

**Submission
No 36**

SEXUALISATION OF CHILDREN AND YOUNG PEOPLE

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Ms Melanie Gibbons, MP
Chair, Joint Parliamentary Committee on Children and Young People
Parliament House
Macquarie St
Sydney NSW 2000

Dear Ms Gibbons,

Thank you for the opportunity to provide a submission to the Joint Parliamentary Committee on Children and Young People *Inquiry into the Sexualisation of Children and Young People*.

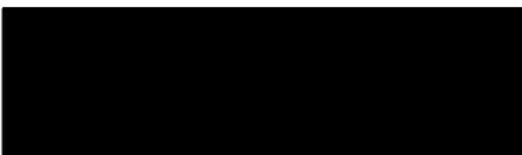
The attached submission acknowledges that there are many types of sexualised media that children and young people can be exposed to. Our submission focuses on pornography and its impact on children and young people as a particularly concerning aspect of wider concerns about the sexualisation of children and young people.

The submission provides a summary of the current evidence on pornography and the sexualisation of children and young people. It describes the trends in children and young people's exposure to pornography, its use and the potential harms of pornography. It provides an overview of the measures currently in place for preventing exposure to pornography and for countering its potential harms.

I kindly request that the contents of the submission be kept confidential until we have had the opportunity to discuss the possible media interest with you and the Committee Secretariat.

Should you wish to discuss the submission further, please contact myself on (02) 9248 0976 or at Andrew.Johnson@acyp.nsw.gov.au.

Yours sincerely



Andrew Johnson
Advocate for Children and Young People



**Submission to the NSW Parliamentary Joint
Committee on Children and Young People Inquiry
into the Sexualisation of Children and Young People**

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Introduction

The NSW Advocate for Children and Young People (ACYP) welcomes the opportunity to provide a submission to the Inquiry into Sexualisation of Children and Young People.

There has been a long standing community concern about the harms of sexualised media on the premature and inappropriate sexualisation of children and young people, as evidenced by media coverage on this issue and recent inquiries in other jurisdictions. This includes the Australian Senate's 2008 inquiry into the sexualisation of children in the contemporary media environment and its current inquiry into the harm being done to Australia children through access to pornography on the internet.

There are many types of sexualised media that children and young people can be exposed to. This submission focuses on pornography and its impact on children and young people as a particularly concerning aspect of wider concerns about the sexualisation of children and young people.

The submission draws on a range of sources, including a review of academic and grey literature with a specific focus on Australian research; previously funded research into young people and sexting, feedback from ACYP consultations with children and young people and parents; a review of related NSW legislation and government initiatives; and an examination of practices and programs from other jurisdictions.

About the office of the NSW Advocate for Children and Young People

The NSW Advocate for Children and Young People (ACYP) advocates for and promotes the safety, welfare and well-being of children and young people aged 0-24 years.

Established under the *Advocate for Children and Young People Act 2014*, the Advocate is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People.

The Advocate consults children and young people and promotes their participation in the making of decisions that affect their lives; makes recommendations to government and non-government agencies on legislation, reports, policies and services affecting children and young people; and conducts and monitors research on issues affecting children and young people.

Further information about the work of the Advocate can be found at: www.acyp.nsw.gov.au

1. The sexualisation of children and young people in electronic, print and social media and marketing

This submission looks at the role of pornography in the sexualisation of children and young people and its impact on their healthy development and the formation of respectful relationships among children and young people.

The term pornography is commonly used to refer to sexually explicit material designed to

sexually arouse (Crabbe & Corlett, 2013). Pornography is highly varied in terms of content and mode of viewing (Short, et al., 2012). It may include erotic text, images, or video, it may be accessed via the internet or more traditional media, and it ranges in level of explicitness. Children and young people may even make their own pornography; distributing self-made nude, sexually suggestive or explicit media.

The internet, social media, and personal technology (e.g. mobiles and tablets) have made pornography easy for children and young people to access and distribute. It is available without the need to purchase it.

