SUBMISSION No. 107

SUBMISSION TO THE JOINT SELECT COMMITTEE ON CYBER-SAFETY INQUIRY INTO CYBER SAFETY

Submitted by the Child Sexual Abuse Prevention Program (CSAPP Inc)

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TERMS OF REFERENCE

(i)   **the online environment in which Australia children currently engage, including key physical points of access (schools, libraries, internet cafes, homes, mobiles) and stakeholders controlling or able to influence that engagement (governments, parents, teachers, traders, internet service providers, content service providers)**

A collaborative effort between governments, parents, teachers, traders, internet service providers, and content service providers is essential if children are to be protected from abuse and exploitation in the cyber environment. CSAPP is aware of numerous initiatives in place by IT corporations and associated government and community partners that have been established in the attempt to deal with the problem of child pornography and the online exploitation of children (for example, the Technology Coalition Against Child Pornography, Financial Coalition Against Child Exploitation, Global Campaign Against Child Pornography). These initiatives are to be commended. CSAPP recommends that Australian authorities and corporations link in with these international initiatives, and where possible, resources be allocated for the establishment of Australian-based initiatives to deal specifically with issues here in Australia.

Other joint-initiatives have the potential to address what can appear to be an overwhelming and "unpolice-able" problem. For example, in the US, there is now mandatory obligation on internet service providers (ISPs) to report child pornography on their systems to the National Centre for Missing and Exploited Children. CSAPP recommends that similar obligations be placed on Australian ISP's, as well as web-hosting companies, mobile phone carriers, and social networking websites.

On a more local level, parents, teachers and others who have educative and protective roles in the lives of children and young people also have a crucial role in the protection of children in the cyber-environment. CSAPP Inc. has established a collaborative model of school and community-based education that has proven to be effective in educating children, parents, teachers and other professionals who work with children, on issues related to personal safety, including "cyber-safety". This collaborative model is discussed in Section (iv).

(ii)   **the nature, prevalence, implications of and the level of risk associated with cyber-safety threats, such as:**

- **abuse of children online (cyber-bullying, cyber-stalking and sexual grooming);**

- **exposure to illegal and inappropriate content;**

- **inappropriate social and health behaviours in an online environment (e.g., technology addiction, online promotion of anorexia, drug usage, underage drinking and smoking);**

- **identity theft;**

- **breaches of privacy;**

In recent years a plethora of investigations have been conducted revealing the startling extent of threats faced and experienced by children in the cyber-environment (e.g., Ybarra, Espelage and Mitchell, 2007; Wolak, Mitchell & Finkelhor, 2006). Recently, the Norton Online Family Report revealed that of the Australian children surveyed, 63% reported having negative experiences online, including exposure to nudity/pornography, bullying, being approached by strangers on networking sites and more (The Sunday Times, 2010). There is no doubt that the introduction of the internet has brought with it many new safety threats to children.

One of the major threats to children directly related to cyber-technology is the production of child pornography. While child pornography has been in existence for as long as adult pornography, the advent of the global internet has seen the problem escalate exponentially in the last decade. For example, according to the Internet Watch Foundation in the United Kingdom, there has been a 1500% increase in the number of child-pornography images since 1997. In 2003, the National Criminal Intelligence Service in the United Kingdom estimated that child-pornography web sites had doubled worldwide (ICMEC, 2010) while reports of child pornography passed to the US National Centre for Missing & Exploited Children CyberTipline have increased from 24,000 reports in 2001 to more than 340,000 in 2005 (BBC Online, 2006). Often when major law enforcement operations have been conducted and revealed shocking numbers of child pornography images, it is reported that it is difficult / almost impossible to identify the child victims as "they come from all over the world". Sadly, most of the child-victims remain nameless residues of a sexual crime, many of them left unprotected as the sexual exploitation continues throughout their childhood years.

CSAPP has worked closely with a numerous victims of Australian-produced child pornography. The victims have included those who were forced to be involved in non-professional "domestic" or "cottage industry" pornography (for example, children whose abusers included family members or close family "friends"), as well as those who were victims of highly sophisticated, organised, illicit-professionally produced child pornography, including the most extreme child pornography (that is, XXX or 'hard core' child pornography).

