



Australian
Human Rights
Commission

Inquiry into harm being done to Australian children through access to pornography on the Internet

**SUBMISSION TO THE SENATE STANDING ENVIRONMENT AND
COMMUNICATIONS REFERENCES COMMITTEE**

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1. Introduction

1. The Australian Human Rights Commission makes this submission to the Senate Standing Environment and Communications References Committee in its Inquiry into harm being done to Australian children through access to pornography on the Internet. Please note that this submission does not aim to address all the Terms of Reference for the Inquiry. The Commission primarily seeks to focus the Committee's attention on the human rights of children and young people, some key findings from the relevant available research material, and a human rights-based approach to harm minimisation.
2. The Commission notes that the literature and research about accessing pornography online referenced in this submission do not use consistent age ranges when referring to 'children' and 'young people'. For the purposes of this submission, the Commission uses the collective term 'children and young people' to refer to those under 18 years of age.

2. Summary

3. It is clear that the proliferation of new Information and Communication Technologies (ICTs), and use of these technologies by children and young people, has increased the risk that children and young people may be exposed to harmful content online, including pornography. Children and young people may come across this content inadvertently, or deliberately seek it out. Research indicates that children's and young people's attitudes and behaviour may be influenced by viewing pornography.¹ However, there appears to be only limited empirical evidence that viewing pornography causes children and young people to engage in coercive, aggressive or violent sexual behaviour.
4. A human rights-based approach to protection from harm online requires balancing of rights, with the children and young people themselves being included in discussions about appropriate protective measures. Current regulatory responses, such as the removal of prohibited content under the Online Content Scheme, and the requirement that Internet Service Providers (ISPs) offer information and make available (at cost) filters that parents can install, can help prevent some exposure.
5. However, the Commission's view is that the key to effective protection of children and young people from the adverse impacts of viewing pornographic content is education. This includes information and education about safety online, critical discussion of pornography as part of age-appropriate education about sex and healthy and respectful relationships, and human rights education. A package of educative measures covering these areas has the potential to significantly empower children and young people and their families, and provide them with the tools to minimise both the exposure to and the impact of pornographic online content.

3. Recommendations

6. The Australian Human Rights Commission recommends that:

Recommendation 1: The Australian Government commission research about the experience of children and young people being exposed to or accessing pornography online. This research should include: the impacts of such content, options to limit exposure to such content by children and young people, and the most effective ways to support children and young people to manage the risks associated with exposure to pornographic content.

Recommendation 2: The Australian Government promote educational resources for children, parents, teachers and schools about online safety, and fund the development of specific age-appropriate resources for children and young people about dealing with exposure to pornographic content online, informed by the findings of the research mentioned in recommendation 1.

Recommendation 3: The Australian Government work with state and territory governments to ensure critical discussion of pornography forms part of effective, age-appropriate education about healthy and respectful relationships and sex, delivered in schools, with parental support and reinforcement.

Recommendation 4: The Australian Government commission the development of human rights resources for children and young people which encourage them to think about human rights in the online environment, and be aware of both their own rights and their responsibilities to respect the rights of others.

4. Rights of children and young people and access to pornography

7. Australia is a party to seven key human rights treaties. Those most relevant to the considerations of the Committee include:
 - the *Convention on the Rights of the Child*² (CRC)
 - the *International Covenant on Civil and Political Rights*³
 - the *International Covenant on Economic, Social and Cultural Rights*⁴
 - the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).⁵
8. Children and young people have particular vulnerabilities and rights which are recognised in the CRC (note that the CRC uses the term ‘children’ to include all those under 18 years of age).⁶ As a nation that is a party to the CRC, we have a responsibility to protect the rights of the developing child as they grow into adulthood. Taking a human rights-based approach to access to pornography allows us to identify and address potential harms in ways which respect and protect children and young people as rights-bearers.
9. Under the CRC, States Parties must:
 - ensure that in all actions concerning children, the best interests of the child is a primary consideration⁷
 - support families in the rearing of children⁸
 - ensure children have every opportunity for healthy development⁹