Premature exposure to adult notions of sexuality, for example through adult pornography, is antithetical to healthy sexual development and respectful sexual relationships.

2. The exposure of children and young people in NSW to sexualised images and content in public places, electronic, print and social media and marketing

A forthcoming cross-sectional study from the Burnet Institute found that 100% of male participants and 81% of female participants aged 15-29 years had ever viewed pornography. (Burnet Institute, 2016).

Most young people have encountered pornography before 18 years of age. A 2006 survey with young people aged 13-16 years found that 90% of the males and 60% of the females had been exposed to pornography (Fleming et al., 2006).

The age of first exposure to pornography has decreased over time. The percentage of Australians viewing pornography before 16 years of age has increased from 37% in the 1950s to 79% in the 1990s to early 2000s (McKee, 2010).

The Burnet Institute's forthcoming study found that the median age of first exposure was 13 years of age for males and 16 years of age for females, and that on average, young Australians are first exposed to pornography 2-3 years before their first sexual encounter (Burnet Institute, 2016).

There are differences between genders in their use of pornography. Among Australian males aged 15-29 years, the most commonly reported frequency of use was 'weekly' (44%) with another 37% reported watching pornography 'daily.' In other words, 81% of males in this age group watch pornography at least weekly. Among females, 34% reported watching pornography 'less than monthly' and 4% reported that they watched pornography 'daily' (Burnet Institute, 2016).

Young people aged 15-29 years of age most commonly viewed pornography by streaming or downloading on a computer (47%) followed by viewing on a phone (33%). Only 3% most community viewed pornography via DVD, webcam, magazine or book (Pornhub Insights, 2015).

The rise of social media, with varying levels of anonymity, censorship and moderation, has

allowed easy sharing of all forms of pornography among users (e.g. Reddit forums, Tumblr blogs, Snapchat). Social media is a popular outlet for pornography actors to promote their work, and pornographic websites are increasingly behaving like social networks, encouraging users to share, 'like' and comment on content (Perraudin, 2014).

Little research exists to indicate what types of pornography children and adolescents are exposed to, particularly in the Australian context.

3. The impact on children and young people of growing up in a sexualised culture

Children and young people go through a normative, age-appropriate process of sexual development that includes: self discovery, role playing and modeling of gender roles in early childhood; to the development of a sexual self and identity; and to flirting, dating and intimate relationships later on in adolescence through to adulthood (Raising Children Network, n.d.).

While more research is needed, there is a substantial body of evidence that pornography can interfere with healthy sexual development among children and young people, recognising that pornography's influence on viewer's understanding of sexuality and sexual encounters is influenced by factors such as the viewer's gender, age, identification with the material and existing ideas, their sexual arousal, the content of the pornography viewed, frequency of viewing, personality traits and aggressive tendencies (Malamuth & Huppini, 2005; Wright, 2014).

While access to pornography may have become widespread, guidelines on developmentally based sexual behaviours consider viewing pornography a 'concerning' or very concerning sexual behavior up to the age of 18 years. (South Eastern Centre Against Sexual Assault and Family Violence, 2012).

Pornography can shape young people's attitudes and expectations of sex and gender

- It may impact upon young people's capacity to develop a sexuality that incorporates mutual pleasure, respect and the negotiation of free and full consent (Crabbe & Corlett, 2013).
- Its frequent use has been associated with relationship dissatisfaction and problems and sexual dissatisfaction (Mattebo, et al., 2013; Brown & L'Engle, 2009; Morgan, 2011; Szymanski & Stewart-Richardson, 2014).
- It creates expectations about the performance of sex acts that most women do not enjoy and may experience to be degrading, painful or violating (Crabbe & Corlett, 2013) and places pressure on young women to conform to these expectations (Walker, et al. 2015; Crabbe & Corlett, 2011). Young men may develop a skewed understanding of masculinity, of their role in a sexual relationship, and of sexual performance and achievement. They may develop more negative and objectifying attitudes to women, including seeing women as 'sex objects' (Peter & Valkenburg, 2009; Brown & L'Engle 2009).
- Young people that use pornography are more likely to hold the belief that sex is primarily physical/casual (Peter & Valkenburg, 2010).
- Young people that use pornography are more likely to hold attitudes that are

supportive of casual partners/one night stands (Peter & Valkenburg, 2008).

