
CYBER-SAFETY AND INDIGENOUS YOUTH

by Peter Radoll

INTRODUCTION

Information and Communication Technologies ('ICTs') provide great benefits to individuals and communities. It brings the world to our doorstep, into our home, and even into our bedroom; however, there are risks for both young and old. Exposure to the internet at a young age brings some challenges, especially when the child's knowledge of technology surpasses their parents or carers. Many adults and youth give little thought to how long digital content will last and, more importantly, how quick and easy it is to transfer digital images and videos. The most used form of communication between youth over the age of 13 is social media, and around half of all youth aged between 8 and 11 have used some form of social media account.¹ With the rapid increase in the adoption of smartphone and mobile devices combined with open access to the internet, there has been an increase in cyber-safety issues, such as cyberbullying and sharing of explicit materials.² This article explores cyber-safety, its associated issues and how it relates to Indigenous youth. Moreover, it discusses the current legislation in place to protect Australians in the digital domain, online industry policies, diversionary programs, censorship and cyber-safety programs targeted at Indigenous youth.

CYBER-SAFETY

Cyber-safety is a generic term used to describe personal safety in the digital domain. It relates to all types of computers and mobile devices and all types of digital content across SMS, social media, email and website content.³ Cyber-safety also focuses on negative uses, such as cyberbullying. Bullying and its effects are well documented. School bullying in particular has been researched extensively resulting in most schools developing bullying prevention programs. Bullying is defined as a 'form of aggression including verbal or physical harassment'.⁴ Bullying can take a wide range of forms including pushing, holding, hitting, hostile gestures, teasing, name calling, eye rolling and manipulating friendships.⁵

Cyberbullying has the same intent but is conducted through ICTs. It can be transferred through instant messaging, social media, mobile phones and websites. Some individuals and groups use

ICTs to support targeted, deliberate and repeated hostile attacks on individuals.⁶ The only distinction between bullying and cyberbullying is having access to the internet. With the proliferation of mobile devices, cyber-safety has become a growing issue for everyone. The issues that Aboriginal and Torres Strait Islander communities face around cyber-safety is not that different from all Australians—however, it appears to have a deeper impact.⁷

It is therefore surprising to note that at the 2014 *Broadband for the Bush Forum*, even though cyber-safety was raised as an issue, it did not emerge as a key theme to be addressed.⁸ This suggests that cyber-safety is not perceived to be a major issue in remote communities, or perhaps it might be that the issues associated with cyberbullying in these communities are present in the 'real' world, which has simply flowed over into digital domain. Equally, it was astonishing to learn that some Indigenous communities had turned off their Wi-Fi and internet access for the whole community to directly curtail cyber-bullying. Nevertheless, individual control of the technology was found to be a clear driver in the use of Facebook, particularly in remote communities. One person stated the reason they like Facebook is because there is 'no Whitefella control'.⁹

SMARTPHONES

Smartphones and mobile devices have increased in popularity and, surprisingly, are found in all areas of Australia regardless if there is mobile phone service or not.¹⁰ Where there is no mobile service, the smartphone is used as a multi-media device, capturing and sharing digital content and materials. When connected to the internet smartphones and mobile devices allow online interaction, including the sharing of text and images as well as music and video materials. Online interaction can have a positive effect. It allows those with lesser social skills to gain access to potentially supportive social networks and develop ICT skills.¹¹ Yet, there can be alarming negative effects with other digital interaction, such as sexting.