- ensure children are protected from all forms of violence and abuse (including psychological harm)¹⁰
 - uphold a child's right to quality education, including education directed to the development of respect for human rights and 'the preparation of the child for responsible life in a free society'.¹¹
10. As the UN Special Representative of the Secretary-General on Violence against Children has emphasised, 'rapid development and expansion of ICTs have generated new opportunities for the realization of children's rights as well as significant challenges for the protection of children'.¹²
 11. Under the CRC, children and young people have a right to freedom of expression, which includes the freedom to seek and receive information.¹³ The CRC requires governments to encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children and young people can understand and utilise for their benefit.¹⁴ However, crucially, governments are also required to encourage mass media to develop guidelines to protect children from information and material that is 'injurious to his or her well-being'.¹⁵
 12. Children's and young people's right to seek information is not absolute, and needs to be balanced against their rights to be protected from the negative impacts of accessing harmful content, and breaches of their privacy. In the online domain, children and young people risk coming into contact with harmful content which is increasingly available, such as pornography, but also racist and violent material, and content inciting substance abuse, suicide and other forms of self-harm.
 13. Children's and young people's increasing access to pornography online has potential negative consequences for the enjoyment of their rights to:
 - health and development¹⁶ - access to violent and explicit pornography at inappropriate ages may impact negatively on a child's or young person's health and/or development.
 - protection from all forms of physical or mental violence, injury, abuse or maltreatment¹⁷ - predators can contact and groom children and young people online, including through pornographic sites. Also children and young people may be negatively affected by their exposure to pornography, in ways that may affect their behaviour towards others.
 - privacy¹⁸ - children and young people who provide information online (including on pornography sites) are at risk of people with malicious intent using that information and sending it to others without their knowledge.¹⁹
 14. Previous Commission work on human rights online has identified that addressing potentially problematic behaviour online requires consideration of:
 - balancing regulatory frameworks with freedom of expression and opinion - any limitation on free expression and access to information should be assessed against the criteria specified for permissible limitations (i.e. it must be reasonable and proportionate)²⁰

- achieving the right balance between regulatory, educative and research responses - research by the Commission in 2012 emphasised that the key drivers of behavioural change among children and young people are peer support and educative approaches, rather than simply legislative prescription²¹
- the appropriateness of imposing criminal sanctions versus civil remedies for online behaviour where creating such offences may criminalise the behaviour of children and young people (for example sexting or cyber-bullying).²²

5. A selection of available research

5.1 Access to pornography online

15. It is clear that the Internet has made sexually explicit media more accessible to children and young people. Online pornography is diverse, can be very graphic, and a large amount is available for free.²³
16. Consultations with children and young people by the National Children's Commissioner in 2013 revealed that most do not see a clear distinction between the online and physical worlds. They also reported, at quite young ages, frequent inadvertent access to pornographic material in their everyday computer and mobile device use, and expressed some anxiety about this. Further, they reported that they were often reluctant to report their experiences to parents due to both embarrassment and for fear of being negatively judged.
17. Representative or large-scale studies conducted across the world indicate that large numbers of children and young people are exposed to pornography, primarily online.²⁴ However, the literature differs in respect of the regularity of exposure and access. These differences highlight the importance of considering frequency as well as prevalence of children's and young people's access to pornography in order to obtain a more comprehensive picture.²⁵
18. In Australia, a 2007 survey of 16 and 17 year olds in Sydney and Melbourne found that more than 80 per cent of the boys, and 60 per cent of the girls, had been exposed accidentally to pornography on the Internet.²⁶ The same study found that 38 per cent of boys and only two per cent of girls had deliberately sought out pornography online.²⁷
19. Surveys conducted in other countries also reveal that a significant proportion of children and young people are being exposed to pornography online.²⁸ A global literature review commissioned by England's Children's Commissioner in 2013 found:
 - exposure and access to pornography appears to increase with age, however, the authors also found conflicting evidence in relation to age of first exposure, varying from 10 to 17 years old²⁹
 - exposure is more prevalent than deliberate access³⁰
 - there are gender differences in exposure and access, with boys more likely to be exposed to, access, seek or use pornography than girls.³¹