Pornography can shape sexual practice

- There is a relationship between pornography use and initiation of sexual behaviours at a younger age (Häggström-Nordin, Hanson, & Tydén, 2005; Morgan, 2011; Svedin et al., 2011; Weber et al., 2012).
- Research has established that people who initiate sexual activity earlier in life generally continue to engage in more risky behaviours, increasing their susceptibility to unwanted pregnancies and sexually transmitted infections (Ma et al., 2009; O'Donnell et al., 2001; Rosenthal et al., 2001).
- The use of pornography is associated with higher likelihood of engaging in sexually aggressive behaviour among young people (Brown & L'Engle, 2009; Ybarra & Mitchell, 2013; Ybarra, et al., 2011).
- Young people that use pornography are more likely to engage in greater risk-taking sexual behaviour such as:
 - not use condoms (Luder et al., 2011),
 - have more lifetime sexual partners (Braun-Courville & Rojas, 2009),
 - have group sex (Rothman et al., 2012),
 - use drugs or alcohol during sex (Braun-Courville & Rojas, 2009),
 - increased sexual permissiveness (Baams et al., 2015; Braun-Courville & Rojas, 2009; Owens, et al., 2012).
- There are emerging studies that suggest use of pornography contributes to sexual offending in adults and young people (Alexy, et al., 2009; Mancini, et al., 2012).

Pornography can affect young people's sense of self

- Pornography can perpetuate the same body image issues in young men and young women that emerge from the exposure to sexualised media more generally, such as the presentation of an ideal figure (for example 'thin' for women and 'muscular' for men) (Benowitz-Fredericks, et al., 2012; Clark & Tiggemann, 2006, 2008; Jongenelis, et al., 2014; Wang et al., 2014).
- Pornography normalises and creates expectations of desirable personal grooming practices and what are the desirable aesthetics of personal body parts (Lofgren-Martenson & Mansson, 2010; Mattebo, et al., 2012; Walker et al., 2015; Cranney, 2015; Tylka, 2015). The behaviour of young people may become problematic as they seek to imitate what has been seen and at its most extreme, undertake harmful practices or cosmetic surgical procedures to achieve the desired aesthetic of their body part (Bisceglia, 2014; Dingle, 2012).
- Higher frequency of pornography use has been associated with poorer mental health (Svedin et al., 2011; Tylka, 2015).
- Pornography can become habitual or compulsive (Mattebo et al, 2013; Damiano et al, 2015), similar to an addiction that can interfere with other aspects of a young person's life.

4. Adequacy of current measures at state and federal level to regulate sexualised imagery in electronic, print and social media and marketing, and effectiveness of self-regulation measures

ACYP commends the NSW Government submission to the Inquiry, which provides a useful overview of current measures to regulate sexualised imagery in electronic, print, social media and marketing.

The *Crimes Act 1900* addresses child abuse material and grooming, which children and young people can be exposed to in electronic, print, social media and advertising.

The definition of child abuse material includes material which depicts or describes a child who is (or appears to be) under 16 year of age engaged in a sexual pose or sexual activity. Under section 91H it is an offence to disseminate, possess or produce child abuse material. The offence carries a maximum penalty of 10 years imprisonment. It should be noted that the practice of sexting, which young people are known to engage in, can be considered an offence under these terms.

The definition of grooming includes an adult exposing a child to indecent material with the intention of making it easier to engage in sexual activity with that child. Under section 66EB(3) grooming of a child under 16 is an offence. The offence carries a maximum penalty of 12 years in the case of a child who is under 14, and a maximum penalty of 10 years in any other case.

