Online Hate
Prevention Institute
ABN 65 155 287 657

306 Hawthorn Road,
Caulfield S. Vic. 3126

T (61-3) 9272 5594
E info@ohpi.org.au

Submission by
The **Online Hate Prevention Institute** to
The **Coalitions Review of Online Safety for Children**

Executive Summary

This submission is from the Online Hate Prevention Institution (OHPI), a charitable institution with a mission of improving the prevention, mitigation and response to online hate.

While cyberbullying is recognized as a significant online threat to children, it has a fairly narrow definition and other forms of hate are excluded, for example online racism targeting communities at large rather than specific individuals. The impact on children of racism and other forms of hate is well recognized and has significant impact on mental and physical health.

Online racism falls into a gap between those policies that address racism (but not online) and those policies that address online bully, but not hate targeting victim groups. Other forms of group hate fall into a similar gap, include: homophobia, hate targeting those with disabilities and hate targeting groups based on their religion or nationality.

The Online Hate Prevention Institute recommends that the gap between online safety policies and anti-racism policies be closed. This can best be achieved by making "online hate" a specific focus area in the Coalition's wider Online Safety for Children platform.

New policies addressing the gap may:

- Build on existing anti-racism programs to specifically focus on online hate
- Expand cyberbullying responses, guidelines and education to address racism
- Widen the discussion about online child safety
- Enable more complete discussion about the social media and society

The Online Hate Prevention Institute

The Online Hate Prevention Institution (OHPI) is a charitable institution with a mission of improving the prevention, mitigation and response to online hate. We seek to reduce the harm that can occur to people as a result of internet based racism, homophobia, antisemitism, Islamophobia, disablism and other forms of hate targeting vulnerable segments of society as well as cyberbullying that may targets specific individuals.

OHPI carried out its mission through research, education, monitoring of online hate, collaboration with stakeholders and engagement both locally and internationally in public debate.

Online Hate and Children's Online Safety

Racial hatred, which includes vilification based on race, colour or national or ethnic origin, can damage a child's health and self-esteem.[1] The impact of racism on health has given focused attention by health authorities in Australia.[2] Racial hatred can be seen as a toxic stressor,[3] and academic papers have empirically examined its impact on the health of children.[4] Online hate can be a form of emotional abuse, may incite physical abuse and violence against a victim by others, and can cause victims to self harm or commit suicide.

With an increase part of children's lives being online, the dangers of online hate are significant. The online world lacks many of the safeguards of the real world, and online social norms can make hate more socially acceptable.[5] Online discourse in social media is less civil than what would be accepted in other forums when discussing the same issues and racism may be visibly accepted or excused.[6]

Even where individuals are not specifically targeted, racism can cause members of a victim group to feel humiliated, denigrated, their self esteem may be significantly lowered, and out of fear they may withdraw from full participation in society.[7] Children are particularly vulnerable and should be protected from such harm.

Australian law, such as the Part IIA of the Racial Discrimination Act 1975, makes various forms for hate unlawful. The current system, however, leaves it to individuals to take civil action, or to make complaints to the Australian Human Rights Commission who will try and seek reconciliation. If reconciliation fails, the onus goes back on the victim to take action in the courts. These remedies are largely ineffective, and children are ill equipped to use such approaches. Where hate impacts on children, or in social media platforms with a high usage by children, a stronger response may be justified.

As most online platforms cater to children aged 13 and upwards, steps need to be taken to protect children from harm in these environments, and online hate is one form of harm which should be included in any preventative policies.

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[4] Pachter, L.M., Bernstein, B.A., Szalacha, L.A., and Coll, C.G. (2010). Percieved Racism and Discrimination in Children and Youths: An Exploratory Study. *Health and Social Work*, 35(1), 61—69.

[5] Oboler, A. (2010). Online Antisemitism 2.0 and Social Acceptability. In Pollack, E. (Ed), *Antisemitism on the Campus: Past & Present.* Brighton, MA: Academic Studies Press.

[6] Liu, J., August, C., Waapu, A. And Rata, A. (2011). Racism Online in New Zealand, at the National Diversity Forum, August 23rd 2011. Online at: http://issues.co.nz/diversityissues/Online%20Racism

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Responses to existing policy

The provision of PC-based filters to families

The Coalitions Online Protection Policy states that, "the best protection parents can give children is guidance about appropriate internet usage and the dangers that can arise from inappropriate usage." The Online Hate Prevention Institute supports this position and believes it should be further developed.

