

Cyber-stalking, online grooming and sexting

- 4.1 Cyber-stalking, online grooming, sexting and illegal and inappropriate content all represent significant cyber-safety and are the focus of this chapter. The prevalence, impact and sanctions and research status of these activities is also discussed. Sanctions against these abuses are set out in Chapter 11.

Cyber-stalking

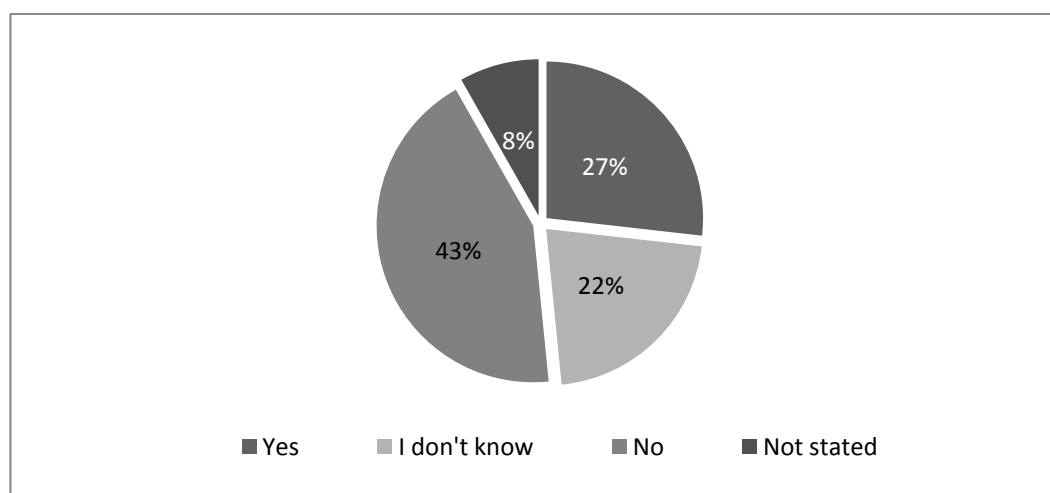
Cyber-stalking and grooming are emerging phenomenon that often do not have their origins offline unlike cyber-bullying ... Those who received sexual solicitations were more likely to share personal information with strangers online and engage in offline risky behaviours.¹

- 4.2 According to the Australian Institute of Criminology, cyber-stalking can include:
- Sending repeated unwanted messages using email and SMS, or posting messages on blogs, profiles on social networking sites;
 - Ordering goods and services on behalf of a victim that could result in legal and financial losses to the victim, including to her/his reputation;
 - Publicising private information about a victim;
 - Spreading false information;
 - Gathering information online about a victim;

1 Peer Support Australia, *Submission 48*, p. 6.

- Encouraging others to harass a victim; and
 - Unauthorised access to a victim's computer(s) or Internet accounts (e.g. email and social networking site accounts).²
- 4.3 Cyber-stalking is harassing behaviour using one or more of the platforms in the online environment. It can include frequent and intrusive threats, cryptic messages and sexual innuendo. Its usual goal is to create a sense of fear in the recipient based on control and intimidation. Some adult predators pretend, by creating fake profiles with false ages and identities, to be a young person to befriend and gain the trust of young people online.³
- 4.4 There appears to be a relationship between bullying and stalking, as episodes are sometimes preceded by bullying behaviour.⁴
- 4.5 Young Australians appear unsure of what cyber-stalking involves. Participants in the Committee's *Are you safe?* survey aged 13 years or older were asked if repeatedly accessing a stranger's Facebook page is stalking. Of the survey's participants in this age category, 26.8 percent believe that this conduct is stalking, 43.4 percent believe that it is not, and 21.6 percent are unsure. The remaining 8.2 percent of respondents did not answer the question.

Figure 4.1 Is repeatedly accessing someone's Facebook page stalking? (*Aged 13 years and older*)



2 Australian Institute of Criminology, *Submission 56*, p. 10 citing Mullen PE, Pathé M and Purcell R 2009. *Stalkers and their victims (2nd ed)*. Cambridge: Cambridge University Press.

3 See Attorney-General's Department, *Submission 58*, p. 4; Ms Sonya Ryan, *Transcript of Evidence*, 3 February 2011, p. CS59. Cyber-stalking may also become sexual grooming: see below.

4 Mental Health Council of Australia, *Submission 52*, p. 4 citing Purcell R, Flower T, Mullen P, 2009, 'Adolescent stalking: Offence characteristics and effectiveness of intervention orders', *Trends and Issues in Crime and Criminal Justice*, 369. Canberra, ACT.

Table 4.1 Is repeatedly accessing someone's Facebook page stalking?

	Yes		No		I don't know		Not stated		Total
	%	#	%	#	%	#	%	#	#
Male	29.9	1855	48.5	3013	19.8	1230	1.8	109	6207
Female	27.6	2108	45.1	3446	26.2	2001	1.1	82	7637
Gender Not Stated	11.6	196	16.3	274	7.6	128	64.5	1086	1684
Total	26.8	4159	43.4	6733	21.6	3359	8.2	1277	15528

4.6 The wealth of personal information and pictures online can potentially be used by individuals and sexual predators to identify, locate, contact, stalk and harass their victims. More than half of victims and offenders did not have prior relationships, probably because of the ease of locating victims online. Opportunities for cyber-stalking may increase with age, as older students will have greater access to platforms in the online environment.⁵

When engaging with the pre-teen audience, particularly younger children aged between 5 and 10, Childnet's privacy messages focus on the importance of keeping personal information, such as full name, email address, phone number, home address, photos, school name and passwords, private. The 2010 Safer Internet Day message of "Think Before You Post" is particularly important for those who frequently use social media services like Facebook. Information and images online have longevity and an incredible reach, which should be factored into any decision to post content and Childnet encourages all users to think about the possible implications and impact of their posts.⁶

4.7 People with online profiles are more likely to be harassed and bullied online, and to receive personal messages via email, instant messaging chat or text messages from strangers, than those without such profiles. Those

5 Australian Institute of Criminology, *Submission 56*, p. 9 citing Slonje R and Smith PK, 2008, 'Cyberbullying: Another main type of bullying?' *Scandinavian journal of psychology* 49(2): 147-154.

6 Childnet International, *Submission 18*, pp. 3-4.

who have posted photographs of themselves and created profiles on social networking sites are more likely to have been contacted online by people that they do not know. Girls are significantly more likely than boys to be contacted by someone they do not know.⁷

Genuineness of others online

i was chatting to a friend of mine, but slowly realised that it didn't seem like her. i asked and they replied that they were her cousin. without writing anything else i signed of and deleted that account (Female aged 16).