In addition, it is an offence to publish an indecent article under section 578C. An indecent article may include sexualised imagery. 'Publish' is broadly defined to include 'distribute, disseminate, circulate, deliver, exhibit, lend for gain, exchange, barter, sell, offer for sale, let on hire or offer to let on hire.' It also includes printing, photographing, making or having possession of an article for the purpose of publishing it. The offence carries a maximum penalty of 12 months imprisonment for an individual or a \$22,000 fine for a corporation.

There are legislated provisions for the employment of children and young people that address the issue of the sexualisation of children and young people in entertainment industries, such as the arts, exhibitions, still photography and modeling. The *Children and Young Persons (Care and Protection)(Child Employment) Regulation 2015* requires all employers of children in the prescribed industries to submit production information for review to ensure children are not depicted in an inappropriate way, including where the child or any other person is naked. The NSW Office of the Children's Guardian is responsible for the program that monitors employers' responsibilities and ensuring compliance.

Australian law prohibits people under 18 years of age from viewing pornography. Film and publications are subject to classification schemes prior to sale in Australia to help prevent young people from accessing inappropriate and harmful material. Furthermore, the sale of X-rated material, under which pornography is generally classified, is prohibited in NSW.

With the move to online models for the distribution of media and the availability of pornography on the internet, the current classification scheme and its enforcement has become less relevant as a means to control access to restricted content. It is easy for young

Australians to access pornography not subject to Australian laws, via the internet.

5. Measures to educate and assist children, young people and parents

In the recent consultations with children and young people conducted by ACYP, children and young people raised that one of their major fears was that there was too much technology, including social media and smartphones. This suggests that children and young people are likely to be receptive to education and other strategies that help them manage their use of, and access to, technology.

While there is increasing evidence about the harm of widespread exposure to pornography among young people, the evidence about the efficacy of interventions is less developed.

At the level of principle, responses should be respectful to children and young people, sensitive to their stage of development, and not seek to shame them about sex or sexuality. It is important that interventions do not add to the harm caused by pornography itself.

Education

The review of the literature suggests that education may be useful in countering the negative impacts that exposure to pornography can pose. Age-appropriate education for young people is theorised as encouraging critical thinking and promoting awareness of the potential harms (Albury, 2014).

Skills such as critical thinking and critical consumption of media can be taught and embedded in a range of topics as part of the school curriculum. For example, the issue of pornography can be addressed directly as the core issue or it can form part of broader sexuality, relationship, cyber safety, and media education.

Sexuality and relationship education

There is strong evidence that sexuality education can make a difference to the safety and wellbeing of young people. Key messages that resonate with children and young people tend to be factual and scientific ones, including facts about: protection from sexual dangers (STDs and pregnancy), sexual rights and responsibilities, and creating healthy and good relationships (Mitchell et al., 2011).

However, the evidence on the impact of sexuality education on the consumption and effects of pornography and young people is less clear.

In light of the research that on average young Australians are first exposed to pornography 2-3 years before their first sexual encounter (Burnet Institute, 2016), there may be a case for considering that sexuality education be taught earlier. Commenting that pornography is often the first exposure to sex for many young people and that it gives young people a skewed view of sexual experiences, some academics have suggested lowering the age at which sexuality education is taught (Stark, 2014).

The NSW Board of Studies, Teaching and Educational Standards (BOSTES) is responsible for advising the Minister for Education on the appropriateness of curriculum for NSW schools and the structure and process of its implementation, including with regard

to the Australian curriculum. BOSTES is responsible for developing, in consultation with teachers and other stakeholders, the mandatory curriculum, K–12, to be taught in NSW schools.

In relation to sexuality and sexual health education, the BOSTES website states that sexuality and sexual health education is an important part of the mandatory Personal Development, Health and Physical Education (PDHPE) curriculum. It is taught in an age-appropriate way within the broader context of Growth and Development, Interpersonal Relationships, Safe Living and Individual and Community Health. Sexuality and sexual health education equips young people with the knowledge, skills and values to have safe, fulfilling and enjoyable relationships and make responsible and safe choices that promote and protect their own health, safety and wellbeing and that of others (BOSTES, 2016).

