Australian Government | eSafetyCommissioner

Inquiry into family, domestic and sexual violence

eSafety's submission

24 July 2020

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Acknowledgement

eSafety acknowledges the Traditional Custodians of country throughout Australia and their continuing connection to land, waters, culture and community. We pay our respects to Elders past, present and emerging.

Recommendations

Recommendations focus on measures to address and improve responses to technology-facilitated abuse, with a focus on at-risk women and their children, especially in the context of domestic and family violence. This includes, but is not limited to, support for Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse communities, women with a disability and women who identify as LGBTQI+. This includes initiatives underway as part of eSafety's responsibilities under the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010- 2020, and recommendations where this work has indicated that more can be done.

1. Develop and implement education initiatives that drive cultural change and increase awareness about the abusive nature and legal implications of technology-facilitated abuse, including image-based abuse. This should include general community awareness raising initiatives and targeted initiatives, which focus on women and girls at-risk of experiencing technology-facilitated abuse and men and boys at-risk of perpetrating it.

2. Through a process of co-design, work with at-risk communities to develop resources to raise their awareness of technology-facilitated abuse and their capacity to identify and manage it.

3. Through a process of co-design, develop resources for children and young people to help them understand and manage the ways that technology is used in domestic and family violence situations.

4. Provide training for frontline workers, including in the domestic and family violence, education and child welfare sectors, to raise awareness of the ways children are impacted by technology-facilitated abuse in domestic and family violence situations.

Recommendations focus on measures to promote safety and gender equality online through capacity building initiatives for women and girls in online safety and digital literacy.

5. Develop and implement capacity building initiatives to increase all women's and girl's skills in online safety and digital literacy.

6. Embed comprehensive and nationally coordinated respectful relationships and online safety education into the Australian Curriculum across all learning stages.

7. Facilitate a more gender-balanced STEM industry by developing initiatives to upskill and reskill women for entry opportunities and leadership pathways in STEM.

Recommendations focus on measures to improve the coordination and collaboration of international efforts to address violence and abuse against women and girls.

8. Ensure Australia is represented on, and contributes to, global initiatives and coalitions to advance the rights of women and girls and uphold and deliver on international agreements, including in relation to technology-facilitated abuse, the potential for technology to drive gender equality and Safety by Design.

9. Ensure that capacity building initiatives to increase women's skills in online safety and digital literacy occur both in Australia and in our region.

10. Ensure government support and funding for Safety by Design, and encourage industry players to implement and champions its principles, to promote a safer online environment for women and girls.

Overview

The eSafety Commissioner (eSafety) welcomes the opportunity to contribute to the Inquiry into family, domestic and sexual violence (Inquiry).

Violence and abuse against women is a scourge on our society. It is inexcusable and extremely damaging.

Every woman has the right to be safe and to fully participate online. Violence and abuse against women, including technology-facilitated abuse (TFA), harms women in their personal and professional lives and is a barrier to gender equality.

eSafety has also contributed to a separate whole-of-government response to the Inquiry. With this additional submission, eSafety is providing greater detail and analysis on issues relating to its regulatory role and legislative remit. This submission will focus on eSafety's:

- women's programs, initiatives and research relating to TFA

- reporting schemes, with a focus on image-based abuse

- online safety and digital capacity building work, and

- international work on TFA and gender-based violence.

eSafety's recommendations focus on:

- measures to address and improve responses to technology-facilitated abuse, with a focus on at-risk women and their children, especially in the context of domestic and family violence. This includes, but is not limited to, Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse communities, women with a disability and women who identify as LGBTQI+. This includes initiatives underway as part of eSafety's responsibilities under the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010- 2020, and recommendations where this work has indicated that more can be done

- measures to promote safety and gender equality online through capacity building initiatives for women and girls in online safety and digital literacy, and

- measures to improve the coordination and collaboration of international efforts to address violence and abuse against women and girls.

eSafety appreciates the opportunity to contribute to the deliberations of the House Standing Committee on Social Policy and Legal Affairs (Committee) and would be pleased to provide any further information required.

About eSafety

eSafety is Australia's national independent regulator for online safety. It is the first government agency in the world dedicated specifically to online safety. It leads, coordinates, educates and advises on online safety issues and aims to empower all Australians to have safer, more positive online experiences.

By adopting a whole-of-community and multifaceted regulatory approach, which draws upon social, cultural, technological and regulatory initiatives and interventions, eSafety aims to minimise potential harms online.

eSafety operates a number of reporting schemes. This includes a cyberbullying scheme for Australian children aged under 18, an image-based abuse scheme for Australians of all ages and the Online Content Scheme, which relates to illegal and harmful online content, including child sexual exploitation material.

eSafety undertakes an extensive research program to ensure its programs and resources are evidence based. This equips eSafety with the insights and knowledge it needs to understand the nature of online safety issues and design, implement and evaluate best possible solutions.

eSafety works closely with the domestic and family violence sector, including crisis workers, counsellors, law enforcement and the legal profession, to ensure all institutions, services and people understand and acknowledge the seriousness of TFA and the harms it causes.

eSafety also responds in a surge capacity to online harms and situations of acute need. For example, recognising the heightened risk of domestic and family violence posed by the COVID-19 pandemic, eSafetyWomen adapted its delivery of face-to-face training to a webinar format from April 2020. eSafety also developed targeted online safety help for domestic and family violence frontline workers and for women, in order to help address the increased prevalence of TFA and gendered online abuse in the context of COVID-19.