- 4.8 BraveHearts noted that meeting and corresponding with new people is an exciting aspect of the online environment. However, the Child Exploitation and Online Protection Centre found in 2007 that, of the eight million children in the United Kingdom with Internet access, one in 12 admitted to meeting someone they had initially met online.⁸ An Australian Institute of Criminology study in 2009 reported that 7 percent of young people reported that they had met someone offline, after meeting them online.⁹
- 4.9 BraveHearts noted that 24 percent of the young people in an Australian Institute of Criminology study published in 2009 reported that the person who had purported online to be a child was an adult. BraveHearts believed that meeting a person only previously encountered online is 'one of the most dangerous things' young people can do.¹⁰
- 4.10 Predators can often use the identities of professional musicians and celebrities to lure young people into conversations online because of their popularity among targeted age groups. Ms Sonya Ryan said that she has received 'hundreds' of emails from children seeking help, too afraid to talk to their parents in fear of punishment or removal of technology, or because they are embarrassed. She has also been contacted by parents who

7 Australian Institute of Criminology, *Submission 56*, p. 9, citing Cox Communications, 2007, www.cox.com/TakeCharge/includes/docs/survey_results_2007.ppt

8 BraveHearts, *Submission 34*, p. 6, citing Choo K, 2009, 'Online Child Grooming: A literature review on the misuse of social networking sites for grooming children for sexual offences', Canberra, Australian Institute of Criminology Research and Public Policy Series No. 103 and Child Exploitation and On-line Protection Centre, 2007, available at <http://www.ceop.gov.uk/>

9 BraveHearts, *Submission 34*, p. 6.

10 BraveHearts, *Submission 34*, p. 6.

do not know what to do, and are looking for information because they do not know what their young people are doing online.¹¹

- 4.11 With implications for their safety and their privacy, many young people have no knowledge:
- of the terms and conditions of access to social networking sites;
 - about privacy settings being continuously updated without notification;
 - that, if they have devices that are enabled for access to Global Positioning System, they can be found through photographs posted on their Facebook pages, or
 - about the different Facebook applications that give details of where someone has logged on, via Google Maps for example, so that potential predators could locate other people while they are on computers or a social networking sites.¹²

Prevalence

- 4.12 The prevalence of cyber-stalking in Australia is not known because little research has been published. It is therefore difficult to estimate how many young people are subject to this abuse. One study indicated that 5 percent of people overall are stalked online. Combined estimates from Australia, the United States and the United Kingdom indicate that about 7 percent of people are victims of cyber-stalking.¹³
- 4.13 iKeepSafe referred to a European Union study that showed meeting a stranger online was the 'least common risk': about 9 percent (one in 11), rising to one in five in some Eastern European countries. However, in several (unspecified) countries 15 to 20 percent of teenagers reported 'a degree of unease', or feeling uncomfortable or threatened online.¹⁴
- 4.14 The Committee's *Are you safe?* survey asked its respondents aged between five and 18 years of age, if they feel unsafe online. Female respondents reported higher rates of feeling unsafe than their male counterparts:

11 Ms Sonya Ryan, *Transcript of Evidence*, 3 February 2011, pp. CS59, 64, 72.

12 Ms Sonya Ryan, *Transcript of Evidence*, 3 February 2011, p. CS59.

13 Mental Health Council of Australia, *Submission 52*, p. 4, citing Cross *et al*, 2009, *Australian Covert Bullying Prevalence Study*, Child Health Promotion Research Centre, Edith Cowan University.

14 iKeepSafe, *Submission 101*, p. 5.

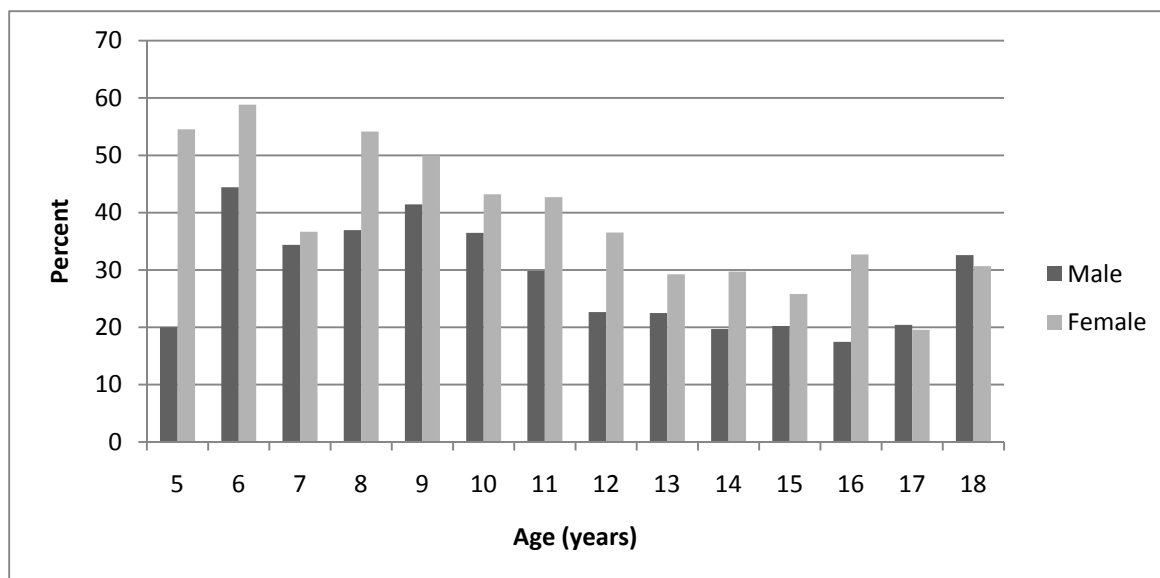
Figure 4.2 Proportion (%) of those who have felt unsafe online (*Age and gender*)

Table 4.2 Do you feel unsafe online?

		Yes		No	
Sex		%	#	%	#
5 Years	M	36.0	27	64.0	42
	F	32.9	27	67.1	46
6 Years	M	33.3	16	66.6	27
	F	37.5	24	62.5	37
7 Years	M	35.5	39	64.5	60
	F	39.2	38	60.8	51
8 Years	M	36.8	156	63.2	221
	F	45.4	224	54.6	230
9 Years	M	36.0	361	64	554
	F	46.1	497	53.9	514
10 Years	M	29.0	493	71.0	1084
	F	41.8	752	58.2	953
11 Years	M	26.2	603	73.8	1585
	F	37.4	935	62.6	1459
12 Years	M	22.3	499	77.7	1650
	F	33.1	749	66.9	1428

	Sex	Yes		No	
		%	#	%	#
13 Years	M	22.2	420	77.8	1470
	F	31.6	775	68.4	1681
14 Years	M	21.3	343	78.7	1269
	F	31.1	617	68.9	1365
15 Years	M	21.4	255	78.6	936
	F	31.5	433	68.5	941
16 Years	M	17.1	138	82.9	669
	F	29.7	296	70.3	702
17 Years	M	23.0	91	77.0	304
	F	29.4	167	70.6	401
18 Years	M	28.8	90	10.0	222
	F	30.5	79	21.0	180

4.15 Respondents in the *Are you safe?* survey explained their reasons for feeling unsafe when online:

A few unknown people have added me before or talking to me on a social networking sites, but most of them seemed harmless but all of them I blocked and haven't heard from since (Female aged 15).

A man contacted me after I posted on a public thread on Facebook. I thought nothing of it until recently, when he wanted to be more than just friends (Female aged 15).

A man on facebook sent me an 'inbox' message. Who I didn't know. And didn't plan on. He told me to add him as a friend and that I was beautiful and stuff... (Female aged 14).