In this submission CSAPP will highlight the devastating effects this crime has on the child-victims and throughout their lives, as this crime, perhaps like no other, has a life-long impact. CSAPP will also propose a number of recommendations that, if

adopted, will help stem the tide of online child pornography and assist in the better protection of children.

The consequences of child pornography include the basic fact that the child used in the pornography has been sexually assaulted to produce it. Research has consistently identified the serious and long-lasting effects of sexual assault on children (e.g., Finkelhor, 1984). However, for child victims of child pornography, these effects are significantly exacerbated. CSAPP's work with victims of the production and distribution of child pornography within Australia has highlighted a number of common themes regarding the specific effects of child pornography on children, including the following:

Shame: The sense of shame experienced by most if not all victims of child sexual assault is compounded in situations where the child has been used in child pornography, as the child knows that there are images of them being sexually assaulted that are being circulated, sometimes around the world.

Guilt: Guilt is another emotion commonly experienced by victims of child sexual assault. In cases of child pornography this guilt is often compounded by numerous other factors. For example, if the child has been forced to engage with other children in the production of the child pornography (sometimes their own siblings), and/or they have been forced to commit violent acts of abuse on other children, particularly younger children. Additionally, in non-XXX/hardcore child pornography, the children are often forced to smile in photographs/images, which also adds to feelings of guilt and shame, particularly if the images are located and shown to others.

Threats: The threats made by the perpetrators (particularly by those involved in the more sophisticated / professional production of child pornography) are often extreme and terror-inducing for children. Due to the high-risk nature of the crime (the images are a concrete form of evidence), and the lucrative nature of child pornography (it is a multi-billion dollar business worldwide), perpetrators' use of extreme threats to force the children's compliance and silence is common.

Use of drugs: In order to gain children's compliance, it is not uncommon for perpetrators to drug the children prior to forcing their involvement in the production of the pornography. This causes further confusion and anxiety for the children as they have absolutely no control over what happens to them. It also makes the pursuit of justice more difficult as the perceived credibility of the victims as witnesses is undermined should the crimes ever be investigated or go to court, which is another motivation of the perpetrators.

The extreme nature of the abuse: The crimes committed against children in the production of XXX/hard-core child pornography are truly horrific. So dreadful are they that when authorities report the findings of raids they undertaken, often they will publicly describe the images as "unspeakable" rather than describe them in any detail. Almost all of the victims of Australian illicit-commercially produced child pornography with whom CSAPP has worked report being abused by multiple offenders, having to engage in bestiality and other degrading sexual acts, having to engage in sexual acts with family members, as well as being sexually tortured. The victims CSAPP has worked with have all stated that overcoming the effects of these experiences is a life-long struggle.

Denial by authorities: Many of the victims of Australian professionally produced child pornography with whom CSAPP has worked reported the crimes committed against them to the authorities at some stage. Some of the victims are now adults, including mature adults, young adults and children. Sadly, for a significant number of these victims, the response they received from the authorities was less than positive, with many victims of commercially produced child pornography being told "Child pornography isn't produced in Australia". The denial that child pornography is commercially produced in Australia compounds the devastating effects of the crime as the victims are further marginalised and alienated. They are also deprived of the opportunity for the crimes committed against them to be thoroughly investigated and for them to have a chance at receiving justice.

Recommendation: It is recommended that resources be made available to investigate the nature and extent of domestic and commercial production of child pornography within Australia. Given the sensitive nature of the issue, such an investigation would have to be conducted by a specialised agency / service with suitable experience and sensitivity (for example, the Australian Institute of Criminology).

Denial by other agencies/services: Unfortunately, the official denial of the commercial production of child pornography in Australia sometimes results in victims being denied the opportunity to receive desperately needed counselling and support. There is a significant need for specialist services to be established / made available to victims of "complex" sexual assault and trauma, including victims of XXX / hard-core child pornography. At present, there are only a limited number of agencies/services that have the expertise and resources to help these victims.