Between January 2020 and the end of May 2020, there were significant increases in traffic to the eSafetyWomen domestic and family violence website content, with a slight tapering off in June 2020. These periods coincide with the imposition and relaxation of lockdown requirements due to COVID-19.

eSafety is now operating in a 'new normal', where it continues to experience higher than pre-COVID-19 website traffic and an unprecedented demand for its reporting schemes.

In September 2019, eSafety released its 2019-2022 Strategic Plan, which outlined its Mission, Vision and Values. It also outlined eSafety's commitment to deliver robust and tailored services, particularly for those Australians who, for a range of social, structural and systemic reasons, are at higher risk online. Regrettably, but undeniably, this includes women and girls.

The importance of gender and intersectional considerations

This section relates to ToR (h).

When examining the causes of online harms, and considering how to tailor appropriate responses, it is critical to apply a 'gender lens' and an 'intersectional lens'. These lenses provide a richer and clearer picture of the nature and extent of violence and abuse being experienced by women and girls.

Gender lens

Reflecting society's broader gender inequality, often women are targeted online because they are women. It is often a deliberate tactic to silence women's voices.

The personal, sexual and gendered abuse women receive online is part of a broader spectrum of violence, abuse and harassment experienced by women.

Intersectional lens

Overlaying this gendered lens is an intersectional lens. An intersectional lens is important for understanding and responding to the specific, diverse and multidimensional needs of at-risk women and groups, who may be impacted by multiple and intersecting forms of discrimination and inequality.

Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse (CALD) communities, women who identify as LGBTQI+ and women with disabilities are at greater risk of abuse online. It is important to understand why these women are at greater risk: social modes of oppression, such as sexism, racism, ableism, ageism, homophobia and transphobia, are risk factors that may increase an individual's risk of experiencing harm online.

The experiences of Aboriginal and Torres Strait Islander women and of women from CALD communities will be discussed further below.

The nature of gender-based abuse online

eSafety hate speech online research: the nature of gender-based abuse

In February 2020, eSafety released research into the online hate speech experiences of Australians. This highlights the gender-specific abuse women receive online.[1] It shows that while women and men experienced similar rates of hate speech, women were 1.6 times more likely to experience abuse on

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[1] Source: eSafety, January 2020, *Online hate speech. Findings from Australia, New Zealand and Europe. Survey base=3,737 adults aged 18–65. Note: In relation to hate speech experiences, the following question was asked of respondents: In the last 12 months, how many times, if ever, have you received a digital communication that offended, discriminated, denigrated, abused and/or disparaged you because of your personal identity/beliefs (e.g. race, ethnicity, gender, nationality, sexual orientation, religion, age, disability, etc.)?*

the basis of their gender and 1.5 times more likely to experience abuse on the basis of their physical appearance.

The research also highlights how online harms are exacerbated when multiple risk factors intersect. While 1 in 7 Australians aged 18-65 were the target of hate speech, higher rates occur among certain groups:

- People identifying as LGBTQI+ experienced online hate speech at more than double the national average.

- Aboriginal or Torres Strait Islander people experienced online hate speech at more than double the national average.

- People with disability experienced online hate speech at close to 1.4 times the national average.

Understanding technology-facilitated abuse

This section relates to ToR (a)(e)(h).

Violence and abuse against women manifests in many forms, including physical, psychological, emotional, financial and sexual. With technology inextricably integrated into our lives, it is frequently used as a weapon, delivering or extending each of these forms of abuse.

TFA is any behaviour that uses technology to isolate, harass, monitor, stalk, impersonate, threaten or humiliate someone. Within family and domestic violence situations, technology can be used as a tool to exert power and control over women and allow perpetrators to inflict harm and abuse that is often invisible to others. It often forms part of a pattern of coercive control.

TFA takes place through a wide range of platforms and devices. This includes social media services, email, mobile phones and computers, as well as through the use of tracking and recording devices, GPS services, children's toys, internet-enabled cars and household goods. Examples include:

- sending multiple abusive or threatening texts

- sending menacing images, such as a noose or a coffin

- sharing – or threatening to share – intimate images without consent

- accessing (or 'hacking') a woman's email or social media account to discover her personal information or to send offensive emails to her friends, family or workplace that appear to come from the woman

- using surveillance devices to spy on the woman or her children, planted in the home or the family car; this includes the use of drones, smart devices such as televisions and other household appliances

- installing spyware and malware to override a device's security systems

- monitoring a woman's activities through information gained from social media via her children, extended family and friends

- setting up impersonator accounts to harass and cause additional stress and anxiety, or to impersonate the woman on porn or dating sites

- using apps or GPS devices to track location, for example, putting a tracking device on the collar of the family pet or hidden in children's toys

- isolating the women by changing her passwords and locking her out of her own accounts and devices, or by physically destroying her devices, and

- making threats in obscure or indirect ways to avoid being seen to breach protective orders, but which still have an impact on the woman.

A 2015 survey of domestic and family violence frontline workers that found 98% of their cases involved some form of online abuse, surveillance or stalking.[2]

The use of technology and smart devices across almost all sectors of the Australian population has only increased since 2015. It is almost certain that technology will form part of any domestic and family violence situation and it must be considered when assessing the safety and risk of women and children.

TFA occurs within current and former intimate partner relationships and between adult children and their parents and/or grandparents.