About a month ago I went on msn and had heaps of friends that I knew that wanted to add me. While I was accepting the ones I knew and declining the ones I didn't, I accidently accepted one I didn't know. When I saw that I'd added them, I messaged them and said "Hey, do I know you?" They replied by saying "Noo. Well, sort of." But I honestly didn't know this person, I had never met them or even heard of them. Anyway, I left the room with my friend and I left for about 2 hours and completely forgot about my msn. When I got back in my room I remembered and

went and checked it. When I looked at my chat screen with this person, there was a massive amount of abuse towards me on there. Such as threatening to rape me, then kill me, and then eat my flesh. I was so scared. I still am today, I'm afraid that this person knows a lot about me, knows what school I go to or knows where I live and that they are going to come and do what they said. It's scary going through that thought everyday (Female aged 15).

i feel uncomfortable when people that have no mutual friends try to get me to be their friends. how did they find me? (Female aged 13).

I feel unsafe at times because there is always evidence of what you do on the net (Male aged 14).

I googled myself as a joke, to look at others with the same name as me... but i found pictures of myself on there aswell. This freaked me out (Female aged 15).

I have a close friend who, a few years ago, was not very careful with posting personal information on the Internet. The issue has since been resolved, but at the time I was quite worried that her carelessness was putting us both in danger (Female aged 16).

I have had a recent issue with a group of girls who have threatened me, thus feeling unsafe (Female aged 17).

- 4.16 Some respondents went on to explain the dangers they perceive when asked why they feel unsafe:

I believe that the cyber world is a dangerous place and I believe that the amount of information about yourself and other without their permission should be kept to a minimum or should not be expressed in the cyber world (Female aged 16).

I love being online talking to friends. But there are the chances of something bad happening. My parents always warn and inform me to be aware when being online for e.g. don't tell anybody your personal details (Female aged 15).

- 4.17 Conversely, those that feel safe online, commented through free text spaces their reasons for feeling safe:

I don't [feel unsafe] because all of my accounts have the highest security settings and my parents check my accounts regularly (Female aged 13).

I don't feel unsafe because I'm aware of the dangers. I do not have Facebook or other exposing things like Twitter, MySpace. The only thing I have is MSN which I'm really safe with and I don't use it that often. The detail I put on there is very limited even to my friends because I do not know what the dangers of a predator are and if my friends are really my friends. I do not talk to strangers and ask my friends if they have MSN and add them myself (Female aged 13).

I don't have any online accounts that I use except for a family shared email account and my own. Therefore my family can always see who I'm keeping in touch with (Female aged 13).

I don't have Facebook or any of those things because I don't like them but I don't think that they are safe either. They aren't safe because people can track you down and you have to put some information on that you shouldn't be asked to show (Female aged 13).

I have always been very careful on the internet and make sure I'm not putting myself in a dangerous situation (Male aged 13).

I think that the internet can be a safe place if you know how to use it properly. For example if you are using a site like Facebook it is very important that you know who you are talking to when you are in a chat room and only accept people as friends if you know them like your family members and close friends (Female aged 13).

If you reject people you don't know, and control and limit the information you put up there, it is a safer way to be. I don't go out looking for strangers on the internet (Female aged 16).

Impact

- 4.18 By using fake profiles and false ages, criminals lured young people such as Carly Ryan and Nona Belomesoff to their deaths in Australia, and there have been 'a number' of similar cases in the United Kingdom. Although murder is not always the outcome, rapes, assaults and kidnappings can result from cyber-stalking.¹⁵ Further, cyber-stalking may progress to sexual grooming.¹⁶

15 Ms Sonya Ryan, *Transcript of Evidence*, 3 February 2011, p. CS59.

16 Attorney-General's Department, *Submission 58*, p. 4.

- 4.19 Mr Mark Newton commented on the impact that cyber-stalking can have on the target:

The aim of a stalker is to undermine the victim's sense of personal security. A stalker will use any means available to carry out their task: Physical presence, telephone calls, letters, text messages: Anything that makes the victim think about the stalker ... The online world can also assist a stalker by providing access to any parts of the victim's life which have been published online with inadequate privacy: Blogs, networks of acquaintances stored by social networking sites, photographs on personal websites. Any personal information the victim has published during the entirety of their pre-stalked life can aid the stalker.¹⁷

- 4.20 Ms Candice Jansz cautioned that on average young people's profiles on social networking sites contain 40 separate pieces of personal information including full names, ages, contact details, sexual experience and relationships.¹⁸

Such exposure in what is an essentially public setting, can leave young people open to potentially unsavoury consequences, including but not limited to damage to their long-term reputations and employment prospects, cyberbullying and online solicitation.¹⁹

- 4.21 The Mental Health Council of Australia believed that cyber-stalking was a risk area that posed great risks to the mental health of young people, both immediately and chronically.

- 4.22 The National Children's and Youth Law Centre's Lawmail service had received Lawmails relating to threat or concerns about a stalker:

Community legal education should be increased to make young people aware that such threats are not tolerated by the law and will be taken seriously by police.²⁰

- 4.23 Similarly, the NSW Primary Principal's Association commented:

In Primary schools, children's names are regularly reported in documents such as newsletters and Annual School Reports - this could potentially put them at risk of harm as these documents are now published on school websites. A child's name combined with

17 Mr Mark Newton, *Submission 15*, p. 7.

18 Ms Candice Jansz, *Submission 44*, p. 3.

19 Ms Candice Jansz, *Submission 44*, p. 4.

20 National Children's and Youth Law Centre, *Submission 138*, p. 6.

knowledge of the suburb in which they live could potentially give a person sufficient details to contact a child via a social networking site at home. Schools are now considering ways to protect children's identities to avoid the possibility of being contacted online inappropriately.²¹

Sanctions against cyber-stalking

- 4.24 All Australian jurisdictions have laws dealing with cyber-stalking. Victoria and Queensland have explicitly extended the definition of the crime to include the sending of electronic messages. State/Territory jurisdictions can also rely on offences in the Commonwealth Criminal Code which directly address these abuses.²² These offences are listed in Appendix E.
- 4.25 Sanctions for cyber-stalking are dealt with in more detail in Chapter 11 where legislative options are considered.

Sexual grooming

- 4.26 Sometimes known as 'child grooming' or 'online grooming', sexual grooming refers to a range of calculated behaviours designed to make it easier for an offender to procure a young person for sexual activity.
- 4.27 While technology has not been shown to substantially increase the number of paedophiles (older people with a pathological interest in children/young people), it has sped up the process and intensity of sexual exploitation. Potential offenders do not now have to look around their neighbourhoods to gain access to a child or a young person, as personal information is easily found about individuals online. Targets are easily found.²³

Most offenders who initiate sexual contact via the Internet met their victims in chat rooms.²⁴

- 4.28 Before a subject is targeted, it may be preceded by cyber-stalking. For example, an offender might build a relationship of trust with a child and

21 NSW Primary Principal's Association Inc, *Submission 69*, p. 3.

22 Attorney-General's Department, *Submission 58*, pp. 3-4.

23 Alannah and Madeline Foundation, *Submission 22*, pp. 19- 20.

24 Mental Health Council of Australia, *Submission 52*, p. 4 citing Cross *et al*, 2009, *Australian Covert Bullying Prevalence Study*, Child Health Promotion Research Centre, Edith Cowan University.