Recommendation: It is recommended that resources be made available to establish support services specifically equipped to deal with child victims of "complex" / extreme trauma, including victims of child pornography; and/or that current services, such as sexual assault counselling services, be given the resources to receive specialist training and implement specialist programs, to support child and adult victims of complex trauma, including child pornography.

It must be noted that while victims of (illicit) commercially produced child pornography have experienced difficulties associated with official and/or other denial of the existence of the problem, victims of domestic/cottage child pornography production with whom CSAPP has worked have often had very positive experiences with local police and support services. Perhaps this is because the crimes, compared with the extreme nature of XXX/hard-core child pornography, are generally less "offensive" and confronting. Perhaps too, they are easier to investigate as they involve one or a small number of "regular" offenders and/or providing counselling for the victims is less challenging and demanding.

For many years victims of child sexual abuse had to contend with denial by society and the authorities (including police, church leadership etc). However, recent decades has seen society open its eyes to the nature, extent and consequences of child sexual abuse. The production and distribution of child pornography, particularly XXX/hard-core child pornography, is extremely confronting and distressing to most people. However, as a society, we do ourselves, and particularly the victims, a major

disservice by denying the problem. The first step in beginning to address any problem is to acknowledge that it exists. Only then can we put in place the strategies that are needed overcome it, and in the case of commercially produced child pornography, to rescue and protect the victims and make the perpetrators accountable for their crimes.

Links between organised crime and the production of child pornography: Many of the victims of Australian commercially produced child pornography reported links between the child pornography and other organised crime activities. That is, the groups that were forcing them to participate in the production of child pornography and who were then distributing the material through organised and sophisticated networks, were also trafficking drugs and illegal weapons, and in some cases, people, including children. A connection between the production and distribution of child pornography and other organised crime activities should not be surprising, as all of these activities are highly lucrative and rely on sophisticated networks for production and distribution. Investigations, such as the Wood Royal Commission, have previously identified the links between pedophilia, other organised crime activities and police/official corruption.

Recommendation: Given the lucrative and global nature of the production and distribution of child pornography, it is recommended that commercially produced child pornography be investigated within the context of organised crime in general. It is recommended that the level of resources allocated to the investigation of child pornography production and distribution in Australia equal that of other areas of organised crime, such as drug, weapons and people trafficking. It is further recommended that the anti-corruption safeguards that are in place for other highly sensitive/lucrative criminal investigations (e.g., drug trafficking, laundering) be put in place to ensure the integrity of child pornography investigations.

   (iii)   **Australian and international responses to current cyber-safety threats (education, filtering, regulation, enforcement) their effectiveness and costs to stakeholders, including business;**

Legislative Responses

Australia and most Australian jurisdictions have introduced specific legislation to try to keep children safe from cyber-based child sexual exploitation, such as online child grooming offences. Other jurisdictions have also implemented legislation specifically to deal with the online safety threats faced by children (for example, the US Stop the Online Exploitation of Our Children Act (s7) which requires online operators to remove offenders from social networking sites). However, some jurisdictions have differing legislation (such as different ages of consent across countries), while others have no legislation at all (for example, Portugal does not have any anti-child pornography legislation). Cross jurisdictional issues can severely hamper legislative approaches to dealing with internet-based child exploitation. If advances are to be made in keeping children safe on the internet, it is imperative that the disparities in legislation across countries are addressed in a concerted and unified manner.

Nonetheless, in Australia additional legislation could be introduced to further protect children from cyber-based sexual predators, such as the regulation of the behaviour of

sexual offenders on release from prison, sex offender registration and community notification, compulsory treatment programs for those convicted of accessing, downloading, producing and distributing child pornography, and the requirement that online operators remove offenders from social networking sites (Choo, 2009).