5.2 Children’s and young people’s perceptions of online risks

20. In 2014, as part of an open-ended survey of European children and young people aged 9 to 16, around 10,000 children reported a range of risks that concerned them on the Internet.³² Pornography was the top concern mentioned (22 per cent), followed by cyber-bullying (19 per cent) and violent content (18 per cent).³³
21. Video-sharing websites such as YouTube were most frequently mentioned by children and young people as the source of violent and pornographic content online.³⁴
22. Quotes from the children and young people themselves revealed the diversity of their views about the need to regulate online access and reduce potential risks:
 - ‘Ugly pictures, ugly videos that suggest sex really bother me.’ (Boy, 11, Slovenia)
 - ‘I think that the fewer things a kid knows about the internet, the greater the risks.’ (Girl, 12, Greece)
 - ‘In my opinion all sites are welcome; if you don’t like a certain site, you simply avoid it...’ (Boy, 14, Romania)
 - ‘It depends what age you are. If you are around 10 years then it might be gross to suddenly end up on a porn site. When you are a little older and end up in a porn site, you do not care so much and just cross it out instead.’ (Girl, 15, Norway)
 - ‘I think the European Union should use its power at computer level to block websites.’ (Boy, 15, Portugal)
23. The findings of the European study point to the considerable range of online risks and to the importance of attending to children’s and young people’s views and concerns.³⁵ The authors of the study concluded that:

...one reason children explore online is precisely to explore experiences often denied to them offline. This takes them into often ambiguous situations characterised by...‘collapsed contexts’, in which risky content is interwoven into a youthful peer culture of sharing and daring as links are passed from child to child, discussed ritualistically the following day, and used in social judgements about group belonging or exclusion.³⁶
24. The authors recommended that ‘future research attends carefully to the voices of children and young people in relation to online risk’, as:

The combination of unfamiliar technological affordances, uncertain online norms and offline peer pressure makes it hazardous to judge children’s intentions or responsibility in simple terms, and protective interventions from adults require care...children should be consulted regarding possible solutions...for their views in this regard also cannot be taken for granted.³⁷

5.3 Impact on attitudes and behaviours

25. While pornography studies that investigate the impact on children and young people are a relatively new phenomenon, research is emerging that children's and young people's attitudes and behaviour may be influenced by viewing pornography.
26. The global literature review conducted by England's Children's Commissioner concluded that access and exposure to pornography affects children's and young people's sexual beliefs. For example, exposure to pornography has been linked to unrealistic attitudes about sex, maladaptive attitudes about relationships and more sexually permissive attitudes.³⁸ The review found there was a general consensus in the literature that children and young people learn from and may change their behaviour due to exposure and access to pornography.³⁹
27. The review also concluded that there was evidence that viewing pornography impacted on attitudes about gender roles, and has been linked to beliefs that women are sex objects, and that men should be dominant and women submissive.⁴⁰
28. The English review also found that there are links between children's and young people's access and exposure to pornography and their engagement in 'risky behaviours' (defined as including engagement in sexual practices from a younger age, sexual behaviours such as unprotected anal or oral sex, and the involvement of drugs and alcohol in sex).⁴¹
29. However, the authors of the review also found that the majority of the research did not establish direct causal links between viewing pornography and engaging in 'risky' sexual behaviour, but rather correlation only.⁴² The Deputy Children's Commissioner for England concluded that 'much more work needs to be done before definitive statements can be made about causal links between the use of pornography and perpetrators going on to commit sexual abuse or exploitation.'⁴³
30. Other studies have noted the limited empirical evidence that viewing pornography causes children and young people to engage in coercive, aggressive or violent sexual behaviour.⁴⁴

Recommendation 1: The Australian Government commission research about the experience of children and young people being exposed to or accessing pornography online. This research should include: the impacts of such content, options to limit exposure to such content by children and young people, and the most effective ways to support children and young people to manage the risks associated with exposure to pornographic content.