The PDHPE curriculum contributes significantly to the formation of student understanding and values related to the acceptance of, and respect for, difference and diversity. Sexuality education is sequenced across the stages of primary and secondary education to provide age appropriate content.

In Kindergarten to Year 6 students learn:

- to accept themselves as they grow and change
- the physical changes that occur during life, including puberty and reproduction, devising strategies to cope with life changes
- how positive relationships are formed and maintained,
- to explore how expectations of girls and boys, and men and women can influence their choices and options
- how to develop and maintain a personal network of trusted adults who can provide advice and support.

In Years 7-10 students learn:

- to explore a sense of self and how others can influence their identity
- understand rights and responsibilities within respectful relationships
- plan and manage sexual health, and access health information, products and services
- identify strategies to keep themselves and others safe
- recognise sex based harassment and homophobic bullying, and affirm diversity and the impact of discrimination on the wellbeing of themselves and others (BOSTES, 2016).

Sexuality and sexual health education is embedded in the broader context of positive relationships and wellbeing which provides a holistic view on sexuality. It provides opportunities for students to develop media literacy skills, which are essential to help them understand, interpret and evaluate media messages and imagery (BOSTES, 2016).

While the content relating to sexuality and sexual health education within the PDHPE syllabus is prescribed, schools have the flexibility to treat sensitive and controversial issues in a manner reflective of their own ethos. Schools should consider their ethos, cultural sensitivities, community values and beliefs when developing their programs. Where

appropriate, schools should partner with parents and involve them in decisions around the PDHPE program, especially when addressing sensitive issues such as sexuality and sexual health. This can assist teachers design programs that accommodate differing perspectives (BOSTES, 2016).

New South Wales is alone among Australian States and Territories in outlining specific qualification requirements for teachers who will specialise in health and physical education and refers to sexual health in this context (Mitchell et al., 2011).

In addition to sexuality and sexual health education as part of the NSW PDHPE curriculum for Kindergarten to Year 10 students, the NSW Department of Education conducts the mandatory *Crossroads* program for Year 11 and 12 students. The program is designed to help senior students address issues of health, safety and wellbeing at a time of significant changes and challenges in their lives. It covers the following domains: personal identity, mental health and wellbeing, relationships, sexuality and sexual health, drugs and alcohol, and safe travel.

The NSW Department of Education's advice to schools addresses the need for sexuality and sexual health in schools, outlines the relevant policy and legislation, provides best practice principles for teaching and learning in the area, and provides helpful references including the website www.learning.schools.nsw.edu.au/teachingsexualhealth.

The principles of sexuality and sexual health education in NSW Government schools reflect the UNESCO International Technical Guidance on Sexuality Education (2009), which is based on a rigorous review of evidence on sexuality education programs (Department of Education, n.d.).

The Sexual Health in Schools Project is a partnership between the NSW Ministry of Health and the NSW Department of Education. The project aims to increase and maintain support for teachers in NSW government schools to provide effective sexuality and sexual health education to all students. Recent developments include resources for pornography and sexting.

Cybersafety and digital citizenship

- Digital Citizenship resources have been developed by the NSW Department of Education that help teachers engage with students on the topics of staying safe and healthy while using digital technologies. There are also three websites: one for primary school students, one for secondary school students and one for parents. Digital Citizenship is a way to teach students what it means to be a good digital citizen and how to go about being one, including about how to be cybersmart- safe and secure online. (Digital Citizen, n.d.)
- The ThinkUKnow cyber safety program is a free, evidence-based cyber safety program. It provides information and resources through its two websites, one for young people aged 11-17 years old, and the other for parents, carers and teachers. The websites provide information on parental controls of online content and include template family online contracts. ThinkUKnow is supported by the New South Wales Police Force who is

also involved in the delivery of the program through the provision of information sessions to the target groups.

Online resources to educate young people about pornography

There are a number of useful online resources to help educate children and young people about pornography.

