![alannah & madeline foundation]

Age verification:

A submission to eSafety by the Alannah & Madeline Foundation

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Executive summary

We welcome the news that eSafety will develop a 'roadmap' for mandatory age verification relating to pornography, as part of the Australian Government's response to the House of Representatives Standing Committee on Social Policy and Legal Affairs report, 'Protecting the age of innocence'.

We want Australia to be the safest place in the world for children to be online. To this end, we stress the need to:

- Introduce regulation at a structural level so that pornographic content is inaccessible to children by default, and only accessible to adults via age verification. This is in recognition of children's right to use online spaces freely without encountering harmful content and without being held individually responsible for avoiding such content. (Leaving responsibility solely with children, their parents, educators and caregivers is unreasonable and unworkable.) We believe regulatory underpinning demonstrates a proactive approach to embedding children's safety and rights into digital products, in the spirit of eSafety's Safety By Design.

- Integrate substantial engagement with young people, parents and carers into the development of an age verification system. This aligns with eSafety's Safety By Design priorities of building stakeholder trust, awareness and understanding of new systems, technology and infrastructure. It is important that an age verification system meets the needs and priorities of children, young people, and their parents and carers from the outset, all the way through to the public communication and evaluation of the system.

- Invest in the professionals who work with vulnerable children and young people, such as youth workers and allied health workers. Children and young people who are highly vulnerable offline are often highly vulnerable online too. They may present with multiple risky or harmful experiences, including but not limited to pornography exposure. Professionals need the right skills, knowledge and support to identify and respond to their young clients' full range of needs, risks and strengths, both online and offline.

- Build the digital literacies, skills and supportive networks of parents, kinship carers and foster carers so that they can engage effectively with children and teens about sensitive issues online, including pornography exposure. These initiatives should focus on parts of Australia with the highest levels of disadvantage and digital exclusion.

- Support comprehensive, developmentally appropriate education about digital literacies, aligned with respectful relationships, for every Australian student.

- Scope the feasibility of creating expert, targeted interventions for the minority cohort of adolescent boys who use pornography very often and/or from a very early age. Their needs, perspectives and risks may be different to those of their peers.

About us

The Alannah & Madeline Foundation is the leading national not-for-profit organisation working to protect children from the effects of violence and bullying.

We care for children who have experienced or witnessed serious violence; reduce the incidence of bullying, cyber bullying and other cyber risks; and advocate for the safety and wellbeing of children.

Our programs are in close to one third of Australian schools and more than 80% of Australian public libraries. We also support 10,000 children in refuges or foster homes across the country every year through our Buddy Bags program.

We have reached more than 2.5 million children and their families nationwide since the Foundation started.

Recommendations:

1. Introduce regulation at a structural level so that pornographic content is inaccessible to children by default and only accessible to adults via age verification. This would uphold the right of children to participate online without being exposed to age-inappropriate risky or harmful material. For example, state regulation might place pornographic content behind a separate domain, set to 'off' by default, and only accessible to adults via age verification.

2. Uphold the highest standards of protection for children's personal data. While children and underage young people may attempt to access age-restricted websites, and their access should be denied, it is also vital that their personal data is not stored by age verification providers or shared with age-restricted websites or other third parties.

3. Build strong and meaningful engagement with young people, parents and carers into the development of an age verification system, including in relation to issues of user privacy, data security and mechanisms for reporting and complaints. The aim is to ensure that the system meets the need of children, young people, parents and carers from the outset, all the way through to its public communication and evaluation. We believe this aligns with the Safety By Design commitment to building stakeholder trust, awareness and understanding of new systems, technologies and infrastructure.

4. Embed monitoring, research and evaluation into any age verification system, to identify and learn from the system's impacts and effectiveness, compare to lessons from overseas jurisdictions, and share these findings publicly. Research and evaluation should include meaningful engagement with young people and their parents, educators and caregivers.

5. Invest in evidence-based initiatives to build the skills, knowledge and support of professionals who work with vulnerable children and young people, such as youth workers, social workers and school wellbeing staff, to enable them to:

    *   Identify and respond to a range of online vulnerabilities, including but not limited to pornography exposure. (This aligns with the holistic approach to online safety set out in eSafety's Safety By Design principles and framework.)

    *   Engage effectively with children and young people about their needs, strengths and risks online as well as offline.

    This is in recognition that children and young people who are vulnerable offline are often vulnerable online, and where there is one online vulnerability, there are often others.

6. Invest in evidence-based initiatives to build the digital literacies, skills and support networks of parents, kinship carers and foster carers, especially in communities with high levels of digital exclusion eg. according to the Australian Digital Inclusion Index. Supporting rural, regional and remote communities should be a particular priority. Initiatives should be tailored to the needs and strengths of local communities; they should be culturally appropriate and grounded in trusting and positive relationships.

