Submission to eSafety:
Age Verification Roadmap to Mitigate Harms Associated with Young People's Access to Online Pornography

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Commissioner for Children & Young People

AV Roadmap Team
eSafety

Email: AVRoadmap@esafety.gov.au

Introduction

Thank you for the opportunity to respond to further questions regarding the development of an Age Verification Roadmap to mitigate access to and harms associated with young people's access to online pornography (the Roadmap).

As South Australia's Commissioner for Children and Young People, my mandate is to promote and advocate at a systemic level for the rights, interests and wellbeing of all children and young people in South Australia.

In response to your Call for Evidence in 2021, I submitted a copy of my report, *Sex Education in South Australia: What young people need to know for sexual health and safety.*[i] This report is based on a survey of more than 1,200 young South Australians aged 12 to 22 years old about their views and experiences of relationships and sexual health education.

I welcome eSafety's extensive research and consultation to inform the Roadmap. I particularly commend your efforts to understand the views, needs and concerns of young people, as consideration of young people's voices and rights and acting on those considerations is essential to ensuring the Roadmap is effective and feasible.

The responses to your discussion questions below build on the findings of my Sex Education Report and draw on my broader engagement with children and young people across metropolitan and regional South Australia since 2017.

I hope these insights are useful in further informing your report and recommendations. If you would like to discuss anything further, please feel free to contact my office.

Yours sincerely,

Helen Connolly
Commissioner for Children and Young People
Adelaide, South Australia

1. **Can you share any evidence of how young people understand the role of pornography and its impact on their lives, relationships and development?**

Young people's perspectives and experiences related to pornography, including how it impacts their relationships and development, are diverse and shaped by a complex range of factors, including their age, background and education.

Their experiences range from incidental exposure to pornography to intentional exposure or no exposure at all. Young people also report different levels of trust in pornography as a source of information about relationships and sex, as well as divergent understandings of how pornography relates to relationships in the offline world.

In the Commissioner's Sex Education Survey, 45.5% of 12 to 22 year olds reported either not learning about pornography in their school-based education or that they were unsure whether they had or not. Although some young people noted that pornography is easy to access, they say that it is 'not talked about'.

A significant proportion of children and young people reported learning about sex from pornography. Those who rated their school-based relationships and sexual health education as poor were more likely to report learning about sex from pornography, with many young people reflecting on their increased vulnerability and confusion in the absence of comprehensive education.

The proportion of respondents in our survey who reported learning about sex from pornography increased with age, from 40% of respondents aged 12 to 14 years, 50% of respondents aged 15 to 18 year and 61% of respondents aged 19 to 22 years. Yet when it came to reporting levels of trust in different sources of information, trust in pornography was higher for males than females and highest for younger males aged 12 to 14 years old.

> *"schools always claim that they don't want students to turn to porn to learn about sex but then never even actually get taught about what sex is or why people do it."*
> **- 17 year old, non-binary young person**

Young people are concerned that pornography can be harmful insofar as it can normalise risky or violent behaviours and reinforce unhealthy or unrealistic expectations regarding gender, power, sex and relationships.

Young people aged 17 years and older, who are above the age of consent in South Australia, were less likely to trust pornography.

While these young people accessed pornography with greater awareness that it is not realistic, they were not confident that their peers have this knowledge. They want to ensure all young people have access to age-appropriate information that clarifies that porn is 'often inaccurate of true experiences', 'not real' and 'sources such as porn shouldn't be seen as informative'.

> *"For girls, explaining how masturbation isnt a boys only thing, and that we are allowed to watch porn (being mindful that's its often inaccurate of true experiences)."*
> **– 17 year old, female**

"I think young people need to 100% understand sex is not like porn"
– 17 year old, female

Rather than be punished or stigmatised with 'scare tactics', young people want access to clear and age-appropriate information about respectful and healthy relationships online and offline.

For some young people, pornography may be part of exploring their identity, particularly where diverse sexualities and gender identities are largely invisible in the school curriculum or infrequently represented elsewhere in the media and society.

"I think young people nowadays need specific education on pornographic, due to its accessibility and availability. I think young people need sound advice from honest adults. Any scare tactics or religious influence immediately loses the credibility of the instructor. Ultimately, I think young people need to be informed and know the consequences for their actions, without being told what to do explicitly."
– 17 year old, male

The interplay of sex, relationships and technology, and changing social attitudes toward pornography and sharing of sexual images online, are some of the most pressing issues young people face. Young people want relationships and sexual health education to be far more responsive to these current realities and pressures and they are calling out for adult support in these areas.

2. Are there particular harms or risks related to the influence of pornography that you know to be heightened for marginalised or vulnerable children?

As a result of long absences from school, whether due to chronic health conditions, suspensions and exclusions or other complex factors, some children and young people miss out on school-based relationships and sexual health or digital literacy education altogether.