The coalition's criticism of internet filters and the details provided about their limitations reflects current expert thinking on this topic. Many of the criticisms are however equally valid when applied to home based filters, particularly concerns about circumvention and over blocking. Since the policy was prepared in 2010, the availability of alternative connections through mobile phones and tablet computers (e.g. iPads), or publically accessible WiFi has significantly increased. The reliance on major online platforms, such as YouTube and Facebook, for content has also increased. These developments further decrease the value of filters. We would also add that even if filters were technically viable and accessibly provided they are unlikely to deal with related problems, such as online hate, in any meaningful way.

Parents wishing to use home based filtering solutions can purchase commercial filters from the private sector. Commercial development and competition will be more efficient than government involvement and provides a better long term supply. Government spending should focused on areas where the private sector in unlikely compete.

Our key concern is that filter may push children to use alternative connections away from the home and away from proper supervision. The illicit use of the internet is likely to make it more difficult for a child to discuss problems with their parents. The false sense of security is likely to make parents less vigilant. The argument in favour of filters, whether at the level of the ISP or the home, is largely outdated and a new solution is needed.

The expansion of ACMA's cyber-safety programme

ACMA's Cybersafety Outreach programme protects children online both by directly education children of the risks they face and how they can manage them, and by educating parents and educators to reduce the technology gap that can render them less effective when it comes to online issues compared to off line risks.

While ACMA has a mandate covering the internet, its skill set is far more strongly focused on conventional media. This imbalance in ACMA should be addressed with greater internet expertise implemented from the governance level down. An ambitious expansion of the Cybersafety Outreach programme can contribute to this. It is interesting that TV advertising earlier this year about social media came not from ACMA but from the Federal police. If ACMA has the mandate for online safety, it must be appropriately resourced to support that goal.

With regard to the specific programs, an examination of the Cybersafety Outreach programme did not disclose any material dealing with online racism. The Online Hate Prevention Institute believe this should be added to the programs as a discrete element alongside cyberbullying and that ACMA

and the Australian Human Rights Commission should work in partnership to expand the existing programs in this direction.

Students, teacher and parents should be educated to identify online racism and to recognise it as contributing to a hostile environment for children even when it is not used in the form of a direct attack against a particular child. There is a need to educate student on how they can respond when they witness online racism in general or directed against others.

An online racism expansion of the Cyber Safety programme must also recognise that children are perpetrators of online racism, just as they are perpetrators of cyberbullying. There is also a need to highlight that the same rules and values apply online as off line. Incidents overseas such as the jailing by a British court in March 2012 of university student Liam Stacey for 56 days for racist twitter posts highlight how seriously online racism can be taken. Student need to appreciate that online racist behaviour not only hurts the victim, it can hurt them as well both now and in the future.

National Education Campaign

The proposal to empower principles and to develop a new National Cyberbullying Taskforce comprising industry, education stakeholders, parents and students is most welcome. We would add that civil society can play an important role in this work through the participation of NGOs and community representative bodies.

We would recommend broadening the task force to cover the cyber safety of children and young people more generally, and not limit it to bullying. This could include the important issue of cyber racism and other forms of online hate which result in damage to the physical and mental health of young people, and in the most extreme cases lead to youth suicide. The structure of such a task force with stake holder involvement is strongly supported.

We would recommend expanding the definition of young people to include students in Further and Higher Education as well as the Further and Higher Education sectors. The Federal Government has direct responsibility for Higher Education and the problems that occur online, particularly when alcohol and social media mix, deserve attention. Further and Higher Education is the last chance to change behaviour before young people enter the full time job market. Online reputation damage during this period of their lives can have a damaging effect on their career prospects and their future productivity in society.

From our international experience, as well as reviewing the literature of efforts in the online racism field, we note that Internet service providers, including social media platform providers, have a vested interest in convincing working groups and tasks forces that solutions are technically infeasible. We would urge the government to ensure independent technical experts, perhaps from universities, think tanks or the government sector, play a key role in any Task Force.