7.   Support comprehensive education about digital literacies for every Australian student, aligned with developmentally appropriate, well-evaluated, evidence-based education about respectful relationships, sex and consent. Educators need the right knowledge, skills and supports in place to deliver this content and work with students in this context.

8.   Scope the need for, and feasibility of, targeted initiatives for adolescent boys who use pornography very frequently (eg. daily or several times a day) and/or from a very young age. Initiatives should have a strong research and evidence base and share their evaluation findings in a safe, de-identified way to inform future initiatives. They should address:

- The strong possibility that these teens will seek ways around age verification systems.

- The higher than average belief among these teens that pornography use is normal or universal.

- The risk of sexually abusive behaviours among these teens.

- The diverse learning and communication needs of these teens, some of whom may present with disability, attention or learning difficulties, and/or are on the autism spectrum.

Regulating for child safety at a universal, structural level

The Foundation upholds the right of children to participate online without being exposed to age-inappropriate, risky or harmful material. Given the near-ubiquitous role of technology in the lives of Australian families, and the widespread reach of pornographic content, it is unreasonable to expect children, parents and educators alone to be responsible for avoiding this content and dealing with its impacts.

We encourage governments to take a preventative, structural and population-level approach ('upstream') to prevent and reduce children's exposure to pornography online. Age-verification measures are used to prevent and reduce children's access to other age-inappropriate products such as tobacco, alcohol, gambling and adult DVDs and magazines. Accepted offline standards of protection should also apply online.

We believe this approach aligns with Safety By Design principle, set down by eSafety, that the burden of online safety should never fall solely upon the individual user.

State-led age verification systems for online pornography are starting to emerge in different parts of the world; lessons are still being learned. It is important that any new Australian system embeds regular monitoring, research and evaluation to measure impact and effectiveness, compare Australian developments to those of other jurisdictions, and report publicly on these findings.

Note: we have encouraged the Australian Government to advocate for the World Wide Web Consortium (w3c) to change the standardisation of technology and establish a xxx domain for all adult content to sit behind. Internet service providers could then have this domain default to 'off' and individuals would have to complete an age verification process to search for content.

While not a perfect solution, a state-led, structural approach would reduce the reliance on individual tech companies to comply and would allow for greater regulation through a standardisation mechanism by governments to protect their citizens.

Protecting children's privacy and data

Any age-verification system must prioritise the safeguarding of children's personal data and privacy. We refer to Article 16 of the United Nations Convention on the Rights of the Child, which states that children have a

right to be legally protected from arbitrary or unlawful interference in their privacy and attacks on their reputation.

Realistically, some children and underage young people will attempt to access age-verifications system for adult material. While it is important that their access is denied, it is also important that their personal data is not misused and their privacy is not breached. Age verification providers should not store children's data or share it with age-restricted sites or other third parties.

(We note the conclusion of the Standing Committee on Social Policy and Legal Affairs that, at a minimum, age verification providers should share no personal user information with age-restricted sites other than the user's age, and that the storage of personal data by age verification providers should ideally be eliminated or at least minimised and kept highly secure. We urge that even greater care be taken with the personal data of children.)

It is equally important that children, young people, their parents, educators and caregivers understand the rationale behind an age verification system, how it handles individuals' data, how privacy and identity are safeguarded, and the avenues for raising complaints or concerns. They should have a meaningful voice in helping to shape these new systems.

Lessons from overseas jurisdictions have also shown the need for:

- Age verification mechanisms which are robust, with a high level of accuracy.

- Rigorous, transparent standards about what data is collected, what gets done with it, and how privacy and data security will be protected.

- Strict separation between age verification providers and pornography providers, including their parent companies.

- Addressing the availability of pornography in other spaces, notably social media.

- Regular monitoring and evaluation of the impact and effectiveness of the age verification system.[1]

Addressing the bigger picture of child and youth vulnerability

We welcome the push for structural change to prevent and reduce children's exposure to pornography. However, we also recognise that no technical solution is perfect. The risk of exposure to pornography is unlikely to disappear overnight, and technical solutions do not prepare young people to understand and respond appropriately to pornographic content when they reach adulthood.

As such, structural reforms should be complemented by initiatives to strengthen the skills, knowledge, confidence and relationships of parents, carers, educators, support workers, children and young people.

These initiatives should recognise the 'overlap' that often occurs between different risky or harmful behaviours by children and teens online, including pornography exposure, sharing nudes, cyber bullying, cyber stalking, and being sent sexual images or messages.

While overlap does not occur in every case, a child or teen with one online vulnerability is more likely than their peers to have other online vulnerabilities, too.[2]

This shows the need for comprehensive education about digital intelligence, integrated with developmentally appropriate education about respectful relationships, sex and consent. Educators need expert support to deliver this content and work with students in this context.

