



BUILDING INDEPENDENCE &amp; PARTICIPATION



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**To: Committee Secretary, Legal Affairs and Community Safety Committee**

**Parliament House, George Street**

**Brisbane QLD 4000**

9 September 2018

By email: [LACSC@parliament.qld.gov.au](mailto:LACSC@parliament.qld.gov.au)

Dear Committee Members,

R4Respect of YFS Ltd writes to you to signify our wholehearted support for the introduction of QLD's *Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018*.

R4Respect would like to commend the Queensland Government and the Hon. Yvette D'Ath, Attorney-General and Minister for Justice for taking the crucial step in introducing this necessary bill into the Queensland Parliament.

We are a youth-driven organisation from YFS Ltd whose mission is to prevent domestic and sexual violence through respectful relationships education in our community. R4Respect currently has 12 young people proactively working within secondary schools across Queensland, educating their peers on issues of consent, control, illegal coercion and sexual harassment. Since our establishment in 2016, we have reached more than 6,000 young people in the South-East Queensland region through workshops and other community events.

The young men and women of R4Respect strongly encourage members of the Legal Affairs and Community Safety Committee to support the Bill. Further we ask that the Committee take additional effective action to ensure that:

- (a) The law is enforced and images can be rapidly removed;
- (b) Image-based abuse (IBA) is eradicated through community education and respectful relationships programs; and
- (c) Those who endure the harmful impact of image-based abuse are supported.

### **The Bill —its aims and application**

The objective of the Bill is to create a new offence related to non-consensual sharing of intimate images that would apply to sending, or threatening to send, intimate material without consent. This offence will have a maximum penalty of three years imprisonment. Distribution must happen in a way that would cause the person in the image distress reasonably arising in all the circumstances.



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YFS and R4Respect support the statements made by the Attorney-General in introducing the Bill. We welcome the fact that these laws would apply to both sending, and threatening to send, intimate material without consent and the definition will extend to photo edited images to include altered images that present someone in an intimate way. We are aware that victims of IBA often don't know that there is material on-line, but the threat to distribute IBA and its existence, causes humiliation, fear and can be used to control, coerce, and harm a person.

#### Further the Attorney-General stated that:

- In recognition of the greater vulnerability of young children, the Bill provides that a child under 16 years of age cannot consent to the distribution of an intimate image.
- The Bill allows courts to make a rectification order –the images must be removed or deleted, and if they aren't a person faces a two-year jail term.
- The bill defines consent for the purpose of the new offence to confirm that consent must be free and voluntary and given by a person with cognitive capacity to consent.

#### About YFS Ltd and R4Respect


YFS Ltd is a non-government multi-service agency that has been operating in Logan for more than thirty years. In 2016, YFS established a youth-led peer-to-peer program, R4Respect to educate young people about ways to overcome gender-based attitudes that lead to abuse in relationships and on-line.

As young people working with other young people in our own community, we at R4Respect know too well that image-based abuse carried out online and through social media leaves a devastating impact on young people, particularly young girls. YFS supports vulnerable people with disabilities, women and girls who are subject to intimate partner violence and others who experience the harmful effects of technological and image-based abuse. The evidence shows that sharing intimate images can affect anyone, yet this form of abuse disproportionately affects women and girls:

1 in 5 Australians aged 16–49 have experienced image-based abuse (IBA). Although women aged 18-24 are more likely to be targets, IBA impacts people regardless of their age, race, religion, gender, sexual orientation, education or bank balance (Henry., et al., 2017).

In an effort to combat this abhorrent and unacceptable reality, R4Respect have collaborated with Griffith University Film School to develop an animation series '*Don't Be a Bad Apple*' to reach young people with information on consent, image-based abuse and sexual coercion. This educational series has been supported and promoted by *Australia's National Research Organisation for Women's Safety (ANROWS)* and the *Australian Institute of Family Studies*.<sup>1</sup>

<sup>1</sup>'Don't be a Bad Apple' – youth generated animated clips to counter domestic violence', ANROWS Australian Institute . Available at <https://aifs.gov.au/cfca/2017/07/17/resource-dont-be-bad-apple-youth-generated-animated-video-clips-counter-domestic-violence> ).



