

UN Special Rapporteur on violence against women, its causes and consequences

Questionnaire on gender-based violence against women journalists

Response of the Government of Australia

- 1. Please indicate whether there are cases of gender based violence and harassment against women journalists in your country. If so, please specify how these cases are documented, and describe the State response, or lack thereof, to such cases, including examples of good practice.**

The *National Survey of Sexual Harassment in Australian Workplaces* (2018) found that 81 per cent of employees working in information, media and telecommunications in the last five years had experienced sexual harassment. However, data specifically relating to gender-based violence and harassment against women journalists is not collected at a national level.

Australia's Fourth Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan) has made significant investments in primary prevention, including the *Stop it at the Start* and the *Doing Nothing Does Harm* campaigns, the *Men as Male Role Models* grant opportunity, and creation of the National Primary Prevention Hub. These are examples of policies and programs that will lay the foundations for generational change in attitudes towards gender equality.

Sexual Harassment Inquiry

The Australian Human Rights Commission (AHRC) recently completed its *National Inquiry into Sexual Harassment in Australian Workplaces*, with the report tabled in the Parliament on 5 March 2020. The report considered the nature, prevalence and drivers of sexual harassment, and the measures required to improve how Australian workplaces prevent and respond to sexual harassment. In particular, the AHRC's 2018 National Survey that informed the National Inquiry found that the information, media and telecommunications industry had the highest prevalence rate of any industry (81% compared to the prevalence across all industries of 31%). Of this 81% prevalence rate, the rate of sexual harassment against women was 80%. While in 2018, the information, media and telecommunications industry accounted for just 2% of the Australian workforce as a whole, 5% of victims said they were working in this industry when they were sexually harassed. The Government is considering the report and recommendations in detail, and will respond to the report in due course.

In addition, a [Women in Media Report \(2015\)](#) collected data from 1,054 Australian journalists between September and December 2015. The majority of respondents (91.8%) were women, from a wide range of age, sectors and experience. The report outlines that there has been little decline in the incidence of harassment in the last two decades and that 48% of respondents indicated they had experienced intimidation, abuse or sexual harassment in the workplace.

Online abuse

The Australian Government recognises the prevalence and seriousness of the high proportion of online abuse, harassment and trolling directed towards women, including those who are journalists, reporters and media presenters. The Government has responded to this with programs and regulation targeted to reducing the incidence of harassment.

The eSafety Commissioner (eSafety) is Australia's national independent regulator for online safety and provides guidance to all Australians on staying safe online, including targeted support to women, Aboriginal and Torres Strait Islander peoples and women living with a disability.

Since 2017, eSafety has received over 1,200 adult cyber abuse complaints. In 2018/19, the eSafety Commissioner reported that assistance was provided to 950 adult complainants experiencing cyber abuse. This was double the number that were assisted over the previous year. Recent statistics on the prevalence of online abuse indicates that the most serious forms of abuse are disproportionately targeted at women and minorities.

While eSafety has regulatory powers to address image-based abuse complaints, it currently does not have formal powers to investigate or remove other forms of cyber abuse material directed at Australian adults. However, its expertise in online safety issues and strong relationships with stakeholders, enables eSafety to provide advice, assistance and referrals to support services. eSafety has a dedicated webpage to provide guidance for women experiencing online abuse and enables them to report on cases of cyber abuse, especially where platforms have not responded to their requests (<https://www.esafety.gov.au/women/online-abuse-targeting-women>). When reports of abuse are received, eSafety are able to work with online platforms to voluntarily take down abusive materials.

2. Please indicate whether your country has early-warning and rapid-response systems in place, such as hotlines, online platforms or 24-hour emergency contact points to ensure that journalists and other media actors have immediate access to protective measures when they are under threat.

Australia provides a national online and telephone counselling and support service, 1800RESPECT, for people who have experienced, or are at risk of experiencing, sexual assault and/or domestic and family violence, their family and friends, and frontline and isolated workers. It is a flagship service under the National Plan, providing support 24 hours a day, seven days a week. Counsellors can also refer people to other support services in their local area.

In Australia, if someone is in danger they can call 000 for police assistance or other emergency responses. A national crime-stoppers number 131 444 is also available for people seeking police assistance or attendance and when it is not an emergency. Complaints and enquiries to this number can be made anonymously.

Additionally Australia has a number of National 24 hour Hotlines that include:

- National Sexual Assault, Domestic Family Violence Counselling Service;
- Aboriginal Family Domestic Violence; and
- National Disability and Neglect Hotline.

Other hotlines and links supported by individual state and Territory jurisdictions and non-government sector agencies are available in Australia.

3. Please specify whether there are any programs in place aimed at addressing factors that increase the likelihood of violence and harassment in the world of work for women journalists, including discrimination, the abuse of power relations, and gender cultural and social norms that support violence and harassment.

The Government is strongly committed to keeping women safe and secure and to changing attitudes towards violence against women, including in the online environment.

On 5 March 2019, as part of the Government's investment in the *National Plan to Reduce Violence against women and their children*, the Government announced the provision of \$4 million over three-years to eSafety to assist in supporting Aboriginal and Torres Strait Islander women and women with a disability from technology-facilitated abuse. It would fund the development of guidance and resources to equip front-line workers on domestic and family violence and to empower women to manage their online safety.

Our Watch, an organisation for the primary prevention of violence against women and their children in Australia, is also funded to deliver the National Media Engagement project which promotes the responsible and ethical reporting of violence against women. This project aims to positively influence the way media reports on and engages with violence against women by:

- increasing media awareness and understanding of issues around reporting on violence against women
- addressing weaknesses in current reporting practices
- identifying opportunities to embed best practice reporting
- further developing the evidence base in the media setting
- engaging with universities, peak media bodies and other relevant organisations to encourage journalists to use resources developed under the National Media Engagement program.