High-quality, evidence-based education in these spaces helps schools to strengthen their alignment with the National Principles for Child Safe Organisations, which state, amongst other things, that physical and online environments should promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.[3]

While universal measures are vital, it is also important to build the skills, knowledge and supportive networks of professionals who work with Australia's most vulnerable children and young people. These professionals include youth workers, social workers, other allied health workers and school wellbeing staff. They are under pressure to identify and respond to a wide range of risky and harmful behaviours online and offline, some of which may not be obvious or reported at the outset.

Children and young people who are vulnerable offline are at higher risk than their peers of having risky or harmful experiences online. While evidence about their exposure to pornography is limited, UK studies have found that vulnerable teens are four or five times more likely than their peers to see nudes online by accident and/or visit websites 'meant for adults'.[4]

Vulnerable teens include those with eating disorders, those living in out-of-home care, young carers, and teens with a disability, learning difficulty, or long-term illness. There is also some evidence that the link between pornography use and antisocial behaviour is stronger for teens who are exposed to family violence and teens who use alcohol or other drugs.[5]

Vulnerable teens are less likely than their peers to have received cyber safety education that is useful and relevant to them. They are less likely to trust the guidance of adults and more likely to have parents or carers with low digital skills. Some of these teens are isolated and rely on online spaces for social connection.[6]

Professionals who work with vulnerable children and teens need the right skills and support to engage with them holistically, addressing their needs, strengths and concerns online as well as offline.

And better support is needed for kinship carers and foster carers to build their skills, knowledge and confidence to communicate regularly with children and teens about what's happening online; set clear, consistent and reasonable expectations about tech use and conduct; and support children and teens effectively if things go wrong.

Working with teens who show high levels of pornography use

The prevalence of pornography exposure among children and teens is debated but appears to be very uneven. Pornography use is much more common among boys than girls, and much more common among teens than younger children. Many teens (especially girls) only look at pornography occasionally or by accident, or not at all.

At the same time, there appears to be a minority of teen boys – studies suggest it may be between 4% and 11% – who access pornography daily or several times a day. Compared to their peers, these boys show higher rates of non-consensual sexual behaviour towards others. Non-consensual sexual behaviour is also more common among boys who start viewing porn from a very young age.[7] More work is needed to understand the relationship between these correlating factors.

It is possible that particular expert interventions may be needed for this cohort. We might speculate that these teens are the ones most likely to seek ways around age verification systems.

Interventions should also address teens' beliefs about the frequency and normalisation of pornography use, as there is evidence that teens who access pornography frequently are much more likely than their peers to believe this behaviour is very common – 'everyone does it'.[8] To this end, it is important to be cautious in how we frame pornography use in educational materials and public communications. Describing it as an 'epidemic' or similar may be counterproductive, inadvertently reinforcing the view that this behaviour is universal or inevitable.

Interventions should also address the diverse learning and communication needs of teens with attention or learning needs and/or on the autism spectrum. There is some evidence to suggest they may be at higher risk than their peers of frequent pornography exposure.[9]

Building strong and positive roles for parents & carers

The majority of parents agree that they are concerned about children and teens seeing pornography online and that it's important to keep them safe.[10]

Studies have indicated that young people are less likely to show risky or harmful behaviours related to pornography use if their parents communicate with them consistently about topics like the negative aspects of pornography and the importance of good sexual health.[11]

However, not all parents have high digital literacies, and not all parents feel competent to speak with their teens about sensitive topics. For example:

- A survey of parents in the UK found that almost 40% said they did not feel comfortable talking with their teens about pornography. Around a third said they did not know how to prevent their teens from accessing it.[12]

- A survey of parents in New Zealand found that 38% did not know where to find good information about children and pornography. 17% of parents said they would not know what to do if they realised their teens were accessing porn.[13]

- Only a minority of Australian parents (possibly around a third) say they successfully protect their children from risky online material through use of tech tools such as filters, software, privacy settings and passwords.[14] As children get older, parents tend to restrict their technology use less and less.[15]

In our online safety workshops, we have found that parents and carers want advice about how to have sensitive conversations with their children and teens.

We have also found that parents and carers want guidance about how to use online tools and services to help filter content and stop contact from strangers. However, the current approach for opt-in tools and services is insufficient and assumes a high level of digital literacies (as well as financial resources), which many parents and carers do not have. For example, we are often asked questions by parents like 'What is an ISP?' and 'How do I install and control a filter on my family's devices?'

We believe it is important to invest in high-quality support for parents who are struggling with low levels of digital literacies, often compounded by other challenges. Vulnerable parents are often the ones least likely to benefit from 'standard' cyber safety products, like standalone online resources and school information sessions.

To build their strengths, skills and support networks, we need interventions that are responsive to local circumstances, culturally appropriate, and built on positive and trusting relationships.

We would welcome the opportunity to discuss any of these matters further. Please contact Ariana Kurzeme, Director, Policy & Prevention, ariana.kurzeme@amf.org.au

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