Image-based abuse

Image-based abuse is a specific and common form of TFA.

eSafety research conducted in 2017 indicates that while one in ten Australians will experience image-based abuse, some groups experience image-based abuse at higher levels. For example, 24% of women aged 18-24 and 15% of girls aged 15-17 had experienced image-based abuse.

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[2] Woodlock, Delanie (2015) ReCharge: Women's Technology Safety, Legal Resources, Research and Training, Women's Legal Service NSW, Domestic Violence Resource Centre Victoria and WESNET, Collingwood

2019 research conducted by RMIT and Monash University found that image-based abuse may have increased in Australia, as 1 in 3 of their survey respondents had experienced image-based abuse.[3]

With female victims of image-based abuse, eSafety commonly sees the following types of image-based abuse behaviours:

- sextortion (that is, blackmail for money, including dating and romance scams)

- sexploitation (that is, blackmail for more intimate content sexual favours, which is seen most commonly with younger women under 24)

- peer sharing, particularly with younger women

- vengeful sharing by a former partner, and

- coercive control.

eSafety addresses image-based abuse in a case-specific way (see further discussion below). However, this commonly involves asking the relevant service to remove the intimate content, reporting accounts that have threatened to share or shared intimate content to the relevant service, having links to intimate content removed from Google search results, and connecting the victim with appropriate counselling support and other support services.

eSafety may also speak to schools, the police and take action against the person responsible. For example, in cases where image-based abuse has occurred and there is also a protection order in place, eSafety liaises closely with police to get the best possible outcomes for the victim.

Research also reveals the urgent need for perpetrator attitudes to change.

In 2019, RMIT and Monash University research found 1 in 5 men (22.3%) reported engaging in image-based abuse perpetration, compared with 1 in 8 women (13.1%). Age was also a relevant factor, with respondents aged 16 – 39 years (23.2%) more likely to be perpetrators than respondents aged 40 – 64 years (10.6%).

eSafety's recent research into perpetrator motivations found that a significant component of image-based abuse is a result of negative attitudes harboured towards women.[4] It found perpetrators are mainly motivated by:

- retribution for relationship breakdowns, and

- a desire for social status among peers.

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[3] Anastasia Powell, Nicola Henry, Asher Flynn and Adrian Scott, RMIT and Monash University, Image-based sexual abuse: The extent, nature, and predictors of perpetration in a community sample of Australian residents, March 2019, https://www.sciencedirect.com/science/article/pii/S0747563218305454?via%3Dihub

[4] eSafety, Understanding the attitudes and motivations of adults who engage in image-based abuse, September 2019, https://www.esafety.gov.au/sites/default/files/2019-10/Research_Report_IBA_Perp_Motivations.pdf

This research also revealed that perpetrators:

- showed little remorse and blamed the victim for sending the image in the first place

- were largely unaware their behaviour was against the law, and

- minimised the severity of their actions by saying that everyone did it.

The research also underscores the need to for cultural change, which shifts blame from victims to perpetrators, changes community attitudes and disrupts a culture that normalises image-based abuse. This would also assist in increasing awareness among the community, and particularly among young men, that image-based abuse constitutes abuse and has legal implications for perpetrators.

Impacts of technology-facilitated abuse

TFA enables an abuser to control their partner, both during the relationship and post-separation. It means the abuser can exert power over their partner even when they are not physically present. For the victim, the impacts can be profoundly damaging. For a woman in a domestic and family violence situation, she can experience isolation and continuing fear and anxiety for herself and her children: she can feel trapped and as if there is no escape.

eSafety's programs for women – providing support and guidance

This section relates to ToR (a)(c)(e)(h).

eSafety has a range of women's programs and initiatives. These programs recognise that TFA significantly increases risks to the safety of a woman and her children and is a barrier for women participating in all forms of life: further, silencing women's voices online suppresses their fundamental rights.

eSafetyWomen

Launched in 2016 with funding under the Women's Safety Package, eSafetyWomen aims to empower all Australian women to manage technology risks and abuse. The program helps women take control of their online experiences by:

- providing practical tools and information to equip women to protect themselves and their families against all forms of online abuse

- training frontline, specialist and support staff in the domestic and family violence sector, giving them the knowledge, skills and resources to effectively support women and their families, and

- actively raising awareness and understanding of TFA to help women identify it and take steps towards preventing it.

In this time, eSafetyWomen has been at the forefront of understanding and addressing how technology is used in domestic and family violence situations. This includes the way it perpetuates and exacerbates non-physical forms of abuses and flags potential serious physical abuse.

The program has expanded since 2016 and its key components now include:

- delivery of intensive face-to-face workshops and customised presentations

- webinar-based training for domestic and family frontline workers

- provision of eSafetyWomen—online training for frontline workers

- provision of web-based information and resources, and

- a range of fact sheets and 'top tip' postcards, covering the most important aspects of the eSafetyWomen program in 12 community languages.

As at 30 June 2020, more than 12,000 domestic and family violence frontline workers have participated in eSafety's face-to-face workshops or webinar sessions. For those frontline workers who are unable to attend training, the eSafetyWomen online learning program (launched in 2018) provides in-depth practical training to complement and support the workshop program. In that time, nearly 3,000 frontline workers have registered for this training.

eSafety wants to acknowledge the ongoing work of frontline workers, advocacy groups and women's organisations, among others, in addressing violence and abuse against women and their children.