Since 2015 the Government provided funding to support the Our Watch Awards, an annual event that recognises excellence in journalism that contributes to a deeper public understanding of violence against women and their children.

4. *Please specify whether online and ICT-facilitated violence against women is recognised as a crime, particularly cases of killings, threats of rape and harassment of women journalists.*

Australia's Commonwealth criminal law provides for a comprehensive framework that contains a range of offences targeting the criminal use of carriage services, such as the internet. For example:

- Section 474.15 of the Commonwealth Criminal Code Act (1995) criminalises the use of a carriage service to make a threat to kill a person, and to make a threat to cause serious harm. Penalties of up to ten years' imprisonment and seven years' imprisonment apply respectively.
- Section 474.17 makes it an offence to use a carriage service to menace, harass or cause offence. A penalty of up to three years' imprisonment applies. The Criminal Code also contains aggravated offences for section 474.17 for conduct, including transmission, publication and distribution, of private sexual material (including intimate images shared without consent). A penalty of up to 7 years' imprisonment applies.
- Section 474.17 also contains a special aggravated offence for where a person transmits, makes available, publishes, distributes, advertises or promotes private sexual material after receiving three or more civil penalty orders from the eSafety Commissioner for contravening subsection 44B(1) of the *Enhancing Online Safety Act 2015* (Cth). That Act also prohibits the non-consensual posting of an intimate image to social media, the internet or a relevant

electronic service. The penalty for the aggravated offence is up to seven years' imprisonment. Civil penalties can also apply under the *Enhancing Online Safety Act*.

While these provisions are not directly specific to women journalists, they offer important protections against online and ICT-facilitated threats, harassment and other forms of abuse and attract substantial criminal penalties.

While the Commonwealth has constitutional responsibility for telecommunications offences, state and territory governments oversee general offences for making threats, stalking, intimidation and other conduct that may capture online or ICT-facilitated forms of abuse and violence. At the state and territory level, victims may also be able to seek protective court orders to prevent the recurrence of this conduct from an individual.

The combination of Commonwealth and state and territory law means that Australia has a comprehensive response to these crimes.

Sex Discrimination Act

The Australian Government is committed to eliminating discrimination against women. The federal *Sex Discrimination Act 1984* makes it unlawful to discriminate on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding and family responsibilities in certain areas of public life, including employment.

The *Sex Discrimination Act 1984* prohibits sexual harassment in a number of areas including employment. Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment can be perpetrated by males and females against people of the same or opposite sex.

5. Please indicate whether transparent complaint mechanisms for cases of offline and online and ICT-facilitated violence against women journalists have been adopted, and if so, whether policies and procedures for reporting and requesting the removal of harmful content are available and easily accessible.

Australia's Fourth Action Plan of the National Plan of the *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan) includes \$4 million to focus on technology-facilitated abuse. Delivered by the Office of the eSafety Commissioner, this funding will help priority cohorts identify, report and protect themselves and their children from technology-facilitated abuse.

Online abuse and image sharing

Women are twice more likely than men to have their sexual images shared without consent. In 2018, the Government established a new scheme to address this type of abuse under the *Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018*, enabling eSafety to formally direct that non-consensually shared sexual images be removed. The scheme applies to end-users, social media services, designated internet services, relevant electronic services and hosting services. The eSafety Commissioner has a number of powers under the Act, including the ability to:

- issue removal notices that require the providers of social media services, relevant electronic services, designated internet services and hosting services to take all reasonable steps to support the removal of intimate images, or to cease hosting the image;
- issue removal notices to a person posting an image (an end-user notice); and

- issue formal warnings in relation to the contravention of the prohibition on posting an intimate image, the failure to ensure the removal of an intimate image, or a contravention of a remedial direction (in relation to the posting of an intimate image).

There are penalties for non-compliance available under this scheme. Since its inception, the scheme has been highly successful in combatting this form of abuse.

Currently, victims of cyber abuse are able to report directly to eSafety regarding image-based abuse or adult cyber abuse, especially in cases where platforms have not responded to their requests to take down abusive content. While eSafety currently does not have formal powers to compel the removal of adult cyber abuse materials, in extreme cases, it is able to leverage from its strong relationship with platforms to request for the voluntary removal of these materials. If cyber abuse appears to reach the criminal threshold, eSafety, will recommend that the complainant approach relevant law enforcement agencies for appropriate action.

eSafety publishes annual reports to provide statistics on cyber abuse complaints and their response. For example, from 16 October 2017 to 31 January 2020, eSafety recorded having received 2,305 reports of image-based abuse alone and to date has been successful in having this material removed in more than 90 per cent of cases, despite nearly all websites reported being hosted overseas.

The Government is also currently developing a new online safety Act to strengthen online safety measures, and will include Basic Online Safety Expectations (BOSE) for industry and a new scheme to address cyber abuse experienced by adults.

The Government's proposal on the inclusion of BOSE under the new Act will legislate standards to ensure that platforms have more accountability in ensuring the safety of their users and will set mandatory reporting from certain platforms on how complaints of cyber abuse are managed. eSafety is also able to publicly report on platforms that have poor online safety performance.

The new cyber abuse scheme will provide eSafety with official powers to address serious instances of online harassment and humiliation, cyberstalking, threats to cause harm, or online abuse experienced as part of domestic and family violence. The scheme is widely supported and advocated for by civil society, including Women in Media, a not-for-profit organisation that aims to equip and empower women working in the media industry.

6. Please indicate what challenges are faced by women journalists when reporting on cases of gender based violence, and specify whether there are any good practices in this regard.

See responses to questions 1, 3 and 5.