then seek to sexualise that relationship by encouraging romantic feelings, or by exposing the child to sexual concepts through pornography.²⁵ There is:

... a subgroup of the whole – a very small proportion – who actually go through and, if you like, consummate the relationship. They do this even once they become aware that the person on the other end of the conversation is not actually a 23-year old but, rather, a 45-year old, for argument's sake. They still feel that there is something in that relationship that meets whatever needs they feel they have. It is a very alarming and unfortunate subset of kids.²⁶

4.29 The Youth Affairs Council of South Australia added that:

In fact, research suggests that in the majority of online sexual solicitation cases referred to police, adult offenders are honest about being an adult, and are honest about their intentions to have sex with the young person they have solicited.²⁷

4.30 Research has shown that 75 percent of young people who meet the adult physically do so on more than one occasion:

This suggests that offenders are using young people's natural curiosity towards sex and sexuality to build relationships – no matter how inappropriate – rather than coercing or threatening young people.²⁸

4.31 The Alannah and Madeline Foundation expressed concern that:

Young people are often unaware of the offline consequences of their online actions. Adolescents who are vulnerable for a variety of reasons and who may be having trouble at school or at home tend to engage in the most serious risk-taking online. They are the group that is the least likely to self-protect online by guarding passwords, or showing caution in posting pictures and so forth.²⁹

25 Attorney-General's Department, *Submission 58*, p. 5; Alannah and Madeline Foundation, *Submission 22*, p. 19.

26 Mr Peter Coroneos, Chief Executive Officer, Internet Industry Association, *Transcript of Evidence*, 11 June 2010, p. CS31.

27 Youth Affairs Council of South Australia, *Supplementary Submission 25.1*, p. 9, citing Ybarra M and Mitchell K, 2008, 'How risky are social networking sites? A comparison of Places Online where youth sexual solicitation and harassment occurs', *Pediatrics* 121: 350-357.

28 Youth Affairs Council of South Australia, *Supplementary Submission 25.1*, p. 9, citing Ybarra M and Mitchell K, 2008, 'How risky are social networking sites? A comparison of Places Online where youth sexual solicitation and harassment occurs', *Pediatrics*, 121: p. 355.

29 Alannah and Madeline Foundation, *Submission 22*, p. 21.

- 4.32 Children have always been at a higher risk of being the prey of older people with a pathological interest because of their incomplete social and emotional development:

Unfortunately, not everyone is honest about who they are and children and young people can be particularly susceptible to trusting people on-line. The reality is that there are predators who pretend to be a young person in order to befriend and gain the trust of children and young people. Twenty-four percent of the young people in findings discussed in Choo (2009) reported that the person they met had presented themselves as a child on-line, but had turned out to be an adult.³⁰

- 4.33 While some children engage in inherently risky behaviour, those with 'low self-esteem, lack of confidence and naivety' are more at risk and likely to be targeted by offenders.³¹

We increasingly live in a society where online users are forced to enter their personal data to access services, purchase goods or interact with one another. Nothing online is private and in fact every keystroke leaves a digital footprint. Law enforcement agencies find this digital footprint useful and increasingly use it to track arrest and bring offenders of many persuasions to account.³²

- 4.34 The South Australian Police use a number of methods for policing suspicious communications between adults and children including covert and under-cover operations and these matters are referred to other law enforcement agencies where there is a jurisdictional nexus.³³

- 4.35 When asked if they have ever felt unsafe online, the Committee received comments from female respondents addressing attempted sexual grooming:

I have occasionally recieved friend requests from strangers through social networks Myspace and Facebook. They are generally male, and

30 BraveHearts, *Submission 34*, p. 6, citing Choo K, 2009, 'Online Child Grooming: A literature review on the misuse of social networking sites for grooming children for sexual offences', *Canberra, Australian Institute of Criminology Research and Public Policy Series No. 103*. .

31 Alannah and Madeline Foundation, *Submission 22*, p. 19 citing Australian Institute of Criminology, 2009, research: www.aic.gov.au/publications/current_series/tandi/361-380/tandi379.aspx.

32 Alannah and Madeline Foundation, *Submission 22*, p. 26.

33 South Australia Police, *Submission 86*, p. 2.

middle-aged. I never accept. However, they can (and sometimes have in the past) contacted me via the 'message' section, which freaks me out (Female aged 17).

i dont like men looking at my profile, not knowing who they are, it freaks me out! i have trued to put my account on private but im not sure how (Female aged 13).

I am almost 18 so I feel like I would be less of a target for paedophiles and the like, so I feel more comfortable putting up details like my age and the school I attended. I don't think this should be done by younger children and teenagers who are more at threat (Female aged 17).

Prevalence

- 4.36 About 75 percent of young people who are sexually solicited online were able to deal with approaches because they had strategies to block them and it did not bother them.³⁴

The degree to which children are targeted for online sexual purposes is difficult to determine because of its illegal nature and the secretive behaviours of both perpetrators and victims. Child victims are unlikely to report for the same reasons they do not report bullying: shame, fear that adult intervention will make the problem worse or that their access to favourite applications will be removed.³⁵

- 4.37 The Australian Institute of Criminology provided the following summary of the available statistics:

Until 2007, there have been over 130 completed prosecutions for online procuring, grooming and exposure offences in Australia (Griffith & Roth 2007). The number of police investigations into online child exploitation has increased considerably in recent years. Statistics compiled by the Commonwealth Director of Public Prosecutions indicated that in the financial year 2008-2009, there were;

- two Summary (Charges) and 18 Indictable (Charges) under Section 474.26 Criminal Code 1995 (Cth) - Using a carriage service to procure persons under 16 years of age'; and

34 Dr Julian Dooley, *Transcript of Evidence*, 11 June 2010, p. CS28; Mr Peter Coroneos, Chief Executive Officer, Internet Industry Association, *Transcript of Evidence*, 11 June 2010, p. CS31.

35 Alannah and Madeline Foundation, *Submission 22*, p. 20.

- five Summary (Charges) and 15 Indictable (Charges) under Section 474.27 Criminal Code 1995 (Cth) – Using a carriage service to “groom” persons under 16 years of age (CDPP 2010).³⁶

4.38 Mr Bruce Arnold pointed out that, while sexual grooming certainly occurs in Australia, most molestation of children is independent of the Internet, and of strangers.³⁷ The Youth Affairs Council of South Australia reported that ‘the type of sexual solicitation most often reported by the media, and most dreaded by parents and caregivers – that of the adult stranger targeting a young person – is very rare’.³⁸

The experience of the stranger danger” in real world settings is instructive here. The focus on stranger danger initially adopted by authorities was eventually discarded when it became clear that the most common source of adult abuse of children was from adults known to them.³⁹

4.39 Adolescents are in fact more at risk from parents/carers, cousins, older siblings or babysitters, rather than from the unknown ‘monster behind the modem’.⁴⁰ The Youth Affairs Council of South Australia commented:

There are four common misconceptions raised by adults when considering the sexual solicitation of young people online: that adults who sexually solicit young people online conceal their identity and trick or coerce young people into meetings; that the majority of sexual solicitations are directed at children, rather than adolescents; that social networking sites the online places young people are in most danger of receiving unwanted sexual solicitations; and that it is predominantly older adults who target and solicit children and young people. Not one of these assumptions is supported by any of the existing research into online victimisation of young people.⁴¹