New initiatives – 4th Action Plan

Under the 4th Action Plan (2019-2022) of the National Plan to reduce Violence against Women and their Children, eSafety has been tasked with developing and rolling out specialist online resources for frontline workers focusing in two areas.

1. Women with an intellectual disability or communications difficulties.
2. Aboriginal and Torres Strait Islander communities.

Further research will be conducted under both work streams to explore the experiences of women in these communities and to co-design, develop and implement the resources and training approaches to best meet their needs.

Both programs will be completed in phases to 2022.

Women with an intellectual disability or communication difficulties

Women with a disability experience higher levels of abuse, including TFA.

The program will:

- raise awareness of TFA and how it impacts women with an intellectual disability

- provide women with accessible and targeted advice and pathways to help them deal with this type of abuse, and

- provide frontline workers with the knowledge and skills they need to better help the women in their care.

The first tranche of resources was released in May 2020: Easy English Guides 'What can you do about image-based abuse' and 'What you can do about abuse through technology'.

Specialist training modules for webinar training delivery are in development. These will target domestic and family violence frontline workers and disability support services. Further face-to-face and online training will also be developed.

Research exploring the experiences of women with an intellectual disability and/or cognitive impairment is currently underway. It is anticipated that the final report for this research will be delivered by September 2020.

Aboriginal and Torres Strait Islander women

Working closely with the Department of Prime Minister and Cabinet through the National Indigenous Australians Agency, eSafety will partner with identified Aboriginal Community Controlled Organisations to develop and roll out a program of culturally appropriate training and resources for frontline workers.

This program will:

- raise awareness of TFA and how it impacts Aboriginal and Torres Strait Islander women

- provide culturally appropriate advice and pathways to help them deal with this type of abuse, and

- provide frontline workers with the knowledge and skills they need to better help the women in their care.

To complement eSafety's previous research into the experiences of women in urban communities, the program will include research into the experiences of Aboriginal and Torres Strait Islander women in regional and remote communities. It is anticipated the report for this research will be delivered by the end of 2020.

Dedicated Project Officers, based in nominated Aboriginal Community Controlled Organisations, will also support frontline workers in the creation and delivery of the program.

Two sets of resources are in development for Aboriginal Elders relating to social media use in communities and TFA in domestic and family violence contexts. These are funded under the Women's

Safety Package – Technology Trials funding and are expected to be released towards the end of 2020.

Listening to those at-risk

While TFA can affect anyone, irrespective of age, geographic location or cultural background, some communities and cohorts are at greater risk. They also experience abuse in particular ways.

Research demonstrates that Aboriginal and Torres Strait Island women, women living with a disability, women from CALD communities and women identifying at LGBTQI+ are at increased risk of TFA.

eSafety has undertaken research in this area to ensure the specific and differing needs of diverse women are recognised and addressed.

Aboriginal and Torres Strait Islander women

In October 2019, eSafety released research relating to Aboriginal and Torres Strait Islander women's experiences of TFA. Recognising that there is considerable diversity in the living circumstances, service access and needs of Aboriginal and Torres Strait Islander women regardless of where they live, this research focused on Aboriginal and Torres Strait Islander women living in urban areas. It was based on qualitative research comprised of in-depth interviews and a discussion group with service providers who support Aboriginal and Torres Strait Islander women.

It identified six types of TFA. In order of prevalence, these were:

- abusive phone calls and text messages

- destroying or restricting technology access

- social media and third-party abuse

- monitoring and stalking

- image-based abuse, and

- fight videos.

Aboriginal and Torres Strait Islander women living in urban areas did not experience substantially different impacts of TFA from those felt by other women, which included heightened levels of stress, anxiety and depression, self-doubt and negative impacts on both relationships and finances.

Some impacts, however, appeared to be amplified. These were:

- the risk of being socially isolated from kinship networks and fear of shaming and family retribution, and

- social isolation combined with financial difficulty and the emotional pressure from extended family was such that some women returned to the abuse perpetrator.

The research identified numerous barriers to seeking support for TFA. Social barriers included:

- low levels of digital literacy

- community attitudes

- lack of awareness of TFA being a form of abuse

- the practice of sharing devices, changing phones regularly and lateral violence (violence towards peers)

- shame and victim blaming, and

- fear of community retaliation.

The noted service system barriers to seeking support for TFA included:

- justice system barriers

- issues with police

- challenges in providing sufficient evidence

- fear of racial prejudice and fear of police brutality, and

- barriers related to child protection and courts, and legislation issues.

These barriers were intertwined with housing and financial difficulties, drug and alcohol issues and overlapping pressures that prevented women from seeking support for TFA.

Women from CALD communities

In February 2019, eSafety released research into the online safety of women from CALD communities. The research found that:

- Most TFA experiences did not have a cultural dimension. However, several cases included culturally-specific threats, including:
  - threats of deportation (especially for women on spousal visas)
  - threats of honour killing delivered via a third party
  - culturally-specific humiliation (such as sending images of a woman without her hijab), and
  - threats of withholding Islamic divorce.
- CALD women face significant barriers to seeking help and support, including:

- a lack of awareness that TFA may constitute a criminal offence

- language barriers, which may contribute to CALD women not knowing what services are available to them, and creates challenges for them explaining their personal experiences with TFA

- issues with interpreter services, particularly where the interpreter may know the victim and/or perpetrator

- low digital literacy, which heightens their risk to TFA and affects their ability to identify that they are victims of TFA and their ability to address the abuse once identified, and

- cultural biases and misunderstandings from some support services, particularly the police.