6. Approaches to harm minimisation

6.1 Current safeguards in the Australian context

31. Australia has a range of existing arrangements for removal of illegal or offensive online content and the provision of 'opt in' Internet filters.

32. In March 2015 the Office of the Children’s eSafety Commissioner was established.⁴⁵ The Children’s eSafety Commissioner manages the removal of offensive or illegal content under the Online Content Scheme set up under the *Broadcasting Services Act 1992* (Cth) (see schedules 5 and 7).
33. The Online Content Scheme aims to restrict access to or prohibit certain types of offensive Internet content, and provides a complaints mechanism. Prohibited content is determined according to the criteria in the National Classification Scheme.⁴⁶ Potentially prohibited content includes ‘RC’ (including material containing gratuitous, exploitative and offensive depictions of violence or sexual violence), ‘X18+’ (content dealing with explicit sexual activity between adults).⁴⁷ ‘R18+’ content (i.e. content that is high in impact, including realistically simulated sex, violence, drug use and nudity) and ‘MA15+’ content may be prohibited if it is not subject to an age-restricted access system.⁴⁸
34. If a person views content online which they believe may be prohibited, they can lodge a complaint through the eSafety Hotline administered by the Office of the Children’s eSafety Commissioner. The eSafety Hotline will investigate the complaint, and if it concludes the content is prohibited, will either direct that the relevant hosting service remove the content, if hosted in Australia, or refer the site to the accredited providers of ‘family friendly’ filters, if hosted overseas.⁴⁹
35. The Children’s eSafety Commissioner also has the function of promoting online safety for children up to 18 years of age, including overseeing educational, promotional and community awareness programs relevant to online safety.⁵⁰
36. Under the Internet Industry Codes of Practice, ISPs are required to provide the option of accredited ‘family friendly’ filters to their subscribers at or below cost price.⁵¹ The filters are voluntary, as the users themselves choose whether or not to install and/or activate them.
37. Under the Codes, ‘Content Hosts’ and ISPs must also:
 - take reasonable steps to ensure that Internet access accounts are not provided to children under 18 without parental consent or the consent of a responsible adult
 - take reasonable steps to ensure that ‘Restricted Content’ is not provided to children under 18
 - provide end users with information about their rights and responsibilities online, including:
 - methods of supervising and managing children's access to Internet content, including the availability of family friendly filters, how they can be downloaded and instructions for use
 - their right to make complaints about prohibited content, and how to make such complaints.⁵²
38. Failure to comply with the obligations in the Internet Industry Codes of Practice can result in the application of penalties.⁵³

