Flood 2009)

2.3. Ref b) Harm minimisation and effectiveness

As stated in ACCM's framework above, there is potential for harm minimisation in all of parental education and action; government support of parents; but most importantly insistence on the industry adopting the principle of "safety by design".

We note however Livingstone's caution that the efficacy of media literacy as a protective measure is not established. (Livingstone 2011 p9)

For a useful discussion of harm minimisation we refer the Committee to Flood 2016.

2.4 Ref c) Measures with potential for implementation

Again we refer the Committee to Flood 2016, and his discussion of the Victorian Reality and Risk program.

We also repeat our belief that the industry need to adopt more measures which embody the "safety by design" principle, discussed in the ACCM framework above. . (Livingstone 2011)

An example of this can be found in Sky Broadband's decision to automatically block pornography and other "adult content" by default for new UK customers from early next year. Child's Eye Line UK notes that

The company confirmed the change and also explained it will go further by emailing all existing customers, asking them if they would like the filter to be switched on.

Lyssa McGowan, Sky's brand director for communications products, said: "We believe that this 'default on' approach will mean much greater use of home filters and ensure a safer Internet experience for millions of homes.

"It came about as we looked for the best way to meet the Prime Minister's objective of providing more protection for children when they use the Internet."

The ISPs landmark decision comes after David Cameron called on the Internet service providers to take action. (Victory for Child's Eye Line 2015)

3. Ref d) other matters for consideration

ACCM believes that the Committee should also take into account the exposure of quite young boys, to MA15+ and R18+ computer games (which are easily accessible to them both off and online) in which rape culture is alive and well. In the last 400 games classified R18+, the percentage of interactive games with "references to sexual violence", or sex scenes was 11.5%. (ACCM ongoing research)

Of further relevance is the early exposure of the young to sexualised media, and in particular music videos. We refer the Committee to Ey, Lesley 2016 and her recent

Ph D thesis. The author's theme is that such early exposure can be a precursor to an inclination to watch porn in later life.

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