- Social isolation can be amplified, as fear of shaming can be particularly strong in CALD communities.

To support women from diverse and high-risk communities and cohorts, eSafety has released a range of fact sheets and a 'top tip' postcard covering the most important aspects of the eSafetyWomen program. These resources have been translated into 12 community languages.

Further investment is needed to better support women from CALD communities. There is a need for tailored training and resources for frontline workers (including services from the fields of domestic and family violence, settlement services and multicultural women's health). Materials should reflect the particular challenges being faced by women in these communities and be made available in a broader range of community languages.

Children in domestic and family violence situations

Given the prevalence of TFA in domestic and family violence situations, it is almost inevitable that children will also be impacted. They may witness the impacts of TFA on their parents and can be directly targeted themselves.

Anecdotally, frontline workers who have participated in eSafetyWomen training indicate that children are frequently exploited and manipulated to perpetuate partner-to-partner TFA.

This can be either through gifts of compromised devices or through the child's own online accounts. It can also occur because technology is relied on to maintain contact between the non-custodial parent and the child, which may be included as a condition in parenting orders. Frontline workers point to the potential for conflict between the requirements of parenting orders, which oblige such contact, and protection orders, which aim to limit it.

Children also witness the modelling of poor online behaviour between their parents.

In March 2019, eSafety was granted funding to explore a range of issues relating to children impacted by TFA in domestic and family violence situations. This includes the role children may play in disclosing identifying information to perpetrators of TFA through their own digital footprint, which increases the risk for themselves and members of their family.

eSafety subsequently commissioned Griffith University to research the dynamics and impact of TFA involving children in the context of domestic and family violence. The research will be published later in 2020, with the overarching project report to follow shortly afterwards.

The research investigated:

- the role of technology in children's exposure to domestic and family violence

- the impact of TFA on children and young people

- practitioners' knowledge about TFA involving children in the context of domestic and family violence

- young and adult survivors' perspectives of TFA

- perpetrators' perspectives on technology and communication with their children, and

- strategies and resources to protect children from TFA.

Preliminary findings from the research (yet to be publicly released) found that children were heavily involved in technology-facilitated domestic and family violence. Children experience abuse in two primary ways:

1. Perpetrators directly abused children. The most common types of abuse were monitoring or stalking, threats and intimidation of children, and blocking children's communication.

2. Perpetrators involved children in TFA directed at their mothers. The common features were perpetrators mining children for information, encouraging children to participate in TFA, gifting GPS-enabled devices that pose cyber security risks to children, sending abusive messages to children's devices, and calling children's phones in order to verbally abuse their mothers.

In summary, the key findings of the research were:

- children were involved in TFA in about one third of domestic and family violence cases

- young people, mothers and professionals reported harmful effects of TFA in the context of domestic and family violence

- harmful effects included:

  o impacts on mental health

  o increased levels of fear and anxiety

- o negative impacts on education, isolation from family and friends
- o feelings of guilt at having disclosed information, and
- o harm to the child's relationship with the non-abusive parent.

- children have distinct online safety and technology needs according to age, developmental stage and degree of dependency on adults

- most abuse involves common technologies, including those that have a legitimate dual use: in other words, devices that can be used to both protect and perpetrate abuse. For example, smartphones and smart watches can be legitimately used to ensure safety and maintain connection, in addition to more nefarious purposes

- post-separation co-parenting is a key context for abuse, and

- children are affected by TFA targeting adult victims, including through being 'mined' for information by the perpetrator parent or, by extension, through the financial abuse of their mother or destruction of her devices. Children also witness abusive online behaviour by one or both of their parents. They may unwittingly compromise their family's safety through their own use of technology or by carrying or using compromised technology.

While all children face challenges navigating their online lives, children in these situations face the additional pressure of not necessarily having trusted adults for support and assistance.

Children need effective ways to shield themselves from further abuse, to recover from the stress and trauma of their experiences and to counter negative modelling of technology behaviours.

The research highlighted a number of gaps in support services, advice and resources intended specifically to address children's needs, including their digital device needs.

Women Influencing Tech Spaces

Women, particularly those in leadership positions or who are required to maintain an active online presence as part of their professional life, including women in politics, business, media, sports and academia, face unacceptably high levels of abuse online.

This can profoundly damage their confidence, self-esteem and feelings of personal safety. It can also lead to them stepping back from public life or from participating in online activities.

In May 2018, eSafety launched Women Influencing Tech Spaces, or WITS, to protect and promote women's voices online. It provides advice and guidance about reporting pathways, as well as a focus on building personal resilience or 'psychological armour'. eSafety's objective with WITS is to give women the psychological armour to counteract cyber abuse and interact online with impact, confidence and resilience.

eSafety's formal reporting pathways

This section relates to ToR (c)(e).

eSafety adopts a case management, victim-centred and trauma informed approach to its reporting services. It has strong collaborative arrangements in place with many social media services and websites to facilitate quick removal of material and provide relief to victims.

eSafety's reporting schemes reflect the gendered nature of online abuse. More than two-thirds of eSafety's complaints about cyber abuse and image-based abuse, excluding sextortion, involve women.

Cyberbullying and cyber abuse

Since 2015, eSafety has administered a formal complaints scheme for Australian children who experience serious cyberbullying. The scheme serves as a safety net for young people who have not been able to resolve their online issue via the social network's reporting functions.

eSafety works closely with social media services to help remove harmful material and provide relief for a young person and their family.