- *Your Brain on Porn* aims to educate people about pornography based on scientific research. The website primarily acts as a hub for research on the topic of pornography but also contains information on 'rebooting' (a personal attempt to recover from problematic pornography use, usually involving quitting pornography for a period of time) and other methods to address self-reported pornography addiction (Your Brain on Porn, 2010).
- Burnet Institute's SCOPE Project (Social Connectivity: Online Perceptions and Experiences) aims to educate young people about potential harms about pornography. SCOPE (2015) involves a website with links to youth-friendly educational resources and social media tie-ins on topics including online pornography, cyber safety, and technology and relationships.
- *Fight the New Drug* is a non-profit American organisation and aims to educate young people about harmful effects of pornography on the brain, on relationships and on society. Their tool 'Fortify' is designed to help people struggling with pornography; the online program runs for 2-5 months (Fight the New Drug, 2009).

Resources for parents

ACYP has heard from parent groups that they would like more resources and guidance to support their children in relation to technology and media. There are currently a number of useful educational initiatives and websites to inform and assist parents in this area.

- The Raising Children Network website contains information for parents on the importance of media literacy and provides tips on how to help their child develop media and digital literacy. It describes media literacy as having the skills to access, understand, question, critically analyse, evaluate and create media (Raising Children Network, 2015).
- *Talk Soon, Talk Often* - a booklet aims to support parents and carers in talking with their children about sexuality and sexual health. It was developed originally by Western Australia, and updated by Nepean Blue Mountains Local Health District (NBMLHD, n.d.).
- Kidspot Australia is a website for parents by parents that includes an article on pornography that includes tips for discussing pornography with kids (Coulson, 2013). The article recommends a whole of community approach, and suggests parents install filters on their children's devices, having an ongoing conversation about sex and sexuality from young age, and having frank and open conversations.

- Australian sexual education website ‘Talking the Talk’, run by a sexual health nurse and educator, provides talking points for explaining pornography to children and adolescents about the fantasy of pornography, having open and trusting conversations between parents and children, and explaining real sexual relationships. The sexual health educator runs parent groups on these topics (Hamilton, 2015).
- ‘Reality & Risk: Pornography, young people and sexuality’ is a community-based project that has a number of tip sheets and recommends parents encourage critical thinking by discussing underlying messages about power and relationships seen in pornography and the wider media, discussing peer pressure and limiting exposure by keeping devices out of bedrooms and putting time limits on use, acknowledging that filters are not always effective (Reality & Risk, n.d.).
- *Collective Shout*, is an Australian grassroots campaign against the objectification of women and sexualisation of girls in media, advertising and popular culture (Collective Shout, 2015). *Collective Shout* has a significant reach and has successfully campaigned against many sexualised products and advertisements

Internet filtering and age verification

Attempts to control access to pornography are usually aimed at protecting children and adolescents from harm. Age verification software and internet filtering aim to control access to information that is considered inappropriate or harmful.

Many pornographic websites use age verification software to prevent under age users from accessing pornography, such as requiring users to select ‘yes’ to the question ‘are you aged 18 years or older’ or requiring credit card verification. However, the ease of avoiding these systems, and the widespread availability of pornography online, makes true age verification almost impossible to enforce. Experts have recommended steps that could be taken to prevent children and young people from accessing pornographic websites: stricter age verification technologies, plain home pages for pornographic websites (so that visitors are not bombarded with explicit material) and instant help functions for children exposed to offensive material (Flood and Hamilton, 2003). These measures would require the voluntary cooperation of websites.

Internet filters can be applied voluntarily at an internet service provider, organisational, household, or device level. Schools and businesses often apply these filters to prevent access to pornography.

There are essentially three methods of internet filtering:

1. ‘Inclusion filtering’ creates a ‘whitelist’ (a list of specific sites that are accessible to the user) with all other content denied.
2. ‘Exclusion filtering’ creates a ‘blacklist’ (sites to be blocked).
3. ‘Content filtering’ evaluates sites and checks to see if its content matches descriptions (e.g. using keywords) (Dombrowski, et al., 2007).

Some peer-to-peer file sharing websites (e.g. Piratebay.com) are blocked at a national level largely to reduce internet piracy in Australia, but this also blocks pirated pornography.