36 Australian Institute of Criminology, *Submission 56*, p. 5 citing Griffith G and Roth L, 2007, ‘Protecting children from online sexual predators’, *NSW Parliamentary Library briefing paper* no. 10/07. Sydney: NSW Parliamentary Library, [http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/0/3043E49AB3F4ABF9CA2573530006F989/\\$File/Dealing%20with%20Online%20PredatorsFINAL&INDEX.pdf](http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/0/3043E49AB3F4ABF9CA2573530006F989/$File/Dealing%20with%20Online%20PredatorsFINAL&INDEX.pdf) and Commonwealth Director of Public Prosecutions, 2010, *Annual report 2008 – 2009*, <http://www.cdpp.gov.au/Publications/AnnualReports/CDPP-Annual-Report-2008-2009.pdf>

37 Mr Bruce Arnold, *Submission 60*, pp. 5-6.

38 Youth Affairs Council of South Australia, *Submission 25*, p. 2.

39 Youth Affairs Council of South Australia, *Submission 25*, p. 2.

40 Mr Bruce Arnold, *Submission 60*, p. 6.

41 Youth Affairs Council of South Australia, *Supplementary Submission 25.1*, p. 4.

- 4.40 The Youth Affairs Council of South Australia highlighted some related research:

Additionally, research suggests that those young people who are more likely to take significant risks online- such as responding to sexual solicitation - are also more likely to take risks in other areas of their lives. Young people who take such risks often demonstrate characteristics including elevated rates of substance use, involvement in offline victimisation, perpetration of relational, physical, and sexual aggression, a propensity to respond to stimuli with anger, poor emotional bonds with caregivers, and poor caregiver monitoring.⁴²

- 4.41 The National Children's and Youth Law Centre noted that:

Although statistically, most child sex abuse takes place within the family or social circles rather than by strangers on the Internet, it is apparent that sexual predators do exist online and both sources of risk must be seriously and comprehensively addressed.⁴³

Impact

- 4.42 The Office of the Victorian Child Safety Commissioner commented that the effects of sexual grooming include:

cognitive disorders, emotional pain, avoidance behaviours, low self-esteem, guilt, self-blame, self-harming behaviours, delinquency, substance abuse, vulnerability to repeated victimisation, interpersonal difficulties, dissociation and disbelief about the abuse, functional amnesia and effects on relationships with others (Calmer Classrooms, 2007). These can affect a young person's ability to experience success at school, either by the effects the abuse has had on the cognitive capacity of the child, or, exclusion from school due to extremely challenging behaviours. As can be seen the effects are long lasting and for many, the damage is permanent.⁴⁴

- 4.43 Parents Victoria provided the following example:
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42 Youth Affairs Council of South Australia, *Supplementary Submission 25.1*, p. 11, citing Ybarra M, Espelage D and Mitchell K, 2007, 'The occurrence of internet harassment and unwanted sexual solicitation victimisation and perpetration: association with psychosocial indicators', *Journal of Adolescent Health* 41: 31-41.

43 National Children's and Youth Law Centre, *Submission 138*, p. 7, citing Lamont A, 2011, 'Who Abuses Children', Resource Sheet, Australian Institute of Family Studies, p. 3.

44 Alannah and Madeline Foundation, *Submission 22*, p. 21.

I never imagined my child (14) would have been preyed upon. I considered our family to be really diligent with internet use but now I feel we did drop our guard. People would say we were lucky as our school were very communicative and supportive. We have worked closely with them and Victoria Police not just for our child but for any other students at risk. There were signs, we discussed and dismissed these behaviours as typical adolescent changes but unbeknown to us it was far more intrusive and sinister. Now the person has come to the attention of the authorities and it was confirmed our child was being groomed. I advise to all families that where there is information or opportunities on offer to learn prevention or strategies to remain cybersafe please pay attention and attend, you could save a family member from being another statistic.⁴⁵

Sanctions against sexual grooming

4.44 The sanctions against sexual grooming will be consider in detail in Chapter 11 which considers legislative options.

Research

4.45 It is difficult to determine the extent of online grooming in Australia. ninemsn supported the call for additional research:

we do not have any data regarding the level of cyber-grooming in Australia. ninemsn believes more Australian-based research into cyber safety risks is needed so that we are better informed about the prevalence of particular risks and the specific contexts in which they arise.⁴⁶

4.46 Yahoo!7 commented that:

There is a distinct lack of research and evidence into how Australian children are engaging with the Internet and how they, and their parents / carers perceive the safety risks associated with their children's use of the Internet. It would be extremely valuable for government and industry to gain a better understanding of the level of awareness amongst parents and carers of the range of

45 Parents Victoria, *Submission 143*, p. 2.

46 ninemsn, *Submission 91*, pp. 5-6.

existing safety tools available to assist in keeping their children safe online by way of example.⁴⁷

Sexting

4.47 Although sexting is seen as a 'new' technological trend, it was first reported in media in the United Kingdom in 2005. It is described as the practice among some young women and men of creating, sharing, sending or posting sexually suggestive or explicit messages or images via the Internet or mobile phones. This material often portrays the individual sending the message.⁴⁸

A recent survey in the UK in 2009 by the South West Grid for Learning revealed that around 40% of teens questioned said that they knew friends who had been involved in sexting. Over a quarter, 27%, of respondents said that sexting happened regularly or 'all of the time'. Additionally, 56% of respondents were aware of instances where images and videos were distributed further than the intended recipient, indicating that the majority of respondents knew that these images and videos were sent on beyond the people for whom they were intended, highlighting where sexting and cyberbullying can converge.⁴⁹

4.48 Once a message or image is sent, it is usually stored on the mobile phone, email inbox or on the social networking site of the individual or the group to whom it was sent. If a relationship deteriorates, the image may be posted online, used to cyber-bully, or go into collections of such material held by the offender(s).⁵⁰

4.49 The Australian University Cyberbullying Research Alliance commented that sexting raises moral, ethical, legal and parenting concerns at a significant time in young people's lives, as they are developing their sexual identities and engaging in early romantic relationships.⁵¹ However, Professor Karen Vered commented that:

47 Yahoo!7, *Submission 2*, p. 2.

48 BoysTown, *Submission 29*, p. 12; Alannah and Madeline Foundation, *Submission 22*, p. 22. See also Device Connections, *Submission 51*, p. 3, for another definition.

49 Childnet International, *Submission 18*, pp. 2-3 citing www.swgfl.org.uk/Staying-Safe/Sexting-Survey.

50 Alannah and Madeline Foundation, *Submission 22*, p. 22.

51 Australian University Cyberbullying Research Alliance, *Submission 62*, p. 11.

I increasingly find it very interesting that we continue as a society to deny young people's interest in sexual experience, for instance. We simply do not want to accept the fact that teenagers are sexually active, and by ignoring that and by pretending it is not so we make a lot of mistakes, and some of them have consequences for young people's health that they wear for the rest of their lives. It is that kind of thing. We really need to be realistic about what young people are doing with their time, whether we approve of it or not. You might not like it, but the fact is that if young people are engaged in certain behaviours and if we still feel responsible for them then we need to provide them with the tools, the means and the guidance to make those activities safe for them.⁵²

- 4.50 Sexting reflects the increasing sexualisation of the way young people present themselves. Dr Judith Slocombe from the Alannah and Madeline Foundation commented that young people have picked up 'adult values' in our society: bullying, violence and sexualised images.⁵³ This raises the issue of whether it is an error to approach cyber-safety in isolation without considering a wider spectrum of behavioural issues.