Despite the noted gaps and inconsistencies in terms of the provision of school-based education, this disengagement from school can further increase children's vulnerability and affect their development, including sexual health and safety.

Barriers to accessing and participating in effective relationship and sexual health education are compounded for certain groups of children and young people. These include children in out of home care, Aboriginal and Torres Strait Islander children and young people, and children with disability, who are also disproportionately impacted by school exclusions.[ii]

For example, children and young people with disability are often not seen as requiring information about relationships or sexual health, nor considered capable of making their own decisions. This is despite the fact that children with disability have equal rights to access education, healthcare and respectful relationships, and evidence that they share many of the same concerns, questions, and aspirations as their peers who do not live with disability.

Further, some LGBTQ+ young people noted a lack of positive LGBTQ+ role models and relationships 'outside of porn'. This needs to be addressed in order to promote the rights and ensure the sexual health and safety of this group of children and young people.

Regardless of background or circumstance, any child or young person can be left vulnerable if they are left without information and support. While families remain a significant source of information and support, not all young people have equal access to adults they can confidently turn to for advice and may turn to online sources to fill this gap. While some online sources can be appropriate and helpful, the avalanche of content available can mean it becomes hard to find quality information. This content may lack depth, accuracy and nuance, or in worst cases it can be extreme, violent, derogatory or sexualise and objectify people, particularly girls and women.

5. **What are the core messages that must be communicated to the broader public and key stakeholders to: minimise the harms associated with pornography use by young people *and* facilitate more open discourse with young people regarding pornography and the expectations it can set for sexual intimacy?**

The core messages that reflect what young people have told me include:

- Avoiding discussions about pornography does not mean it will go away, even if access is restricted through the implementation of an age-verification regime. Survey responses from many young people emphasised that it was important for educators and parents to be equipped to talk to young people about topics like pornography rather than evade them because they are 'too complex'.
- Adults need to reassure children and young people that they will not be punished or criminalised for seeking information, help or guidance.
- Trust needs to be built between young people and adults and institutions, from parents, schools and educators to decisionmakers and governments. An important way to build this trust is to include and support young people to participate in conversations about the design and delivery of their education (see response to Question 7) as well as other initiatives and related public messaging, including this Roadmap and other initiatives.

> *"don't avoid topics like porn, masturbation, kinks, sexual abuse because they are to complex"*
> **– 16 year old, male**

> *"Talk about porn. It's becoming a massive thing in society and I honestly don't know if people completely understand it. Honestly, teenagers need to know what is acceptable and what to accept. And how to feel comfortable in a relationship."*
> **– 17 year old, female**

7. **Do you have a view on effective approaches to sexual and digital literacy education? How could measures be more inclusive of marginalised, disadvantaged or vulnerable children who may not regularly attend school?**

In regard to timing and consistency, relationships and sexual health education and digital literacy education should start early and continue consistently throughout senior school years.

> *"Education from a young age so they don't have to learn what sex*
> *(all forms of it) is from porn"*
> – **17 year old, female**

The later years of schooling are often where sex education is lacking, despite this being a stage where young people are increasingly entering relationships and becoming sexually active. Young people believe a consistent and age-appropriate approach could limit a reliance upon unreliable information sources such as pornography or friends and help reduce the number of students who miss school-based lessons altogether, ultimately better protecting everyone's health, safety and wellbeing.

In terms of content, young people are seeking education that:
- Recognises the complex realities of digital environments and builds capacity for young people to safely use technology as part of their sexual agency.
- Is led by experts and specialists and:
  - Provides students with opportunities to inform what lessons will cover to ensure more relevant and inclusive to their lives; and
  - Normalises open conversations about topics because 'not talking about more taboo topics' makes people think that they 'have something wrong with them' or that their experiences, relationships, or identities are 'abnormal';
- Equips students with media literacy skills to think critically about the messages they receive about sex and relationships from media and other sources, including pornography;
- Is gender-focused rather than gender-blind;[iii]
- Addresses the tensions between risks and safety and freedom and opportunities; and
- Is mandatory, including that parents should not be able to withdraw their child from these lessons.

> *"Less 'teaching' and more asking what teens actually want to know"*
> **– 17 year old, female**

> *"young people need the skills to critically analyse the often harmful and incorrect messages they receive about sex and relationships from the media and society in general. The education would cover attitudes about gender, sex, and relationships and analyse how these attitudes can be harmful and flawed. For example, the harmful attitude that men cannot be sexually assaulted or that women who dress revealingly must want all sexual advances. The education would cover how pornography and media often do not reflect real life sexual relationships."*
> **– 17 year old, female**

As highlighted in my previous submissions and reports,[iv] the digital world is simply one more place children and young people frequent each day, as citizens and rights holders.

They want to be equipped and empowered with tools to navigate the digital world confidently, with one of their biggest concerns being unsure who and what they can trust online.

For education programs and messaging campaigns to be successful, they should be informed by children and young people themselves. They are best able to explain their current context and what they want from decision makers and adults in relation to digital literacy education and relationships and sexual health education.