The effectiveness of internet filters is often questioned. A common criticism of internet content filters is that it can make two kinds of errors: over-blocking (blocking a page that should not be blocked) and under-blocking (failing to block a page that should be blocked; Çankaya & Odabaşı, 2009). For example, health information and sex education pages may be unintentionally blocked by internet filters. Additionally, a survey of American teenagers found that most of them stated no problems circumventing filters to access pornography (Smith, 2013).

However, internet filters should not be seen as tools to prevent access to those who are determined to view pornography but as a means of making it more difficult for children and young people to view it and thereby reduce exposure at a population level.

The United Kingdom has implemented filters for the majority of its internet and mobile services. These filters, when in effect, prevent access to material deemed to be unsuitable for persons under the age of 18 years. The filter can be removed by request, subject to any age verification that may be required.

All of the UK's mobile telecommunication providers implement a filter that is on by default. The scheme is voluntary and part of an industry code of conduct, and each company is responsible for their own filter.

The four largest Internet Service Providers (ISPs) in the UK, covering 90 per cent of all home internet users, implement a filter where customers have to make an 'unavoidable choice' on whether they want the filter on or off. This is also a voluntary scheme and each company is responsible for their own filter. The take up rate among providers ranges from 6% to 40% with the take up rate higher among new customers than existing customers (Ofcom, 2015).

Also in the UK, the six largest public Wi-Fi providers have implemented 'family friendly' filters on their public Wi-Fi networks (Hirst, 2014).

Parental monitoring

Parents can influence children's media consumption through setting rules and restrictions such as time limits, not allowing smartphones in the bedroom or at school, and not allowing access to certain websites. When parents pay for children and young people's devices and internet access, they can negotiate the conditions of their provision.

In a recent survey in the UK, approximately 15% of the total number of parents surveyed reported they were using internet filters and almost all (97%) of those using it reported that they found it useful (Ofcom, 2015).

A quarter of the parents surveyed were concerned that their child would be able to get around the filter. However, while 10% of the children surveyed reported that they knew how to get around it, almost none (less than 1%) reported having actually done so (Ofcom, 2015).

Parents in the survey reported that, for their child's internet safety, they combined the strategies of internet mediation with talking, rules and supervision. Internet mediation

involved a combination of regularly talking to their children about managing online risks, using technical tools, supervising their child, and using rules or restrictions (Ofcom, 2015).

6. Possible measures that the Children’s Advocate can take to assist children and young people to navigate the cultural environment successfully

There are a number of measures that ACYP can take to assist children and young people to navigate the cultural environment successfully:

- Promoting, collating, and reviewing credible and evidence-based websites and materials to educate and assist children and young people and parents.
- Commission research to fill the gap in Australian knowledge about young people’s attitudes and responses to sexualised media, including pornography, to inform more effective policy.
- Working with the National Children’s E-Safety Commissioner to explore opportunities to work with ISPs, websites, mobile phone providers, and public Wi-Fi providers on strategies to reduce children and young people’s exposure to online pornography, including through better age verification and internet filtering technologies.
- Working with the NSW Department of Education, BOSTES and NSW Police to strengthen the effectiveness and implementation of educational materials and programs aimed at equipping children and young people with the skills and knowledge to develop healthy attitudes to sexuality and relationships and critical thinking about media representations of sexuality, including pornography and sexting.

7. Any other related matter

Sexting

Sexting is generally defined as the digital recording of nude or sexually suggestive or explicit images and their distribution by mobile phone messaging or through social networking platforms such as Facebook, Instagram and Snapchat (Lee et al., 2015). In other words, sexting can also be seen as a process of young people producing pornographic images of themselves or peers and the distribution of those images by themselves as well as others.

The former Commission for Children and Young People contributed funds to a significant qualitative and quantitative research project on *Sexting and Young People* which has now been published as a book (Crofts et al. 2015). The researchers also consulted with the former Commission’s Young People Advisory Group, which helped with the design of the survey used in the research.