SEXTING

Sexting is a growing issue in the digital era. It can be defined as the production and transmission of sexually explicit content via

electronic communications. There are technologies that almost encourage this behavior. Snapchat, for example, is a technology that claims to be a fun way to communicate with ephemeral images. Snapchat allows users to make images available to a specific recipient for a fixed number of seconds. Users assume that the image will only be available to the intended recipient for a short time and be destroyed. In reality, the sent images are easily captured and stored which makes the images both transferable and long-lasting. Even the creators of Snapchat now acknowledge the flaws in their claims of ephemerality of the content.¹²

The harm of sexting occurs when the images are shared beyond two consenting adults. However, it is the sexting by minors that raises the biggest concerns. This is because the production, distribution and storage of sexually explicit images of minors are considered to be child pornography under Territory, State and Commonwealth laws. A recent Senate Select Committee report on Cyber Safety stated that:

child pornography is material that depicts a person under 18 engaged in a sexual pose or sexual activity, or that has as its dominant characteristic the depiction for a sexual purpose of a sexual organ of a person under 18, and which reasonable persons would regard as being, in all the circumstances, offensive. The offences in sections 474.19–20 of the Criminal Code carry maximum penalties of 15 years imprisonment.¹³

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THE CRIMINAL CODE AND DIVERSIONARY PROGRAMS

Despite the *Criminal Code Act 1995* (Cth) ('the Code'), the application of the law for sexting is quite uneven across jurisdictions. While some jurisdictions take a liberal approach to sexting, others crack down heavily. In their submission to the Senate Committee on Cyber-safety, unless the sexting is deemed 'exceedingly predatory or malicious', the Australian Federal Police stated that they had not charged anyone under 18 years old for sexting. Rather, their approach has been to focus their attention on diversionary programs and using interviews and education programs.¹⁴ At the other end of the scale, in the first five months of 2013, Queensland Police had charged around 240 minors between the ages of 10 and 17 for the production and distribution of child pornography.¹⁵ Importantly, the number of charges related to sexting has increased by 40 per cent since 2009, demonstrating a significant rise in the practice.¹⁶

The professionals who deal with the fallout from sexting argue that the best way to address the issue of cyber-safety and sexting is through education and diversionary programs. In their submission to the Senate Committee on Cyber-safety, the Australian Psychological Society stated: '...the legal implications surrounding sexting by children and young people should not lead to a solely legal solution to the issue. Informed parenting, school-based practices and educational approaches offer the most productive way forward.'¹⁷

CYBER-SAFETY AND THE INDIGENOUS COMMUNITY

Cyber-safety is a growing concern in Indigenous communities. Respected Elder Nyuminy Ken, from Pukatja (formally Ernabella) in the Anangu Pitjantjatjara Yankunytjatjara lands of South Australia, is just one Elder who has dealt directly with the issues that mobile phone and internet access has brought to her community. She argues that there is wide spread concern about the inappropriate use of social media in her community.¹⁸ Some Aboriginal teenagers in Central Australia are using social media in ways that can be harmful. This includes the use of Facebook to 'threaten suicide, prostitute themselves, and talking about substance abuse'.¹⁹ One young girl on her Facebook status stated 'all the man stop ringing my phone, I'm little kids, not big woman....I don't like big man'. A pregnant 18-year-old posted that she was addicted to sniffing stating on Facebook: 'Damaging this kids brain. Cnt get rid of it. Gona sniff it all night till I get sick'. Another youth posted: 'Feel lost right now hang myself'.²⁰

For their part, the social media companies claim to be doing the best they can. Facebook claims that they 'take threats of self-harm very seriously. We also work with suicide prevention agencies around the world to provide assistance for people in distress'.²¹ They also state that they have a strict policy which involves law enforcement collaboration and work actively to prevent the sharing of sexually explicit content to minors.²²

CENSORSHIP

It seems clear that action is required to deal with cyber-safety; however, it is difficult to find any one solution to this issue. Developing a national policy is one way to address cyber-safety but any legislative changes present a number of challenges. The biggest challenge is the issue of censorship. There is little doubt that some level of censorship in the name of online safety for children is good. On the other hand, there is potential for surveillance and censorship of the entire population, which for some is unthinkable.²³ The argument against censorship is best summed up by Asher Wolf, where she argues that:

As a parent, I want to be the one holding my child's hand as he explores the world online—not some grey-suited bureaucrat from a

government agency or religious busy-body. And as an adult, when I use the internet, I don't want to be potentially surveilled and censored in the name of projecting my child.²⁴

