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Context

Dear Committee

Thank you for the opportunity to make a submission and participate [in this review](#) into the crucial issues raised in the discussion paper.

Before delving into those issues, we would briefly like to tell you who we are. [Women in Media](#) (WiM) is a nationwide MEAA initiative for women working in all facets of the media – from journalism and media advisory work to public relations and corporate affairs. WiM works to improve the working lives of women in media by addressing inequality in pay, conditions, opportunity and promotion.

As women working in the media, the internet is crucial to our ability to do our jobs - we network online, find sources and promote our work. Effectively, the internet IS our workplace.

However, we are not safe online. British research from 2014 found that female journalists and TV presenters receive three times the abuse of their male counterparts.¹

A more recent study by *Reporters Without Borders* suggests: “Women journalists are affected the most by cyberharassment. Two thirds of women journalists have been the victims of harassment and, in 25% of the cases, the harassment occurred online.”²

¹ <https://www.demos.co.uk/press-release/demos-male-celebrities-receive-more-abuse-on-twitter-than-women-2/>

² <https://rsf.org/en/news/rsf-publishes-report-online-harassment-journalists>

This issue is also directly addressed by Dunja Mijatović, formerly of the Organization for Security and Co-operation in Europe Representative on Freedom of the Media. She's quoted as followed in Amnesty International's major *Toxic Twitter* report:

Female journalists and bloggers throughout the globe are being inundated with threats of murder, rape, physical violence and graphic imagery via email, commenting sections and across all social media...Male journalists are also targeted with online abuse, however, the severity, in terms of both sheer amount and content of abuse, including sexist and misogynistic vitriol, is much more extreme for female journalists.³

We need to be very clear about this: these dangers do not stay online. Following extreme online harassment campaigns, we have had WiM members punched in the street and followed home. A couple of our members have had rape and death threats against them and their daughters. Some have been forced to take legal action against their harassers.

In May this year, the United Nations called upon India "...to act urgently to protect journalist Rana Ayyub, who has received death threats following an online hate campaign." The UN believed that given her colleague had recently been murdered in similar circumstances, her life was in danger.⁴ Obviously this is an overseas example, but the danger is there.

Back in Australia, some WiM members have felt suicidal because of sustained cyberhate and have been afraid to go home. One journalist described moving house because the threats against her became so extreme. Others describe symptoms of PTSD and the trolling/online harassment affecting their ability to work and sleep.

Cyberhate expert and academic Dr Emma Jane describes the disruption of women's work by trolls as a type of "economic vandalism" and an insidious new form of workplace harassment.

In the book WiM member Ginger Gorman has just written, *Troll Hunting*, (due for publication in February 2019) she defines the above as "predator trolling" - where the perpetrator purposely sets out to do harm. At the extreme end, it can cause both psychological and/or physical harm.

³ <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-2/#topanchor>

⁴ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23126&LangID=E>

In Ginger's research, she delves into the impacts of predator trolling on victims, including causing them to: harm themselves, lose their jobs and as a contributing factor to suicide. Trolls are not just trolling. They are linked to many other crimes including terrorism, domestic violence, real-life stalking and [incitement to suicide](#).

As a rule, we find social media companies slow to take cyberhate down and oftentimes, they don't at all. There are limited avenues for appeal and social media companies are not transparent in their processes. Nor do they demonstrate a duty of care to the public.

Effectiveness of the eSafety Commissioner

WiM fully supports the Office of the eSafety Commissioner and believe it serves a crucial and increasingly important role in the community. We admire the Office's achievements to date, especially the cooperative relationships it has developed with the social media platforms. For example, the Office implemented an innovative trial with Facebook to combat image-based abuse.

We note the Office of the eSafety Commissioner was formed by an act of parliament, under the *Enhancing Online Safety Act 2015*, and that Australia is the only country in the world to establish a government agency dedicated to protecting its citizens online. As you'll be aware, the Office has significant regulatory powers to penalise and fine social media companies, perpetrators and other content hosts for failing to take down violating content.

While this is commendable on the international stage, we believe the Office needs greater powers in relation to adults. (This addresses the question as to "*The scope of the Online Safety Act was expanded in 2017 to cover all Australians. Has it been effective in relation to groups other than children?*")

Statistics from the Office show it has assisted around 200 adults since last June. Starting from a low number, the Office has seen a 95% month on month increase in complaints since October, culminating in 40 complaints in the month of March alone.

This is a shorthand way of saying: the Office is very effective in its work.

Recommendation 1

Improvements to the Office - However, the Office has no legislative power to formally investigate complaints relating to adults. This is an urgent problem that needs to be addressed. Our view is that the Office should be resourced to deal with this problem, which will only increase in volume and complexity.

We further note that the Senate's Legal and Constitutional Affairs References Committee investigated "*Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying*" (WiM took part in these hearings).

Recommendation 2

We call for the urgent implementation of the following recommendations from that Senate inquiry:

Recommendation 6

5.22 *The committee recommends that the Australian Government:*

- *ensure that the Office of the eSafety Commissioner is adequately resourced to fulfil all its functions, taking into account the volume of complaints it considers;*
- *promote to the public the role of the Office of the eSafety Commissioner, including the cyberbullying complaints scheme;*
- *consider improvements to the process by which the Office of the eSafety Commissioner can access relevant data from social media services hosted overseas, including account data, that would assist the eSafety Office to apply the end-user notice scheme, and*
- *consider whether amendments to the Enhancing Online Safety Act 2015 relating to the eSafety Commissioner and the cyberbullying complaints scheme would be beneficial, and in particular, consider:*

- *expanding the cyberbullying complaints scheme to include complaints by adults;*
- *expanding the application of the tier scheme by amending the definitions of 'social media service' and 'relevant electronic service', and*
- *increasing the basic online safety requirements for social media services.*

And:

Recommendation 9

5.31 *The committee recommends that the Australian Government consider requiring social media platforms to publish relevant data, including data on user complaints and the platforms' responses, as specified by the eSafety Commissioner and in a format specified by the eSafety Commissioner.*

Recommendation 3

Just to underscore our main point: In particular, **we support the extension of the scheme as it applies to adults. Independence and adequate funding to allow monitoring and enforcement are critical.**

Social media companies currently have no legislated duty of care to their users and are a law unto themselves. We believe urgent action on cyberhate and predator trolling is required and without a strong and well-funded eSafety Office, our members are at great risk.

Thank you for reading our submission.