6.2 The experience of Internet filters in Europe

39. In 2013, the UK government introduced a scheme to deliver automatic pornography filters through an agreement with four major ISPs – BT, Sky, TalkTalk and Virgin Media. The intent of their introduction was to protect children from adult content. The filters were in place as the default setting, so households needed to make an active choice to ‘opt out’ of the filters.
40. The decision as to what content to block was made by the ISPs themselves, with consumers selecting broad categories, and there were inconsistencies between ISPs as to what content should or should not be blocked.
41. The filters were criticised because they blocked a broad range of content. The Open Rights Group, a non-profit organisation based in the UK, tested 100,000 sites in 2014 and reportedly found that almost one in five of the websites were blocked by at least one of the ISPs.⁵⁴
42. Of particular concern was the fact that the filters reportedly blocked content that was not harmful, and was in fact of public benefit. A BBC investigation revealed that some of the filters were blocking as ‘pornographic’ respected sex education sites, sexual and reproductive health sites, and sites to help victims of domestic abuse.⁵⁵
43. The investigation also revealed that the filters were in fact failing to block some hardcore pornography sites.⁵⁶
44. A 2014 report revealed that there had been limited take-up of the filters, despite customers having to make the ‘unavoidable choice’ as to whether to opt out of the filters when they signed up to a new ISP. In July 2014 it was reported that of the new customers who were offered the filtering, four per cent of Virgin Media subscribers signed up, five per cent of BT customers, eight per cent for Sky and 36 per cent of TalkTalk users.⁵⁷
45. The Council of Europe’s Commissioner for Human Rights, commenting on the challenge of appropriately protecting children and young people from harmful and illegal material online, stated that:

...The use of [blocking list and filtering] tools is...controversial as it can lead to disproportionate restrictions to freedom of expression, in the absence of a clear legal basis, sufficient transparency and effective safeguards against misuse, including judicial oversight. Indeed, blocking imposed through ISPs has sometimes been extended to sites...dealing with sexual and reproductive health. Some member states, under the pretext of protecting children, are blocking content related to LGBT issues, even though the European Court of Human Rights found that there is no scientific evidence that such materials have a deleterious impact on the well-being of children.⁵⁸
46. The Commissioner concluded that:

It seems more appropriate to use blocking and filtering tools at the level of private and school computers, using parental control, safe spaces for children on Internet and trustmarks and labels allowing for distinction between harmful and non-harmful contents.⁵⁹
47. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has also raised concerns about States’ use

of blocking and filtering technologies. The Special Rapporteur has explained that filters can fail to meet the test for justified limitations of the right to freedom of expression, as 'they are often not sufficiently targeted and render a wide range of content inaccessible beyond that which has been deemed illegal', and 'content is frequently blocked without the intervention of or possibility for review by a judicial or independent body'.⁶⁰

6.3 Education and public awareness

48. Parents and schools choosing to install filters may help to reduce the likelihood that children and young people will inadvertently be exposed to pornographic online content. However, given the proliferation of new ICTs and the dramatic increase in children and young people using, and becoming adept at using, these technologies, it seems that 'exposure is more likely than not'.⁶¹

49. Effectively protecting children and young people from the negative impact of harmful content online is not therefore simply a matter of removing or blocking such material. It requires a range of measures to inform and empower children and young people to be able to identify, process and critique harmful content if they are confronted with it, and to feel comfortable in seeking support from adults.

50. The UN Committee on the Rights of the Child has explained that:

A child rights-based approach to child caregiving and protection requires a paradigm shift towards respecting and promoting the human dignity and the physical and psychological integrity of children as rights-bearing individuals rather than perceiving them primarily as 'victims'.⁶²

The Committee stated that children's 'empowerment and participation should be central to child caregiving and protection strategies and programmes'.⁶³

51. The Council of Europe's Commissioner for Human Rights has stated that '[g]iving children the tools to protect themselves against threats on the Internet and become more aware of their responsibilities is probably the most effective way of safeguarding children's rights on the Internet'.⁶⁴

52. The UN Special Representative of the Secretary-General on Violence against Children has similarly highlighted that:

When children are appropriately supported and given the opportunity to learn life skills that increase their confidence and resilience in the safe use of ICTs, they become the most effective agents in preventing and coping with risks, and in protecting other children.⁶⁵

53. She has explained that in order to achieve this:

...it is crucial to provide information and advice to parents, and other adults dealing with children, about existing technologies and practices online, as well as on how children perceive, interact with and navigate the online world. An open dialogue between parents and children, including parents taking time to surf the Internet with their children, guiding and reassuring them and

discussing online practices which may present risks, is critical. This dialogue should address the diverse aspects of online behaviour, including sites visited, protection of privacy, and the safe exchange of information and images.⁶⁶