Since the introduction of the scheme, eSafety has received over 2000 complaints about cyberbullying affecting Australian children. This includes over 370 complaints between January and June 2020, which represents an approximately 14% increase from the same time in 2019.

In July 2017, eSafety's remit was expanded to cover all Australians. However, because the cyberbullying legislative scheme was not extended at that time to cover adults, if a person aged 18 years or over is experiencing serious cyber abuse, but their circumstances do not fall within one of our complaints or reporting schemes, eSafety focuses on providing information, guidance and support. Depending on the nature, context and severity of the online abuse, eSafety may be able to draw upon its cooperative arrangements with social media services to informally provide relief to the individual. This may involve getting cyber abuse material removed.

As at June 2020, eSafety had helped over 600 adults in the first six months of the year, which represents an approximate 25% increase from the same time in 2019.

Relevantly, on 11 December 2019, the Minister for Communications, Cyber Safety and the Arts, the Hon Paul Fletcher MP, launched the Australian Government's consultation process on a new Online Safety Act. Of the many proposals, which will considerably expand eSafety's role and remit if implemented, it includes the proposal to introduce a new cyber abuse scheme for Australian adults to

facilitate the removal of serious online abuse and harassment and introduce a new end user take-down and civil penalty regime.[5] eSafety strongly supports this proposal.

Image-based abuse

In October 2017, eSafety introduced an image-based abuse portal to provide tangible support for Australians of all ages who have had their intimate image or video shared without their consent. In September 2018, eSafety's powers in this area were expanded with the establishment of a civil penalties scheme. This gave eSafety a range of formal powers to take action against perpetrators and websites, hosting providers and social media services. The intent of the legislation is to send a clear message to the community that image-based abuse is unacceptable. eSafety may send informal warnings to perpetrators in appropriate cases as a remedial and educative measure, particularly when the perpetrators are minors.

At the end of June 2020, eSafety had already received over 3900 reports of image-based abuse and this includes over 1700 reports between 1 January 2020 and 30 June 2020. Despite nearly all the websites that have been reported to date being hosted overseas, eSafety has been successful in having image-based abuse material removed in about 90% of cases where removal was requested.

Building digital capacity: a lifelong process

This section relates to ToR (a).

While eSafety sees the harm and damage that can occur online, it also acknowledges the immense benefits of being online. The internet and digital technologies have revolutionised the lives of Australians and opened opportunities unforeseeable a generation ago.

Given the increasing importance of engaging online, capacity building in online safety and digital literacy is a key measure in the short and long term that gives women skills and strategies to prevent and respond to TFA and engage online in ways likely to improve gender equality. Capacity building in online safety and digital literacy is critical for women of all ages, as it gives them the skills and strategies they need to navigate online harms and take control of their online experiences. It enables them to use technology as a platform to connect, communicate, learn and grow in an equitable way.

Capacity building is a lifelong process, which should begin at the earliest age possible and be consistently delivered throughout a girl's educational journey and a woman's life. Embedding

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[5] Department of Communications and the Arts, Online Safety Legislative Reform: Discussion Paper, December 2019, pages 32 and 33

comprehensive and nationally coordinated respectful relationships and online safety education into the Australian Curriculum is key.

Capacity building should occur at the individual and community level and at a societal and cultural level. In other words, it needs to focus on building the capacity of the individual, but also of communities and society to understand, recognise and respond to harm online, including violence against women online, and promote safer and more positive experiences.

eSafety refers to the 'four Rs of online safety': respect, responsibility, resilience and reasoning. This is reflected in eSafety's Young and eSafety (YeS) Project, a workshop-based digital and social health program that encourages young people to act as positive leaders and supportive friends in social spaces, especially online. The 'four Rs of online safety' should be reflected in the Australian Curriculum.

Capacity building should also reflect the principles established by 'Change the Story', which underscores how gender stereotypes, inequality and disrespect drive violence against women and their children.[6] 'Change the Story' also identifies educational settings as a priority area for significantly influencing the social norms, organisational practices and institutional structures that can drive change and this must include safety and respect in online environments.

This also points to the need for respectful relationship education to include targeted and tailored programs for boys. As an early intervention prevention measure, this can help challenge and change the stereotypes and beliefs that underpin sexist attitudes and lead to gender-based violence.

This should also include a focus on engaging with men's behaviour change programs, in order to raise awareness of TFA and gender-based abuse and to address perpetrators' attitudes to the way technology is used in abusive relationships.

As part of a whole of community approach, capacity building initiatives aimed at women and girls, as well as men and boys, should also extend to parents, carers, educators, school communities and other relevant groups. eSafety provides best practice advice and resources for parents, carers, educators, schools and communities, so they can support children and young people to engage safely online.