The study documented young people’s perceptions and practices of sexting, analysed the public and media discourse around sexting, and examined the existing legal frameworks and

sanctions around sexting in order to develop recommendations for appropriate and effective legislative responses.

The study surveyed over 2,200 people aged 13 years and over, with the primary target group being young people aged 13-18 years. The survey asked respondents for their perceptions and practices surrounding sexting.

The study found:

- 38% of young people aged 13-15 years and 50% of young people aged 16-18 years have ever sent a sexual picture or video via communication technology.
- 62% of young people aged 13-15 years and 70% of young people aged 16-18 years have ever received a sexual picture or video via communication technology.
- Most sexting occurred between partners in committed relationships.
- There was very little evidence of peer pressure or coercion to engage in sexting. Rather, young people reported engaging in the practice as a consensual and enjoyable part of their intimate relationships.

Sexting and harm

There are potential harms associated with sexting that can arise when the image or video is shared widely or without consent. The prevalence of the non-consensual redistribution is not clear. However, in a survey of 950 students mostly from NSW schools, 17.2% indicated that they or someone they knew has had a sexting photo shared without permission (Tallon et al., 2012).

The non-consensual redistribution of sexts can cause significant harm to the victim, affecting the young person's wellbeing, health, school, employment, family and peer relationships. Young people may find themselves the victims of humiliation, bullying, harassment, threat, punishment (from school and/or parents) and criminalisation (Victorian Law Reform Committee, 2013). This can have devastating consequences, with examples from the United States and Canada of young people having committed suicide as a result of taunts and harassment following the non-consensual distribution of an intimate image (Victorian Law Reform Committee, 2013).

Under NSW legislation, young people who engage in sexting can also be prosecuted for committing an offence. Under section 91FB of the *Crimes Act 1900*, 'Child Abuse Material' refers to material where a child, who is under 16 years, is depicted in a 'sexual pose or sexual activity'. A sext may fall under this definition if, for example, it is a photo of a child under 16 years in a sexual pose. Irrespective of whether consent was involved, the subject of the sext and anyone else who is in possession of the sext is liable for prosecution under the current legislation. Under certain conditions, a conviction for such a sex offence may result in the person being placed on the NSW Child Protection Register.

Responses to sexting

Law reform

In 2014, the Victorian Government introduced new offences for maliciously distributing or

threatening to distribute intimate images of another person (s. 41DA – s. 41DB, *Summary Offences Act 1966*, Victoria), along with new laws to ensure that young people who engage in non-exploitative 'sexting' don't end up with criminal records or on the sex offenders register (s. 70AAA – s. 70AAAE, *Crimes Act 1958*, Victoria).

The laws create two new summary offences of 'distribution of an intimate image' and 'threat to distribute an intimate image' in circumstances contrary to community standards of acceptable conduct have been created. The offences apply to the distribution of images of anyone under 18 years of age, and the distribution of images of adults without consent.

The laws also introduce certain exceptions to child pornography offences so that young people under 18 years of age are not inappropriately prosecuted or added to the sex offenders register for consensual, non-exploitative sexting. The exceptions are that:

- a young person cannot be prosecuted for child pornography offences if the indecent photos stored, sent or taken are of themselves; and
- it is not a child pornography offence if the person in possession of the photo is under 18 years, and that: no person in the photo is more than two years younger; and the photo does not show an act that is a serious criminal offence.

NSW might consider similar reforms in NSW to clarify and strengthen the law in this area to better protect children and young people.

Education

Young people believe that education is critical to informing them of the risks of sexting. Crofts et al. have suggested that this education should:

- be based on the ethics of sexting
- explain the various scenarios of sexting, and the pros and cons of potential flow-on outcomes
- explain how sexting may affect reputation or self-esteem into the future
- support and empower young people to engage in a dialogue in relation to sexting (Crofts, et al., 2015).

The NSW Government submission to this inquiry indicates that information and education on sexting for young people is covered in the ThinkUKnow program.

Given the prevalence of sexting, NSW might consider whether current education initiatives are effectively fulfilling the needs of young people and keeping them safe from the harms of sexting.

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