In addition, some current legislation (and the implementation of the legislation) relating to internet-based (and other) sexual exploitation of children should be reviewed and amended where necessary. For example, under s 578B (2) *Crimes Act 1900* (NSW) relating to offences of possessing child pornography the maximum penalty is the equivalent of $11,000 or two years imprisonment or both. Under 578C (2A) *Crimes Act 1900* (NSW) relating to offences for the publishing child pornography the maximum penalty is $110,000 or five years imprisonment or both (Krone, 2009). A review by Krone (2009) of the sentencing from January 2000 to December 2003 revealed that the actual sentencing in cases of possessing and publishing child pornography was minimal. For example, of the 62 cases dealt with by the local court for the offence of possessing child pornography, 48 percent were convicted and placed on a bond, less than half of these were to supervision as a condition of the bond. In nine cases suspended sentences were handed down and only eight cases resulted in full-time custodial sentence with the average sentence being six months. Of the 11 cases dealt with for publishing child pornography, five were placed on a bond and only two were subject to supervision as a condition of the bond. In two cases the offenders were required to perform community service and in only one case the offender was sentenced to a custodial sentence (three months). One offender received a fine (Krone, 2009).

One of the factors that may lead to the minimisation of the crime of possessing child pornography is the idea that "s/he was only looking – s/he didn't actually touch the child". Unfortunately, this attitude overlooks a fundamental issue: Demand. The more people who want child pornography, the more unscrupulous individuals will be motivated to produce it. The more that is produced, the more children will be sexually exploited and abused to produce the material. If there was no demand for child pornography there would be no production, obviously. It is absolutely critical that demand is stemmed if we are to begin to take steps to protect children from this terrible crime.

Recommendation: This submission has previously described some of the devastating effects of the production and distribution of child pornography on child-victims. Given the seriousness of the crime in relation to its impact on individual victims and on society in general, and given the fact that the child pornography is escalating exponentially throughout the world, CSAPP recommends that sentencing legislation (and enforcement) for child pornography offences be amended to reflect the true seriousness of the crimes. It is crucial that perpetrators and would-be perpetrators are left in no doubt that the crime is taken seriously by both the investigating authorities and the legal system and that proper deterrents are put in place and enforced.

International police taskforces and specialist units

Australian authorities, such as the Australian Federal Police Online Child Exploitation Team have played and continue to play a role in international task forces that enable collaboration and invaluable intelligence sharing). While there has been sporadic

media over the past decade to publicise international raids and arrests, in proportion to the scale of the problem of internet-based child pornography and other forms of online child sexual exploitation worldwide, the number of actual arrests is relatively low. It is imperative that child pornography and other internet-based crimes against children be given a higher priority within law-enforcement agencies, including within Australia.

Recommendation: Australian taskforces and specialist units relating to online child sexual exploitation should be given high priority within law enforcement in general The resourcing of such taskforces/units should be reflect the scale of the problem.

Online Reporting and Hotlines

Recommendation: Children face an avalanche of threats in the cyber-environment, from exposure to pornography, to cyber-based bullying, the production and distribution of child pornography, to actual sexual assault and even murder. Research has identified huge numbers of children at risk, and significant numbers experiencing harm. Given this level of risk, CSAPP recommends that serious consideration be given to the adoption, expansion and widespread publication of an Australian cyber-safety hotline, such as the international the INHOPE hotline.

Filters

Countries such as China and Syria (amongst others) have introduced internet filtering to restrict access to websites that host illegal and/or objectionable material, including child exploitation. Proposals have been made to introduce "server-side" filtering in Australia. However, this proposal has received widespread significant criticism including a number of large-scale campaigns against the proposal (for example, Get Up campaign 2010, reporters Without Borders 'World Day Against Global Censorship'). Criticisms have included the fact that the censored material would not be limited to child pornography and that the selection of websites to be filtered would not be open to scrutiny or a transparent democratic process. Other criticisms have included questions concerning the effectiveness and cost of any potential server-side filter.

Recommendation: CSAPP recommends that a server-side filter not be introduced in Australia. However, CSAPP notes that "client-side" filtering (where the responsibility for blocking potentially objectionable materials lies with the individual user and his/her home computer rather than the Internet Service Provider or Internet Content Provider) offers promise to parents, teachers, and others who have care and responsibility for children. CSAPP recommends that resources and incentives be put in place to encourage information technology and security researchers to develop software that is effective at blocking child pornography, and for resources to be put in place for the education and training of those who have care and responsibility for children.

