

Online safety bill concerns

Dear honorable committee,

My name is Lola Hunt and I am a Melbourne based sex worker and co-founder of the social enterprise, Assembly Four. I have spoken at various conferences including Netthing 2020⁽¹⁾ and the 2019 United Nations Internet Governance Forum in Berlin, Germany about the various ways in which sex workers are being affected by the ever encroaching and misguided digital censorship. This submission has been incredibly difficult for me to put together as I have had to peer into each awful possible dystopian future women like myself face if this legislation were to pass. A reality I had hoped would never reach the shores of Australia.

In Australia, it has been the public consensus for decades that women have the right to bodily autonomy, members of the LGBTQI+ community deserve equal rights under law and sex work is legitimate work that is vital for communities made vulnerable by oppressive systems. The organisations and individuals handed power via the proposed Online Safety Bill do not seem to reflect these key Australian values and have raised a series concerns as to whether victims of CSA are being accounted for.

The e-safety commissioner is a board member of the anti sex organisation WeProtect Global Alliance, who she has referenced on the e-safety website⁽²⁾ as being an organisation the e-safety commission will be collaborating with to police content online. This organisation not only platforms anti abortion, anti LGBTQI+ and anti sex religious extremists, but peddles misleading and inflated statistics about CSA, CSAM and sex trafficking to ensure their anti sex agenda is passed via online legislation. Please see their involvement in the recent anti porn bills in other five eyes countries proposing similar things,⁽³⁾ or the resources/library section of their website where they platform anti porn crusader, Nicholas Kristof and his New York Time's piece⁽⁴⁾ (adorned with fake reports of trafficking, trauma porn and false statistics) which resulted in Mastercard and Visa severing ties with Pornhub despite porn being legal in most of the west. Hundreds of thousands of sex

workers across the world were instantly cut off from payments during a global pandemic - but I digress.

Statistics used in WeProtect Global Alliance's 2020 global threat report (which the commissioner has publicly espoused) are extremely misleading and misused to support a narrative that CSAM online is much more publicly present than it actually is. For example, they quote statistics from the Internet Watch Foundation's Annual Report, but fail to include disclaimers such as:

"The table on the left shows the sources of reports into IWF, and how many of those were assessed as containing child sexual abuse material. Please be aware that not all reports we assess are found to contain criminal imagery within our remit."

[https://www.iwf.org.uk/sites/default/files/reports/2020-04/IWF Annual Report 2020 Low-res-Digital AW 6mb.pdf](https://www.iwf.org.uk/sites/default/files/reports/2020-04/IWF%20Annual%20Report%202020%20Low-res-Digital%20AW%206mb.pdf)

Given, in it's current form, the unelected e-safety commissioner will have the power to remove and block any content she deems to be "offensive" without objection or appeal, how can we ensure that this bill won't further enable violent white supremacists and push marginalised women and families further into destitution?

The commissioner has suggested the proposed laws are justified as a way to help prevent the proliferation of extremism as we saw in the case of the 2018 Christchurch massacre. However, the encroachment of oppressive laws on digital freedoms has led to a divided society and a hostile online environment where white supremacy thrives. Many marginalised voices have been silenced and white supremacy has been exacerbated, due to marginalised community's reliance on sex work alongside the algorithmic bias perpetuated by mostly white male developers.⁽⁵⁾

While this may not have been the e-safety commissioner's intentions, I beg of her and the board to speak with peak bodies opposing this bill in order to understand

the wider implications it may have. Under similar legislation from the US, FOSTA/SESTA, designed to curb online sex trafficking, we not only saw reports from police departments stating that it was harder to locate and catch sex traffickers⁽⁶⁾, but we also saw the deplatforming of predominantly Black women, Disabled women, Women of Color, gender non conforming people, queer people and working class women. These are the communities most affected by violent white supremacists and the structures they uphold. These are also the communities most active in the sex industry.

"that in the weekend following FOSTA, the infirmary's mobile van outreach saw a dramatic increase of street-based sex workers in the Mission District." - Co-founder of St James Infirmary told VOX

According to the Internet Watch Foundation, only 2% of all actionable cases of CSAM are hosted on websites.⁽⁷⁾ The vast majority are found on image hosting platforms such as Google Drive. From the IWF's 2020 report and this statistic in particular, we are led to believe that there are a small number of minor attracted people who are the perpetrators of spreading and coercing CSAM online. In which case, blocking or removing CSAM will only work as a bandaid solution, with possible deadly unintended consequences for marginalised communities. This does not stop the perpetrators nor does it decrease the number of up and coming offenders.

Billions of dollars have already been invested into the prevention of CSAM online, resulting in little to no success in harm reduction given the reported growth rate each year. Perhaps it is time for a new approach in which we:

- Provide public education around sex, consent and online safety to:
 - reduce the number of minors being coerced into producing CSAM
 - reduce reliance that queer youth have on online sex education. For example, Queer youth often rely on online sex education due to the lack of public sex education. According to WeProtect, they are also one of the most at risk communities for CSA online.

- Provide mental health and expert support for minor attracted people to prevent them from offending.
- Educate parents on internet safety and how to have open conversations about sex, sexuality and gender. To address things like the recruitment of white supremacy, we need to be able to dismantle toxic masculinity present in caregivers, the media and outside society, so that young men are not in a position where they are seeking out acts of violence to feel masculine and valid in society.