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Keep your eyes *peeled* for illegal coercion.

Peeping tomato?  
That's just creepy.

*Pictured: Don't Be a Bad Apple Series, Videos: Sexting/Coercion*

In conjunction with the animation series, R4Respect have also published a Facilitation Manual designed to assist practitioners and educators in sparking much needed conversations regarding consent, image based abuse, control and coercion within classrooms.<sup>2</sup>

We strongly encourage the Committee to support the widespread application and availability of educational programs like R4Respect for young people – as primary prevention and awareness is crucial to eradicating IBA and the long term harm it causes. We know first-hand that these conversations are essential in helping young people understand the line between healthy and harmful online activity.

### YFS Ltd and R4Respect support this Bill

Introducing laws to counter IBA is an important step that YFS and R4Respect strongly endorse. YFS Ltd is encouraged by the recognition by the Queensland Government in this Bill that IBA can be part of a sustained pattern of coercion and control. This pattern of coercive control is a common experience for the domestic violence victims/survivors who our YFS domestic violence team support. This coercion and control can include technology-based stalking, harassment and IBA. It is very hard to enforce. Many people (primarily women) can suffer serious consequences including reputation harm and job loss. Young people can be driven to self-harm and serious emotional harm and bullying as a result of IBA.

A 2015 Survey conducted by Our Watch revealed that **1 in 3** young people **don't think that controlling someone else is a form of violence**. This level of control can take place in various forms such as online coercion through image based abuse.

The young men and women of R4Respect find this extremely alarming and urge the Parliamentary Committee to not stop with the legislative changes introduced by this Bill. In order to effectively counter and prevent IBA from occurring, we must ensure that every

<sup>2</sup> 'Don't be a Bad Apple Animal Series Facilitation Manual 2018', ISBN 9781513632919 Available at: [isbagency.com/titles/9781513632919-dont-be-a-bad-apple-animation-series-facilitation-manual-2018](http://isbagency.com/titles/9781513632919-dont-be-a-bad-apple-animation-series-facilitation-manual-2018)



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young person in Queensland receives education on respectful relationships, including ways to counter IBA.

We further urge the Queensland Parliament to take effective and consistent action with other Australian Governments, given the cross-border nature of on-line technologies, technological abuse and IBA.

### **An ongoing plan of action is needed to ensure that:**

1. The new laws must be enforceable and offending images must be able to be rapidly removed; and
2. Every young Queenslander must receive mandatory respectful relationships education. This could also include strategies to challenge IBA rather than being rather being a bystander.

In Australia and internationally the non-consensual sharing of intimate images, known as 'revenge pornography' is emerging as a major problem with devastating consequences (The National Plan to Reduce Violence Against Women and their Children (2010-2022). Third Action Plan).

The young peer educators of R4Respect meet students and other young people daily who speak out about their horrific experiences of IBA. The peer educators inform young people of the illegal nature of IBA and the importance of them 'calling out' IBA rather than encouraging it and being bystanders who turn a blind eye to it. The R4Respect team also focus on informing young people about consent as it applies to IBA and sexual coercion.

The national and state action to expose the harmful impact of IBA is the first big step in eradicating it. R4Respect pledges their support for the introduction of this bill which will see vulnerable young people, mostly women and girls, adequately protected by the law and perpetrators of IBA held responsible for their crimes. The next step is to follow up these actions - through enforcement and education.

As the voice of young people in our community, we urge members of the Legal Affairs and Community Safety Committee to consider our submission in our fight to eradicate domestic and sexual violence in all its forms.

Rachael Pascua & Beenush Khokhar  
 R4Respect Team