Prevalence

- 4.51 It is not clear how common sexting is in Australia. Kids Helpline has found that while sexting is a topic of interest among young people that 'due to its rising social stigmatisation, young people may not willingly admit that they engage in this behaviour'.⁵⁴
- 4.52 American research has indicated that about 4 percent of young people have sent nude or near-nude images to other people, and about 15 percent have received them. This suggests that such images had been passed to a wider group by the recipients.⁵⁵ Another American study revealed that 20 percent of young people 13 to 19 years have electronically sent or posted online nude or semi-nude pictures or videos of themselves: 22 percent girls, 18 percent boys.⁵⁶
- 4.53 Recent Australian research showed that, of 5,000 female and male students surveyed, about 10 percent had sent nude photos of themselves by mobile

52 Associate Professor Karen Vered, Department of Screen and Media, Flinders University, *Transcript of Evidence*, 3 February 2011, p. CS42.

53 Dr Judith Slocombe, Chief Executive Officer, Alannah and Madeline Foundation, *Transcript of Evidence*, 11 June 2010, p. CS46.

54 BoysTown, *Submission 29*, p.13.

55 Dr Julian Dooley, *Transcript of Evidence*, 11 June 2010, p. CS45.

56 iKeepSafe, *Submission 101*, p. 6.

phone. However, numbers rose from year 9 so that, by Year 11, about 17 percent had sent such photos.⁵⁷

Generation Next (Public Seminar Group on Children & Teenagers) reported 69% of teenagers have engaged in 'sexting' their girlfriends or boyfriends.⁵⁸

4.54 Sexting has become 'normalised behaviour' in adolescent culture. The American research referred to above showed that 17 percent of teenagers who send these images to people they know and trust manage their own mobile phone accounts, usually pre-paid. Of those whose parents manage the accounts, only 3 percent have sent such images which are then spread rapidly.⁵⁹

4.55 Dr Barbara Spears commented that,

Regarding sexting, we certainly had evidence in the insights project where counsellors were reporting the sexting going on but one of the issues was not that it was being sent from peer-to-peer initially but that a sibling within the family, as a payback, would take the mobile phone and send something on.⁶⁰

4.56 Participants in the Committee's *Are you safe?* survey were asked if they have sent nude or semi-nude photos to others via email, text or other communication methods. Overall, 91.2 percent of participants would not or have not sent nude or semi-nude pictures via new technologies.

4.57 There was a peak of this activity at the both ends of the age sample in that survey. Notably, 22.8 percent of female respondents aged 18 years answered that they would send nude or semi-nude photos. There was also a peak in 18 year old males: 17.3 percent identifying that they send nude or semi-nude photos to others. Such actions may expose these young adults to significant risk, and can have huge implications later in life.

57 Dr Paul Weldon, Research Fellow, Australian Council for Educational Research *Transcript of Evidence*, 9 December 2010, p. CS46.

58 Device Connections Pty Ltd, *Submission 51*, p. 12.

59 Ms Robyn Treyvaud, Founder, Cyber Safe Kids, *Transcript of Evidence*, 9 December 2010, p. CS39.

60 Dr Barbara Spears, Senior Lecturer, School of Education, University of South Australia, *Transcript of Evidence*, 11 June 2010, p. CS46.

Figure 4.3 Do you send nude or semi-nude photos? (Age)

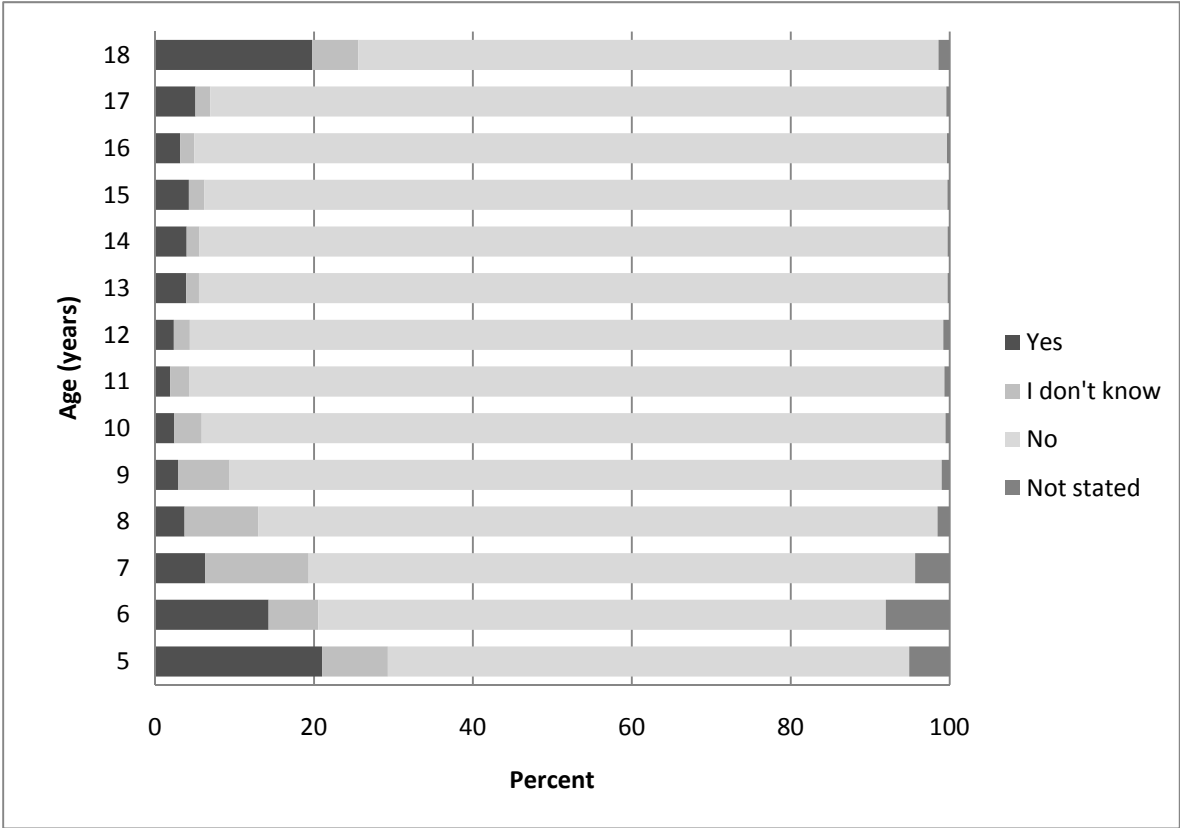


Table 4.3 Do you send nude or semi-nude pictures?