Children need to be educated in how to stay safe online, as well as how to respond when they have a negative experience online. In 2018, eSafety released the insights from its 2017 Youth Digital

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[6] Our Watch, Australia's National Research Organisation for Women's Safety and VicHealth, 2015, Change the story: A shared framework for the primary prevention of violence against women and their children in Australia, https://d2bb010tdzqaq7.cloudfront.net/wp-content/uploads/sites/2/2019/05/21025429/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf

Participation Survey, which comprised a random sample of more than 3,000 young people in Australia aged 8–17.[7]

The research showed that young people want advice about help-seeking behaviours, which they will draw upon when the encounter something negative online. Key insights include:

- only around 13% of young people who experienced something negative online chose to do nothing or forget about it

- around 71% sought help from informal support networks such as their families and friends and around half (51%) attempted self-help strategies that included making changes to their social media presence

- girls were more likely to use formal channels than boys (27% in comparison to 20%), and

- girls were more likely to pursue self-help strategies in comparison to boys (2 in 3 girls tried to tackle the problem on their own in comparison to 47% of boys)

While negative experiences can be hurtful, young people also reported positive outcomes, in terms of increased awareness of online risks and ways of dealing with issues when they arise:

- 65% of respondents were able to interpret what had happened to them in a positive way, and

- respondents reported being able to achieve a greater sense of self-awareness and understanding of the risks they face online.

This demonstrates the importance of giving young people tools and techniques to navigate online safely, in addition to skills and strategies for responding to harm, risk and negative experiences online.

eSafety commissioned research focusing specifically on the impacts of COVID-19 on the online behaviours, attitudes and information needs of Australian adults. The findings, released in June 2020, reiterate the need for ongoing capacity building and learning of digital skills and safety.[8]

Key findings include:

- the overwhelming majority of adults in Australia see the internet as a 'good thing' personally (86%), for their household in general (85%) and for Australian society (79%)

- 89% of people said the internet was essential to them for at least one activity

- 38% of people had at least one negative online experience during COVID-19

- 66% of people would like more help to stay safe online and improve their digital skills, and

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[7] eSafety, State of Play – Youth, kids and digital dangers, May 2018, https://www.esafety.gov.au/sites/default/files/2019-10/State%20of%20Play%20-%20Youth%20kids%20and%20digital%20dangers.pdf
[8] eSafety, COVID-19 impacts on Australian adults' online activities and attitudes, June 2020, https://www.esafety.gov.au/about-us/research/covid-19-impacts-australian-adults-online-activities-and-attitudes

- there were differences in digital confidence between genders and across age. Males (38%) were more likely to be very confident than females (28%) and those aged 18–24 feel the most confident in their abilities (44%).

Women in STEM

Women need to be encouraged into Science Technology Engineering and Mathematics (STEM). Expressed simply, there needs to be an equal number of women coding the future to create a gender equal future. The concept of 'coding with conscience' directly relates to eSafety's 'Safety by Design' (SbD) initiative, which is discussed in further detail below.

Promoting gender equality within STEM has a number of benefits. It assists in shifting the traditionally male paradigm of STEM. It also addresses the leadership pipeline, as it positions and progresses women to take leadership roles in the STEM industry.

A diversity of decision-making is more likely to lead to better outcomes for women and other diverse groups. Having an equal number of women at the forefront of the STEM industry expands who is influencing and shaping the technological developments and services that are becoming increasingly pervasive and important in our lives. There should be pathways and opportunities for women to enter, and assume leadership positions within, the STEM industry.

Digital ethics, including how digital technologies are shaping the lives of women and girls, should be an integral part of the STEM curriculum.

International leadership and capacity building

This section relates to ToR (b).

The internet defies jurisdictional borders. This means that advancing online safety requires global collaboration and coordination.

Given its unique position as the world's first government agency dedicated to online safety, eSafety has an important international leadership role to play as other countries look to emulate Australia's regulatory model. In acknowledgement of its national role and remit, eSafety continues to receive requests for information and assistance from global stakeholders, including from the United Kingdom, European Union and across Africa and Asia regions.

eSafety has received funding under the Department of Foreign Affairs and Trade (DFAT) Cyber Cooperation Program (CCP) for a project to support the online safety efforts of up to two countries in the Indo-Pacific region. Gender equality is a central focus of the CCP. DFAT has reported that 60% of

women and girls have experienced violence at the hands of partners or family members.[9] Other sources suggest this figure could be up to 79% in some Pacific countries.[10]

As part of this broader package, eSafety will adapt its eSafetyWomen program for the Pacific and will focus on promoting women's safety and right to participate online.

International online safety support during the COVID-19 pandemic

Violence against women increases in times of crisis. Security, health and financial worries heighten, while strains are accentuated by cramped and confined living conditions.[11] The risks of TFA also heighten, as women are isolated and have reduced opportunities for accessing help safely.

As the global spotlight turned to online safety during COVID-19, there was an unprecedented international call on eSafety's advice, resources and leadership, particularly as communities turned to trusted government sources for help. In response, eSafety released three audience-specific online safety resources that were tailored for international use.

eSafety's *COVID-19 Global online safety advice for frontline workers supporting women* is based on eSafetyWomen content, while being tailored for international audiences and contextualised for the COVID-19 context.[12] This information is designed to help frontline workers — those responding to domestic and family violence, as well as those engaged on the frontline of the COVID-19 response — to support women.

The resources have been promoted via several United Nations (UN) and specialised agencies, international civil society groups (Global Partnership to End Violence against Children, World Childhood USA) and through eSafety's own international distribution list of more than 60 global organisations.

In collaboration with the DFAT, the resources were shared via the Australian Embassy/ High Commission network to target stakeholders in overseas ministries and organisations and was accessed in over 50 countries.

International perspectives - online violence against women and girls

In addition to the leadership role eSafety plays internationally, it is also important to consider what lessons can be learnt from international experience and what international initiatives Australia could contribute to.