54. The need for parents to be informed and equipped to engage with their children about online safety is reinforced by research conducted by the Australian Communications and Media Authority (ACMA). ACMA surveyed parents and children aged 8 to 17, and found that the majority of children (78 per cent) reported they were most likely to turn to their parents if they needed to enquire about a potential cyber-safety issue.⁶⁷ The second main source of information was teachers.⁶⁸
55. A range of 'cybersmart' resources are available on the website of the Office of the Children's eSafety Commissioner to educate children and parents about online safety, including advice for parents on how to talk to their children about harmful content, such as pornography, that they may see online.⁶⁹ Resources about digital citizenship for teachers to use for students at various age levels are also available.⁷⁰

Recommendation 2: The Australian Government promote educational resources for children, parents and teachers/schools about online safety, and fund the development of specific age-appropriate resources for children about dealing with exposure to pornographic content online, informed by the findings of the research mentioned in recommendation 1.

56. The UN Committee on the Rights of the Child has stated that under article 19 of the CRC States Parties are required to adopt educational measures targeting children and young people, their families and communities in order to protect children and young people from all forms of physical and mental violence, abuse and maltreatment.⁷¹ For children and young people these measures should include:

provision of accurate, accessible and age-appropriate information and empowerment on life skills, self-protection and specific risks, including those relating to ICTs and how to develop positive peer relationships and combat bullying; empowerment regarding child rights in general - and in particular on the right to be heard and to have their views taken seriously - through the school curriculum and in other ways.⁷²

57. In a recent survey commissioned by Plan International Australia and Our Watch, 600 Australian girls and women aged 15-19 were asked what could improve their safety from risks associated with being online. Over a third called for more comprehensive education on sexuality and respectful relationships,⁷³ with several respondents suggesting that this education should include critique and discussion of pornography and its negative impacts.⁷⁴
58. The review by England's Children's Commissioner noted that 'there is growing evidence that indicates that young people are unhappy with the sex education they are receiving and that they increasingly use pornography, expecting it to educate and give information regarding sexual practices and norms.'⁷⁵ The authors of the review reported that in the workshop conducted with young people:

The need for more education about relationships and sex was highlighted by the young people repeatedly, as was the crucial role teachers and parents can play in helping them to make sense of, and develop strategies for coping with, pornography.⁷⁶

59. The primary recommendations of the English review of the impact of pornography was that all schools 'should understand the importance of, and deliver, effective relationship and sex education which must include safe use of the internet'.⁷⁷ The review recommended that 'curriculum content on relationships and sex education cove[r] access and exposure to pornography and sexual practices that are relevant to young people's lives and experiences, as a means of building young people's resilience.'⁷⁸
60. In 2013 VicHealth, with the support of the Commonwealth Department of Social Services, undertook the third National Community Attitudes towards Violence Against Women Survey. Based on the responses given by 1,923 young people aged 16–24 years, VicHealth recommended potential strategies to influence young people's attitudes and behaviour to prevent violence against women. One strategy involved strengthening young people's 'critical literacy' skills, to enable them to critically engage with popular culture which may promote harmful behaviour or attitudes towards women.⁷⁹ VicHealth highlighted as a good example the 'Reality and Risk' project based at Brophy Family and Youth Services, which has developed resources designed for teachers and parents to help them support young people to think critically about pornography.⁸⁰

Recommendation 3: The Australian Government work with state and territory governments to ensure critical discussion of pornography forms part of effective, age-appropriate education about healthy and respectful relationships and sex, delivered in schools, with parental support and reinforcement.