   (iv)   **Opportunities for cooperation across Australian stakeholders and with international stakeholders in dealing with cyber-safety issues;**

(v) **Examining the need to ensure that the opportunities presented by, and economic benefits of, new technologies are maximised;**

(vi) **Ways to support schools to change their culture to reduce the incidence and harmful effects of cyber bullying including by:**

- **increasing awareness of cyber –safety good practice;**

- **encouraging schools to work with the broader school community, especially parents , to develop consistent, whole school approaches; and**

- **analysing best practice approaches to training and professional development programs and resources that are available to enable school staff to effectively respond to cyber-bullying;**

Education

Education is a crucial strategy for protecting children from the dangers of the internet and other technological communication devices. It is imperative that education programs are resourced, designed and delivered to children of all ages, as well as relevant adults, to address this issue. Children need to be made aware of the dangers of the internet and electronic communication, and to be given information and skills on how to protect themselves and/or get assistance if and when they face a dangerous situation. In addition to performing a monitoring role and giving their children information and guidance on this topic, parents need to have access to education and training on how they can protect their children online, and how they can teach their children safety strategies when using the internet.

The following model has been developed (Michaelson, 1991)* to prevent the abuse of children through the provision of community education and support.

The quality and efficacy of the program / model has been recognised in many ways. For example, CSAPP was internally and independently evaluated as part of the author's doctoral research thesis, which was awarded the 2001 Victoria University Vice Chancellor's Medal for Excellence in Research (Michaelson, 2001). CSAPP was also awarded the 1998 Australian Violence Prevention Award and the 2001 National Child Abuse Prevention Award for Innovation, amongst other awards.

The Model:

> A Response Team of relevant services and community leaders to support the program
> Information Sessions and Workshops for Parents
> Workshops for Teachers and Other Professionals Who Work With Youth
> Programs for Children and Young People
> Culturally appropriate resources to complement the programs

The model has potential to increase community awareness and skills in the prevention of all forms of child maltreatment, including online threats to children, by:

1. providing adults in the community with the information and skills to better protect children

2. providing children and young people with the information and skills they need to avoid a potentially abusive/exploitative situation or to get help and support sooner if they are unsafe
3. empowering communities to proactively address the problem
4. encouraging community ownership of the project
5. promoting a physically and emotionally safe community for children

The components of the model need to be implemented in the correct order in order to protect children. Specifically, it is essential that relevant adults are educated on child protection matters (e.g., teachers and parents) prior to children receiving education in order to maximise the probability of children who are in an unsafe situation receiving an effective response.

STEP 1: ESTABLISHMENT OF A RESPONSE TEAM
The role of the Response Team is to ensure that any issues that arise as a result of the program are dealt with sensitively and effectively and in an integrated approach.

PRIOR TO INTRODUCTION OF THE PROGRAM
Organise a meeting with any, preferably all, of the following:

- School Principal and/or leading teacher/s and school counsellor/s
- Local police
- Local Child Protection worker/s
- Counsellor / support workers from relevant services (e.g., Bravehearts)
- Program facilitators

At the first meeting, discuss

- Program content
- Program implementation including resources (e.g., television, DVD player, handout materials)
- Proposed program dates, times, locations etc
- Guest speaker representatives, topics, dates, times etc*
- Response Protocol (that is, how disclosures from children will be responded to in the program)**
- Future meeting dates

*Guest Speakers
Seek attendance of the Police, Child Protection Workers and Counsellors, at

1. Parent Information Session and subsequent Workshops for Parents
2. Workshops for Teachers / Professionals Who Work With Youth
3. Relevant components of Program for Students / Children.

**Response Protocol
Develop / refine the Response Protocol for dealing with children's disclosures and any other issues that may arise (e.g., adult disclosures, family conflict arising from past issues etc).

Plan proactively / strategically for any problems that may arise (e.g., based on local history of issues faced by specific island / community).