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[9] DFAT (2019) Pacific Regional—Empowering women and girls www.dfat.gov.au/geo/pacific/development-assistance/Pages/gender-equality-pacific-regional
[10] Pacific Women (2019) Ending Violence Against Women pacificwomen.org/our-work/focus-areas/ending-violence-against-women/
[11] UN Women (2020) The Shadow Pandemic: Violence against women and girls and COVID-19 www.unwomen.org/en/digital-library/multimedia/2020/4/infographic-covid19-violence-against-women-and-girls
[12] See: www.esafety.gov.au/key-issues/covid-19/international-advice-for-frontline-workers-supporting-women

In the decade since the release of the *National Plan to Reduce Violence against Women and their Children 2010-2022,* there has been growing global recognition of the issue of online violence against women and girls. Online gender-based violence is now described in many UN and other international agreements.[13]

Notably, in 2018, the Special Rapporteur on violence against women released a thematic report focused on online gender-based violence.[14] It highlighted the urgent need to fully apply human rights standards, particularly on women's rights, to all forms of online violence against women and girls. It included a series of recommendations for States, including to:

- enact new laws and measures to prohibit new emerging forms of online gender-based violence

- clearly prohibit and criminalise online violence against women, in particular, the non-consensual distribution of intimate images, the threat to share, online harassment and stalking, and

- apply a gender perspective to all online forms of violence, which are usually criminalised in a gender-neutral manner, in order to address them as acts of gender-based violence.

It also noted that private 'internet intermediaries', such as social media providers, have a crucial role to play in achieving these goals.

The Beijing Declaration and Platforms for Action, alongside the UN Sustainable Development Goals and the Roadmap for Digital Cooperation, provide further recommendations to advance women's rights and drive gender equality globally.

2020 marks 25 years since the Beijing Platform for Action was adopted. To mark the anniversary, six Action Coalitions have been established.[15] These are intended to mobilise and coordinate governments, civil society, UN agencies and the private sector to deliver concrete, game-changing results to advance equality for women and girls. Relevantly, two of the Action Coalitions include:

- 'Ending gender-based violence', to ensure women and girls can enjoy lives free from violence, and

- 'Technology and innovation for gender equality', to ensure innovation and technology deliver transformative results for women and girls, while also ensuring that risks such as cyber

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[13] For a timeline of developments in international law, see: Moolman, J (2018) Recognition of online GBV in international law: the highs and lows www.genderit.org/editorial/editorial-recognition-online-gbv-international-law-highs-and-lows

[14] UNHRC, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, 2018, www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session38/Documents/A_HRC_38_47_EN.docx

[15] UN Women, Gender equality: Women's rights in review 25 years after Beijing, 2020, https://www.unwomen.org/en/digital-library/publications/2020/03/womens-rights-in-review, page 24

violence, threats to privacy rights or algorithms that perpetuate unconscious bias are eliminated.

Despite action to address online violence against women and girls, significant gaps remain between international agreements and national actions. Implementation is far from sufficient and work is required to translate recommendations into action, both in Australia and globally. This requires greater global coordination and collaboration.

Long-term systemic change requires the coordinated efforts of the global community to achieve the best outcomes for all citizens online. Given it is the first government agency in the world dedicated specifically to online safety, eSafety, and therefore Australia, is uniquely placed to lead this work.

Safety by Design

In addition to developing the capacity of women and girls, eSafety wants to build the capacity of the technology community to address – and furthermore, prevent – violence and abuse against women and girls.

In 2018, eSafety launched SbD, an initiative that places the safety and rights of users at the centre of the design, development and deployment of online products and services. Through SbD, eSafety wants to drive-up standards of user safety across online service providers, social media companies, connected devices and other digital technologies and encourage greater consistency and standardisation of user safety considerations.

eSafety has developed a set of SbD principles that set out realistic, actionable and achievable measures for industry to undertake to better protect and safeguard citizens online. This includes mitigating and preventing online violence and TFA against women and girls, while promoting and protecting their rights online.

Advancements in technology, machine-learning and artificial intelligence have the potential to radically transform user experiences and safety online. Innovations are occurring at pace. eSafety believes its SbD initiative will act as a catalyst for further innovation, while also embedding user empowerment and autonomy as a core business objective for those developing products, platforms or services online.

Relevantly, as part of the UN Secretary-General's Roadmap for Digital Cooperation, the Office of the United Nations High Commissioner for Human Rights is to develop system-wide guidance on human rights due diligence and impact assessments in the use of new technologies.[16]

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[16] Report of the Secretary-General, Roadmap for Digital Cooperation, June 2020, https://www.un.org/en/content/digital-cooperation-roadmap/assets/pdf/Roadmap_for_Digital_Cooperation_EN.pdf

While the concept of SbD is gaining momentum internationally, eSafety's initiative is well progressed. To create a shared and consistent global approach, eSafety is sharing its SbD work with international partners and is well placed to contribute to discussions on human rights and digital ethics at the international level.

Conclusion

eSafety does not shy away from labelling TFA for what it is: abuse. The word abuse emphasises the severity of the issue and the seriousness of its impacts.

TFA and online safety must be at the forefront of all measures and policy responses addressing violence and abuse against women and their children.

Underscoring its role in leading, coordinating and advising on online safety issues, eSafety intends this submission to highlight the prevalence of TFA and recommends measures to address TFA, online safety and digital capacity, and international coordination efforts.

eSafety commends the Committee for inquiring into this very important issue and can provide further information, advice and detail, as the Committee requires.