61. In addition to education regarding safety online and healthy relationships, the Commission recommends that educational resources be developed for children and young people to educate them about human rights, including what they mean for safety and behaviour in the online environment. The Council of Europe's Commissioner for Human Rights recommended that to protect the rights of children in light of risks online, children 'should become more knowledgeable about human rights, including the right to freedom of expression and the right to privacy, but also the rights of others which they need to respect and be careful not to harm'.⁸¹
62. Resources are needed to encourage children and young people to think of themselves as rights-bearers, but also to understand their responsibilities in relation to respecting the rights of others. It is important that children and young people are aware of how their rights to freedom of information and right to be protected from harm need to be balanced in the context of their access to information online.
63. The Australian Human Rights Commission has a strong record in developing human rights resources for children. Such resources equip children with an understanding of both their own rights and those of others, and serve as a safeguarding tool. In this context, additional resources designed to empower

and educate children about their rights and responsibilities in the online context, including in relation to issues such as safety, respectful behaviour, privacy, and access to harmful content, are needed.

Recommendation 4: The Australian Government commission the development of human rights resources for children and young people which encourage them to think about human rights in the online environment, and be aware of both their own rights and their responsibilities to respect the rights of others.

¹ See, for example, Miranda A.H. Horvath et al, *'Basically...porn is everywhere': A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People* (Office of the Children's Commissioner (UK), 2014).

² Opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

³ Opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

⁴ Opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

⁵ Opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

⁶ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 1.

⁷ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 3(1).

⁸ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 18(2).

⁹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), arts 6(2) and 24(1).

¹⁰ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 19(1), and see UN Committee on the Rights of the Child, *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*, UN Doc CRC/C/GC/13 (18 April 2011) [4].

¹¹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), arts 28(1) and 29(1).

¹² Marta Santos Pais, *Annual Report of the Special Representative of the Secretary-General on Violence against Children*, UN Human Rights Council, 35th sess, Agenda Item 3, UN Doc A/HRC/31/20 (5 January 2016) [99].

¹³ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 13.

¹⁴ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 17.

¹⁵ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 17(e).

¹⁶ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), arts 6(2) and 24(1).

¹⁷ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 19(1).

¹⁸ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 16.

¹⁹ See, for example, *KU v Finland* (European Court of Human Rights, Chamber, Application No 2872/02, 2 December 2008).

²⁰ See *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 13(2). On this point see further Australian Human Rights Commission, *Background Paper: Human rights in cyberspace* (2013). At <http://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/background-paper-human-rights-cyberspace> (viewed 8 March 2016).

²¹ Child Health Promotion Research Centre, Edith Cowan University, *Cyberbullying and the Bystander: Research Findings and Insights Report* (Australian Human Rights Commission, 2012). At

<https://www.humanrights.gov.au/our-work/childrens-rights/publications/cyberbullying-and-bystander> (viewed 8 March 2016).

²² See further Australian Human Rights Commission, *Background Paper: Human rights in cyberspace* (2013). At <http://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/background-paper-human-rights-cyberspace> (viewed 8 March 2016).

²³ Karen Baker 'Online pornography – Should schools be teaching your people about the risks? An exploration of the views of young people and teaching professionals' (2015) *Sex Education* 1, 1.

²⁴ Miranda A.H. Horvath et al, '*Basically...porn is everywhere*': *A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People* (Office of the Children's Commissioner (UK), 2014) 21-22.

²⁵ Miranda A.H. Horvath et al, '*Basically...porn is everywhere*': *A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People* (Office of the Children's Commissioner (UK), 2014) 21-22.

²⁶ Michael Flood, 'Exposure to pornography among youth in Australia' (2007) 43(1) *Journal of Sociology* 45.

²⁷ Michael Flood, 'Exposure to pornography among youth in Australia' (2007) 43(1) *Journal of Sociology* 45.

²⁸ See, for example, Karen Soeters and Katinka van Schaik, 'Children's experiences on the Internet' (2006) 107(1/2) *New Library World* 31; Janis Wolak, Kimberly Mitchell, David Finkelhor 'Unwanted and Wanted Exposure to Online Pornography in a National Sample of Internet Users' (2007) 119(2) *Pediatrics* 247.

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