We also note that past discussions with social media companies by leading NGOs and by foreign governments our staff have worked with have often started off optimistic, and in the end led to little change. The scale of the companies involved, and the jurisdictional limit when companies are not physically present in Australia, needs to be considered. Where change at the platform providers end, a diplomatic approach needed to be considered. A connection between the output of a task force

and the activities of the Department of Foreign Affairs and Trade and international activities of the Australian Federal Police needs to be considered.

Regarding a universal system for children to report cyberbullying and other offensive material, OHPI is currently working on a system to facilitate public reporting of online hate. Such a system has been called for by international bodies for some years. The system will include the facility for reporting cyberbullying, particularly in social media. The development and running of such a system is one of the primary objectives of OHPI. We believe such a system is best handled outside of government, but with third party reporting that could enable anonymous complaints to then be processed by governments internationally. We would be happy to discuss this aspect of our work further and hope such an initiative, developed in Australia but facilitating reporting internationally, will receive bi-partisan support.

Additional research into cyberbullying would be welcomed, but we note that many other forms of online harm are also in desperate need of additional research. Cyber racism is one example. Research into negative online behaviours and online harms more generally are needed.

We support the establishment of a ministerial advisory committee, but believe it should be a multi stakeholder groups as discussed above in relation to the Task Force.

Recommended Policy Development Areas

Broadening the platform to include online hate

As discussed, cyberbullying of individuals is one form of online hate. It is defined as "the use of information and communication technologies to support repeated and deliberate hostile behaviour intended to harm others".[8] Hostile and hateful behaviour that can seriously impact children often falls outside the strict definition of cyberbullying, for example offensive behaviour based on racial hatred that targets a group in general rather than an individual. We recommend that policy attention be specifically given to "online hate" that would be unlawful under the Part IIA of the Racial Discrimination Act 1975.

Considering the Internet beyond Social Media

We further recommend that Coalitions policy platform be updated to refer generally to "online hate and harmful content", of which cyber bullying is a prime example. We also recommend the focus be shifted from "social media platforms" to "Online Platform Providers" which would more easily encompass newer sites such as Twitter.

Supporting a wider co-regulatory approach to public online content

The concept of a 'Code for social networking sites' operating in Australia and a co-regulatory approach to implement it could be effective for more than cyberbullying. It could be expanded to online services generally, from online gaming to micro-blogging. It could address a wider range of issues, from privacy violation to online hate and the promotion of harmful behaviour such as eating

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[8] Australian Communications and Media Authority,
http://www.cybersmart.gov.au/Schools/Common%20cybersafety%20issues/Cyberbullying.aspx

disorders, suicide, substance abuse and physical self harm. Such an approach would assist responsible behaviour by providers would help define community standards and expectations.

Online racism is often unlawful without being criminal. Other forms of hate may be unlawful under State law, but not Commonwealth law. A 'Code of behaviour' that defines a common standard for public content based on Australian values would give platform providers an idea of our current and evolving standards as a community. Such standards can also cover expectations about people's ability to have harmful content removed and to be notified of progress at least in relation to material targeting them personally or invaliding their privacy.

Providing International Leadership

A Task Force on social media has the potential to do far more than educate; it has the ability to define and reflect current social values and to influence the policy of private companies outside Australia's jurisdiction. We'd encourage the Task Force concept to be developed and for additional government agencies to become involved, in particular the Federal Police, the Australian Human Rights Commission, and the Department of Foreign Affairs and Trade.

OHPI staff have engaged in policy discussions with senior Facebook staff and have drafted policy proposals which Facebook have considered. Our staff have also been involved in policy reversals by Google. We have worked on international bodies, such as the Inter-parliamentary Coalition for Combating Antisemitism,[9] in working groups on online issues. We believe further international engagement is needed and discussion around a 'code of conduct' should start on the premise that Australia will advocate such a code in international forums.

Conclusion

We believe the Coalitions policies include some promises that are still highly important and relevant, they need to be widened with a focus beyond cyberbullying to other harms, in particular to online hate, and beyond social media to cover a wider variety of modern platforms and future platforms.

We thank the Coalition for the opportunity to respond through this submission and through a very productive round table process.

Andre Oboler

CEO, Online Hate Prevention Institute

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[9] http://www.antisem.org/