DURING THE COURSE OF THE PROGRAM

Meet at least once during the course of the Program for students / children to discuss any issues that may have arisen during the program (e.g., child or adult disclosure, participants requiring intervention and/or support).

AT THE END OF THE PROGRAM

Meet at the conclusion of the Program for students / children to discuss any issues that have arisen as a result of the program, evaluate the program and make any suggestions for future programs.

STEP 2: WORKSHOPS FOR TEACHERS AND/OR OTHER PROFESSIONALS WHO WORK WITH CHILDREN AND YOUNG PEOPLE

TIMING OF THE WORKSHOP

The Workshop for Teachers (and/or Other Professionals Who Work with Children and Young People) are implemented *at least 2-weeks prior* to the implementation of the student programs and preferably just prior to the Parent Information Session (in the same week, if possible).

The aims of the workshop are to
- Ensure teachers are aware of that the program is soon to be implemented with students at their school (or organisation) and
- Equip them with the information and skills they need to support the student program.

The student program is delivered by specially trained facilitators, but teacher can also be trained in a Train the Trainer model.

STEP 3: PARENT INFORMATION SESSIONS

The aim of the Parent Information Session is to increase the awareness of parents/caregivers on issues concerning child maltreatment, including cyber-based child abuse and exploitation and how they can better protect their child/ children from abuse. It is also to familiarise them with the workshop for students. Further skills can be taught at subsequent **Workshops for Parents,** which are likewise held at the school, with the participation of Guest Speakers.

TIMING OF THE SESSION/S

The Parent Information Session/s are conducted at least 2 weeks prior to the program for students and *preferably in the same week as the Workshop for Teachers* / Other Professionals who Work With Children and Young People.

STEP 4: PROGRAMS FOR CHILDREN AND YOUNG PEOPLE

The aim of the Programs for Children and Young People is to provide children and young people with the information and skills they need to avoid a potentially abusive situation and/ or to get help and support sooner if they are abused. The "Safe Surfing" workshop has been developed to addresses issues directly related to online safety, including discussing the types of things children can do on the internet, potentially

unsafe / dangers of the internet, warning signs when online, rights and responsibilities (addressing cyber-bullying), unsafe scenarios, safety strategies and safety rules, how to get help/support, and where to get help/support etc.

ESSENTIAL: The workshops for students are implemented only AFTER the workshops and sessions for adults have been conducted as it is crucial that all adults have been educated and know how to support children before the children receive their program.

Recommendation: Given the large numbers of children who use the internet and other electronic communication devices, cyber-safety education needs to be given a high priority in the education system. CSAPP recommends that this topic be incorporated into the national curriculum. In addition, CSAPP recommends the provision of funding to organisations who have established expertise in child sexual abuse/exploitation education / prevention. Due to the engagement of CSAPP's Executive Director in the Northern Territory, CSAPP is not in a position to undertake this role at present, however other specialist non-government organisations, such as Bravehearts Inc. are in an excellent position to expand their current personal safety program to include online safety for children (Bravehearts Inc, 2008). The above model is recommended for a collaborative approach to such an education initiative.

    (vii)   analysing information on achieving and continuing world's best practice safeguards;

See above.

    (b) such other matters relating to cyber-safety referred by the Minister for Broadband, Communications and the Digital Economy or either House.

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CONCLUSION

While the internet and other advanced communication technologies have brought undoubted benefits to our society, including to children, children also face a plethora of dangers and threats in this "brave new world". In order to keep children safe in this new technological era, everybody, from global corporations, to governments, to regular mums and dads, must step up to the plate and realise their responsibilities and obligations. The submission addresses a number of the Terms of Reference of the Inquiry into Cyber-Safety and makes a number of recommendations to better protect children in the cyber-safety environment. Given the scale of the threat to children, in Australia and all over the world, and given the indescribable suffering of those children who have experienced, and continue to experience, the worst of human nature through the internet medium, the protection of children must be given the highest priority. The Joint Select Committee on Cyber-Safety is to be congratulated for undertaking the Inquiry into Cyber Safety and it is hoped that it will result in significant advances in the protection of children in Australia and throughout the world.

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