We understand the need to remove existing CSAM from the internet, but the way the bill is currently drafted doesn't appear to be targeting the bulk of this material which is found via image hosting platforms, but rather individual websites where this content very rarely exists. Our fear stems from the proposed over reach of authority to remove this material and the potential scope creep into removing content the Australian public does not view as offensive or abhorrent, while pushing vulnerable communities further into destitution.

For the bill to go forward, the following changes would need to be made to ensure that marginalised communities aren't hurt along the way:

- The bill must not be based on the the current Broadcasting Services Act. The act is over 20 years old and was designed for print and radio. The internet is neither of these mediums and it absolutely can not be applied to it. Not only does the act only apply to print, but it relies on morals and standards which are extremely outdated. The broadcasting act and regulatory policies, need to better reflect the diversity of Australian society, such as gender-equality, the LGBTQIA+ community, racialized communities, persons with disabilities, sex working people and Indigenous people. Without these changes, the online safety bill not only threatens the livelihoods of our neighbours, family and friends but also will potentially set us back decades as a society.
- The e-safety commissioner must step down or sever all ties with WeProtect and any other groups promoting anti abortion, anti LGBTQI+ and/or anti sex religious extremists. This is clearly not a reflection of Australian values given we have legislation protecting each of these groups in offline spaces.

- Individuals and organisations who have a financial stake in the oppression of vulnerable communities should not be consulted with on any internet legislation.
- The e-safety commissioners powers should be given to a multi-stake holder board of individuals working in harm reduction, such as Scarlet Alliance, not just big tech companies or not for profits with financial gains tied to the project, such as WeProtect.
- Sexually explicit material must not be grouped with violent or terrorist advocacy. As mentioned above, it is ridiculous and extremely dangerous to hold the two in the same category.
- There must be clear definitions as to what is considered "offensive" or "abhorrent" content by a "reasonable adult" to ensure businesses are able to keep within guidelines. These MUST be developed in consultation with the peak bodies as well as the general public. These cannot be based on current vague definitions as included in the outdated BSA.
- There must be safeguards and an appeals process put in place to ensure the report function is not weaponised by hate groups, as we have previously seen with destructive initiatives such as the THOT audit, in the wake of FOSTA/SESTA, in an effort to cut sex workers off from financial services.
- There must be a sunset clause for review implemented.
- There must be publicly available transparency regarding:
 - The use of AI to identify CSAM material. By using AI and algorithms to locate CSAM, you are playing with fire. The involvement of non Australian private companies such as Thorn and ClearviewAI puts the general public at severe risk. These groups both work with WeProtect. Holding databases of intimate details perpetuates a hostile society in which reigning governments/corporations are able to pick and choose who is a criminal and who is not, rather than addressing bad and violent actors inflicting harm and suffering on our communities. It takes one Trump to devastate a nation. Do you want to be responsible for setting up that infrastructure?
Transparency reports should include but are not limited to:
 - Is AI being used currently?

- Who developed the AI?
- How can someone opt out of the database?
- Can Thorn (and any other vendors used by eSafety) confirm they do not break terms of service by scraping websites for data for their commercial systems?
- Which individuals trained the AI?
- The effectiveness of the program. This must include number of false reports, sites and type of platform the content was found on, treatment and number of offenders.
- Time for consultation and objection to industry standards must be increased from 30 to 90 days to ensure small businesses in particular are able to understand and articulate their concerns.

Please take our submissions seriously. Whether intentional or not, seeing the violence inflicted upon close friends in the sex industry and other marginalised groups in the wake of similar bill FOSTA/SESTA terrifies me. Legitimizing bigotry and disempowering groups which are most at risk of white supremacist violence, allows for regression and eases the adoption of violent ideologies. Do we want Australia to mirror the violence we have seen over the past 4 years in the US? This bill threatens us with a dystopia such as that.

Sources:

(1) https://www.youtube.com/watch?time_continue=7&v=jXEmO4YEUpo&feature=emb_title

(2) <https://www.esafety.gov.au/about-us/blog/weprotect-global-community-working-together-end-online-child-sexual-abuse>

(3) <https://www.publicsafety.gc.ca/cnt/cntrng-crm/chld-sxl-xplttn-ntmnt/index-en.aspx>

(4) <https://newrepublic.com/article/160488/nick-kristof-holy-war-pornhub>

⁽⁵⁾ <https://www.refinery29.com/en-gb/2020/12/10150275/shadow-ban-instagram-censorship-women-of-colour>

⁽⁶⁾ <https://www.theverge.com/2018/5/1/17306486/sex-work-online-fosta-backpage-communications-decency-act>

⁽⁷⁾ <https://www.iwf.org.uk/report/iwf-2019-annual-report-zero-tolerance>

Further reading:

FOSTA: A Hostile Law with a Human Cost -

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5598&context=flr>

Erased: The impact of FOSTA/SESTA : <https://hackinghustling.org/wp-content/uploads/2020/01/HackingHustling-Erased.pdf>

No Law Can Ban White Supremacy From the Internet:

<https://newrepublic.com/article/154714/no-law-can-ban-white-supremacy-internet>

The internet made sex work safer. Now congress has forced it back into the shadows: <https://www.theverge.com/2018/5/1/17306486/sex-work-online-fosta-backpage-communications-decency-act>