		Yes		No		I don't know		Not stated		Total
Sex		%	#	%	#	%	#	%	#	#
5 Years	M	18.7	14	70.7	53	6.7	5	4.0	3	75
	F	23.2	19	61.0	50	9.8	8	6.1	5	82
6 Years	M	16.7	8	64.6	31	8.3	4	10.4	5	48
	F	12.5	8	76.6	49	4.7	3	6.3	4	64
7 Years	M	6.4	7	76.4	84	11.8	13	5.5	6	110
	F	6.2	6	76.3	74	14.4	14	3.1	3	97
8 Years	M	5.0	21	84.2	357	8.7	37	2.1	9	424
	F	2.6	13	86.6	427	9.7	48	1.0	5	493
9 Years	M	3.9	39	87.8	882	7.3	73	1.0	10	1004
	F	1.9	21	91.3	984	5.8	62	1.0	11	1078
10 Years	M	3.4	58	92.2	1568	3.8	65	0.6	10	1701
	F	1.5	27	95.0	1708	3.1	55	0.4	8	1798
11 Years	M	2.3	53	94.2	2171	2.8	64	0.7	17	2305
	F	1.5	38	95.9	2399	2.0	50	0.6	15	2502
12 Years	M	2.9	65	93.5	2093	2.7	60	0.9	21	2239
	F	1.8	41	96.2	2176	1.4	31	0.7	15	2263
13 Years	M	5.0	95	92.3	1745	2.4	45	0.3	5	1890
	F	3.1	75	95.7	2350	1.0	25	0.2	6	2456
14 Years	M	5.9	95	91.6	1476	2.2	35	0.4	6	1612
	F	2.4	48	96.3	1908	1.2	23	0.2	3	1982
15 Years	M	6.7	80	90.0	1072	3.2	38	0.1	1	1191
	F	2.1	29	96.6	1327	0.9	12	0.4	6	1374
16 Years	M	4.8	39	92.7	748	2.4	19	0.1	1	807
	F	1.8	18	96.4	962	1.3	13	0.5	5	998
17 Years	M	9.4	37	87.3	345	2.5	10	0.8	3	395
	F	2.1	12	96.3	547	1.4	8	0.2	1	568
18 Years	M	17.3	54	76.3	238	5.1	16	1.3	4	312
	F	22.8	59	69.1	179	6.6	17	1.5	4	259

- 4.58 Analysing its own research, Berry Street commented that for vulnerable young people:

Between 7 and 15% of respondents indicated they had either sent, requested or received naked or semi-naked photographs of themselves or others online or via mobile phone. In consultations staff, carers and educators told us that they were concerned about the growing trend in 'sexting' among their clients. More concerning were the stories about teenage girls using photographs of themselves in suggestive poses and varying states of undress to barter with strangers as well as their peers for drugs, phone credit and cigarettes.⁶¹

- 4.59 Concerns were also expressed by parents and communities who have noted an increased prevalence of sexting via mobile phones, and the impact it is having on Indigenous young people.⁶²

Impact

- 4.60 While most originators seem to send these messages voluntarily, the consequences of sexting are clear, including invasion of privacy via subsequent distribution, the impact on the individual's reputation, and shame. BoysTown commented:

Consequences include poor self-esteem and self-image, isolating behaviours, school avoidance, eating disorders, self-harm and suicidal ideation and behaviours.⁶³

- 4.61 Civil Liberties Australia added that other possible consequences include:

While it may make parents unhappy, young people are going to be in relationships, and some of these may involve sex. As such, and given that young people are now in possession of camera-equipped mobile phones, it is inevitable that some will choose to send sexual pictures to each other. Whilst the sexual education above should discourage this behaviour, no minor involved in a healthy relationship should ever be considered a "child pornographer" nor in possession of "child pornography" for such behaviour. About the worst thing we can do to our young people is brand them as sex offenders: the current laws turn experimenters into criminals. The real issue is when and how the

61 Berry Street *Submission 95*, p. 11.

62 NT Government, *Submission 84*, p. 7.

63 BoysTown, *Submission 29*, p.14.

images are made publicly available. The person(s) who makes the images publicly available should be made responsible for that act.⁶⁴

4.62 Distribution of such images also invites possible long term effects on the sender's 'digital reputation', potentially causing problems with possible employers in the future.⁶⁵ Material can be traced; what is posted on line may come back and remain online forever because the digital footprint of Internet access is indelible. Some private investigation firms now have the capacity to search for a variety of personal information.⁶⁶

4.63 The Alannah and Madeline Foundation highlighted a significant concern:

A number of companies now routinely review a potential employee's online history, particularly on facebook and other social networking sites, and use this information as part of their decision making in the recruitment process. Because of permanent records or the 'digital footprint' that young people leave on the internet, naïve and inappropriate postings may have a long term and detrimental effect on a young person's life.⁶⁷

4.64 The NSW Secondary Principals Council commented on the permanence of postings:

One of the greatest risks to young people is the permanence of the postings made on the internet. This concept is not fully understood by Gen Y and Gen Z. Government needs to consider protections to reduce the permanence of postings for under 18s.⁶⁸

4.65 BoysTown added that:

Like cyberbullying, the impacts of 'sexting' can also be permanent as it is almost impossible to withdraw inappropriate images or messages created and shared through mobile and internet technologies once they are sent and/or posted. This means that these images and messages could be circulating as young people

64 Civil Liberties Australia, *Submission 23*, p. 4.

65 Dr Julian Dooley, *Transcript of Evidence*, 11 June 2010, p. CS13.

66 Ms Kelly Vennus, Programs and Training Manager, Stride Foundation, *Transcript of Evidence*, 9 December 2010, pp. CS6-7, 9; Dr Gerald White, Principal Research Fellow, Australian Council for Educational Research, *Transcript of Evidence*, 9 December 2010, p. CS49; Dr Helen McGrath, Psychologist, Australian Psychological Society, *Transcript of Evidence*, 9 December 2010, p. CS65.

67 Alannah and Madeline Foundation, *Submission 22*, p. 24.

68 NSW Secondary Principals Council, *Submission 32*, p. 2.

start applying for universities or jobs which may impact on the individual's reputation and life opportunities.⁶⁹

4.66 An American study showed that 70 percent of recruiters and human resource professionals said that they had rejected candidates for jobs based on information found online. While only 7 percent of consumers thought that their online information affected their searches for jobs, 75 percent of American companies required their hiring personnel to do online searches about candidates. Among recruiters and human resource professionals, 85 percent said that 'positive' online reputations influenced hiring decisions, 'at least to some extent'.⁷⁰ While it is possibly illegal to do so, potential employers can, and some do, 'automatically' check on Internet search engines, and in other ways, on potential employees, whether for part-time staff aged 15 or graduates.⁷¹

4.67 'Data mining' is now one of the fastest growing industries in Australia, whereby information can be collected on many aspects of an individual's life and behaviour. Civil Liberties Australia commented:

people simply do not realise that the Internet never forgets, and information posted online in the heat of the moment may come back to haunt him/her at a later date.⁷²

4.68 However, Dr Helen McGrath emphasised that:

if we get out a message that says, 'It is the end of the world if something you foolishly put up about yourself when you 13, particularly a semi-nude picture, will be up there forever and it will come back to bite you,' then we are going to get lots of kids who become deeply depressed and self-harm as a result of that. I am very concerned about that, if they have done it and they find out afterwards that it really was dumb. It is a silly thing to do, in the same way that you should never have a webcam in your bedroom – and it is amazing how many parents do not understand how a boyfriend at one end and a girlfriend at the other end, both with webcams, can have interesting times with the door shut. But if they think it is going to destroy their lives it can

69 BoysTown, *Submission 29*, p.14.

70 iKeepSafe, *Submission 101*, p. 6. For a different figure of use of social networking sites by potential employers in the US, see also Dr Julian Dooley, *Transcript of Evidence*, 11 June 2010, pp. CS13, 45.