Any feedback can then create appropriate and more accessible information online for children and young people and inform the provision of a cohesive, coordinated, and contemporary relationship and sexual health education that meets the needs of young people.

A rights-based approach to education is best placed to support these objectives, and can be balanced with religious and cultural expectations. The United Nations General Comment no. 25 on children's rights in relation to the digital environment highlights the need to strike a balance between protecting children from harm online while also promoting the full range of their rights and their access to the opportunities and benefits of what is an essential part of their lives.

The 5Rights Foundation has identified children's rights in the digital environment as follows:

1. **Right to remove** or easily edit content they have created or data that refers to them.
2. **Right to know** where their information is going, who is using it or profiting from it, what their information is being used for and whether it is being copied, traded or sold.
3. **Right to safety and support** that is age-appropriate and easy for children and young people to access and understand.
4. **Right to informed and conscious use** that empowers children and young people to benefit from creative places online but also to have support to easily disengage.
5. **Right to digital literacy** where children and young people learn how to be both digital thinkers and makers as well as consumers and to critically understand the structures and norms of the digital world.[v]

Young people have said that they require a range of people to guide and support them, including parents and carers, friends, professionals, and teachers. They also need knowledge and skills to understand and identify negative relationships, know when and how to take action, and make decisions relating to their physical and sexual health that are the result of being well informed, as well as beneficial to their emotional and mental health and wellbeing.

To be more inclusive of marginalised and vulnerable children (as per Recommendation 4 of my Sex Education Report), community-based relationships and sexual health and digital literacy education should be available, including to children in:
- residential care settings,
- flexible or alternative education centres,

- regional community health centres,
- youth justice settings, and
- disability school leaver support programs.

8. **Do you believe technological barriers to accessing online pornography would assist with mitigating its potentially harmful impact on young people? Are there particular technologies that you think could best support this (e.g., parental controls, device-level filters, or age assurance/age verification technologies?)**

Although this office does not have the technical expertise to provide a prescriptive response regarding particular technologies, there are several key principles and considerations that should inform a proportionate and effective approach.

While technological solutions are important, they should not be treated as 'silver bullets' for complex social issues and relationships experienced both online and offline.

Any approach must align with international human rights standards. There is acknowledgement among many leaders and policymakers in government and academia globally, that the rights, safety and needs of children in the online world require particular consideration.

Initial child rights impact assessments may be useful to test the rigour of any proposed actions.

The scheme should also be subject to regular review to keep pace with technological developments and to identify and address any unintended consequences or other concerns. This includes concerns about privacy and security, which can disproportionately impact on vulnerable or marginalised communities.

In addition to minimising access to harmful content, any Roadmap and regime must prioritise data minimisation and data transparency to keep children and young people safe from risks that arise when service providers collect, share or profit from user's data.

The online world is complex and there appears to be no consistent approach to defining 'risk' across platforms or establishing the level of confidence needed from age assurance measures. A range of technological and non-technological approaches may therefore be necessary, and this may also address concerns from stakeholders that a blanket approach could restrict young people's access to important health information and services.

The onus should always be on internet service providers rather than placing responsibility on children. Ultimately, the effectiveness of technological restrictions on access to online pornography will be limited without broader education and access to resources, and such restrictions should not be seen as a solution that replaces the need for comprehensive education (see Questions 5 and 7).

[i] Connolly, Helen. Commissioner for Children and Young People, 2021. Sex Education in South Australia. Available at Sex-Education-in-South-Australia.pdf (ccyp.com.au).

[ii] Graham, Linda. Centre for Inclusive Education. Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian Government Schools: Final Report, October 2020. Available at https://www.education.sa.gov.au/sites/default/files/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-government-schools.pdf. See also Connolly, H. Commissioner for Children and Young People SA. The Blame Game: The perspectives from South Australian children and young people on the causes and impacts of education exclusion and why we need to stop blaming children for system failure. October 2020. Available at https://www.ccyp.com.au/wp-content/uploads/2022/03/The-Blame-Game-The-perspectives-of-South-Australian-children-and-young-people-on-the-causes-and-impacts-of-education-exclusion-and-why-we-need-to-stop-blaming-children-for-system-failure.pdf.

[iii] UNESCO. 2018. Review of the Evidence on Sexuality Education. 2016. Report to inform the update of the UNESCO International Technical Guidance on Sexuality Education; prepared by University of Oxford Centre for Evidence-Based Intervention.

[iv] CCYP SA, Submission on Department for Education's Digital Strategy, 18 June 2021. Available at https://www.ccyp.com.au/wp-content/uploads/2021/07/11-6-2021-Submission-on-Department-for-Education-Digital-Strategy-Final-1.pdf.
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[v] 5Rights Foundation, 'The 5Rights Framework', Available at https://5rightsfoundation.com/about-us/the-5-rights/.