71 Dr Julian Dooley, *Transcript of Evidence*, 11 June 2010, pp. CS45-46; Dr Gerald White, Principal Research Fellow, Australian Council for Educational Research, *Transcript of Evidence*, 9 December 2010, p. CS49.

72 Civil Liberties Australia, *Submission 23*, p. 5.

lead to incredible depression and occasionally self-harm. That is why I think going down the path of wise education, with warnings but not necessarily terrifying sensationalism, is the way to go.⁷³

4.69 The Alannah and Madeline Foundation commented that,

the use child abuse legislation to prosecute regardless of age, on the grounds of production and distribution of images ...can mean young people may have a criminal record and in a worst-case scenario, although unlikely, find themselves on the sex offenders register.⁷⁴

4.70 In Australia, 32 Victorian teenagers were charged with child pornography offences resulting from 'sexting'.⁷⁵ Many young people are unaware that 'sexting' may be considered a criminal offence.⁷⁶

4.71 Furthermore, not all young people view 'sexting' as unsafe:

58 percent of the respondents in the Cox Communications (2007) study did not think that posting personal information and photos on public networking sites was an unsafe practice, 47 percent were not worried about other people using their personal online information in ways they did not want them to, and 49 percent were unconcerned that the posting of personal information online might negatively affect their future.⁷⁷

4.72 The Australian Council for Computers in Education commented that:

The reported prevalence of posting of photographs of students to SNS, suggests that the legal and ethical issues involved with the posting of photographs - which include privacy, confidentiality, defamation and copyright - merit specific attention in any cybersafety curriculum. The significance of understanding these issues is emphasised by the incidents involving a Melbourne

73 Dr Helen McGrath, Psychologist, Australian Psychological Society, *Transcript of Evidence*, 9 December 2010, p. CS66.

74 Alannah and Madeline Foundation, *Submission 22*, p. 22.

75 BoysTown, *Submission 29*, p.15, citing Battersby, Lucy: 'Sexting: fears as teens charged'. July 10, 2008 <http://www.smh.com.au/articles/2008/07/10/1215282979671.html>.

76 BoysTown, *Submission 29*, p.14, citing Lenhart A (2009) *Teens and Sexting: How and why minor teens are sending sexually suggestive nude or nearly nude images via text messaging*. Pew Internet and American Life Project.

77 Australian Institute of Criminology, *Submission 56*, p. 9.

teenager posting naked photos of AFL footballers to her Facebook site.⁷⁸

- 4.73 The NSW Government is conducting a campaign entitled *SAFE SEXTING: No Such Thing*:

This work is designed to warn young people of the negative consequences of sexting; the campaign produced a fact sheet available to schools, parents and teenagers on the topic. This is a good example of positive government efforts to educate, inform and help reduce negative online behaviour.⁷⁹

- 4.74 The National Children's and Youth Law Centre Lawmails contained questions about nudity or pornography, demonstrating a concern about criminal sanctions and a desire to comply with legislation. In relation to naïve young people transmitting sexually suggestive photos, if child pornography laws are rigidly applied, 'these children will not only suffer personal consequences but also potentially very serious criminal consequences'.⁸⁰

Sanctions against sexting

- 4.75 The sanctions are dealt with in more detail in Chapter 11.

Research

- 4.76 Sexting is an area where further research is needed to understand the motives behind this behaviour and to develop effective intervention strategies.⁸¹
- 4.77 BoysTown suggested that the Australian Government fund a nationally-representative study on sexting in relation to Australian children and young people with the purpose of identifying effective prevention strategies.⁸²

78 Australian Council for Computers in Education, *Submission 128*, p. 3.

79 Family Online Safety Institute, *Submission 38*, p. 9.

80 National Children's and Youth Law Centre, *Submission 138*, p. 7.

81 Ms Megan Price, Senior Research Officer, BoysTown, *Transcript of Evidence*, 17 March 2011, p. CS19.

82 BoysTown, *Submission 29*, p.15.

Illegal and inappropriate content

4.78 There are no restrictions on access to the online environment because of the age of users, or potential users. Young people may therefore be exposed to content that is inappropriate, regardless of their age. This could include illegal and inappropriate sexual, violent, racist or hate material, promotion of consumption, perpetuation of negative stereotypes, as well as misinformation and other problematic content.⁸³

4.79 Sexual content may include legal adult pornography, illegal child abuse or self-produced sexting images or other inappropriate images, video or audio files. The Alannah and Madeline Foundation submitted that:

While the likelihood of stumbling across child abuse images is relatively low, these images are deliberately sent as part of the 'grooming processes' to normalise sexual behaviour. On the other hand, very graphic adult pornography is easily accessed and often free. While young adults have viewed pornography in 'magazine format' for decades, at no other time have we experienced such heightened access to pornographic material.⁸⁴

4.80 Illegal material may be accessed accidentally when music or videos are being downloaded. While the great majority of young people will never encounter, or use, any of the sites offering illegal material, its presence in the online environment is a sufficient threat to need attention.⁸⁵

My daughter was seven when she first encountered pornography online. Her school (she was in Year 2) participated in the online maths practice program Mathletics. One day when she clicked on the link to Mathletics, it took her to a pornography website and she called me saying 'Mummy the computer has done something funny and there are strange people on the Mathletics site. Some hacker or virus had attached itself to the Mathletics address and was taking children to a porn site. Fortunately, it was one that needed you to accept that it was an adult site and you had to click a link to access the more graphic content The images would have been classified as images of full frontal male and female nudity in sexualised depictions and have been at least in the MA15+ classification range.'⁸⁶

83 Alannah and Madeline Foundation, *Submission 22*, p. 21.

84 Alannah and Madeline Foundation, *Submission 22*, p. 21.

85 Alannah and Madeline Foundation, *Submission 22*, p. 22.

86 Name withheld, *Submission 140*, p. 1.

4.81 Industry also has a role to play. For example, Facebook does not allow materials such as nudity, hateful speech, abusive behaviour or threat to life or safety:

It is important to understand just as a matter of how Facebook operates and what its terms of service are – how it is laid out, what is allowed and what is not allowed – that it is much more restrictive than almost any legislation I have ever seen in any place in terms of what is allowed on the site, what is not allowed on the site and what we police for.⁸⁷

4.82 The National Children’s and Youth Law Centre expressed concern about the lack of community legal education which would enable people to make wise decisions and given the serious nature of the potential consequences, young people must have this information to make informed and reasoned decisions.⁸⁸

4.83 Sanctions in relation to illegal content are dealt with in Chapter 11.

87 Hon Mozelle Thompson, Chief Privacy Advisor, Facebook, *Transcript of Evidence*, 11 June 2010, p. 26.

88 National Children’s and Youth Law Centre, *Submission 138*, p. 7.