On a similar note, other commentators argue that bureaucrats should not have the power to decide what is harmful and what is not. Chris Berg, a Research Fellow with the Institute of Public Affairs, argues that 'there's no such thing as cyberbullying per se. There is just bullying' and that 'people who are bullied on the Internet are bullied at school as well'.²⁵ He further argues that any move to address cyberbullying by the Australian government imposing 'take down notices on internet websites is frankly absurd'.²⁶

Australia has had laws to deal with online bullying since 1995. Section 474.17 of the Code provides cyber protection and those convicted under the Code can face penalties of up to three years imprisonment for using digital technologies to 'menace, harass or cause offence'.²⁷ Even with legislative protection, the issues and concerns around cyber-safety are growing at such a pace that it is likely the Federal Government will have to appoint a cyber-safety commissioner.²⁸

POLICY PERSPECTIVE

In January 2014, due to overwhelming community pressure, the government released a discussion paper titled *Enhancing Online Safety for Children*.²⁹ The paper was an attempt to bring the issues of cyber-safety to the forefront of community, government and policy makers. Yet, soon after the discussion paper was released, a policy dispute arose over what is the best way to address the complex issues of cyber-safety. The online industry immediately rejected the assertion that there needs to be legislative reforms.

The industry group representing companies like Google, Facebook, Microsoft and Twitter in Australia, the Australian Interactive Media Industry Association, argues that legislation is not warranted because each company has their own anti-bullying and harassment policies.³⁰ While each company has their own policies and community standards, it is argued by some that cyberbullying is not taken as seriously as other violating content. Facebook, for example, is strict on banning drug use, nudity and even pictures of breastfeeding, yet are very slow on acting on issues of bullying.

CYBER-SAFETY PROGRAMS FOR INDIGENOUS YOUTH

While the debate rages on between business, government and civil libertarians on whether to legislate on censorship or not, the Australian Communications and Media Association ('ACMA') have moved to address the issue with the development of the

Cyber Smart education program which is: 'Designed to support and encourage participation in the digital economy by providing information and education which empowers children to be safe online'.³¹ Moreover, it is a national cybersecurity and cyber-safety education program and is part of the Australian government's commitment to addressing cyber-safety.³²

ACMA has been a strong driver of cyber-safety in Indigenous communities as well, and launched the *Be Deadly Online* cyber-safety program in April 2014. This program targets Aboriginal and Torres Strait Islander youth and has developed Indigenous resources specifically to address the issues of sexting.³³ The program was recognised for its innovative and culturally appropriate development, winning a Gold Award at the 2014 *World Media Festival* in Germany.³⁴

CONCLUSION

The issues surrounding cyber-safety are complex. As ICT use in Australia increases, opportunities for individuals and groups to harass others through ICTs also increase. Additionally, the transmission of sexually explicit material via mobile and digital technologies has long-lasting effects on youth. While there might be a focus on the more popular social media sites of Facebook and apps like Snapchat, the reality is that there are literally hundreds of social media sites and apps, and the number grows every day. Trying to control them in any way, shape or form will be very difficult. The Criminal Code provides for penalties of breaches of the law, but has proved to be applied inconsistently across jurisdictions. Censorship, on the other hand, produces all kinds of other issues; for instance, who do we censor and why?

Currently, diversionary and education programs provide the best approach to addressing issues of cyber-safety. The cyber-safety program, *Be Deadly Online*, goes a long way into addressing these issues and specifically targets Indigenous youth. Providing Indigenous youth with resources designed specifically for their needs can help to address their own behaviour, and encourage appropriate use of ICTs.

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A Time Like This, 2013

Bindi Cole Chocka

Pigment print on rag paper

If you were to ask any Melbourne suburbanite, you might think there is no Aboriginal community here—there is, it just doesn't look the way the media presents nor does it experience life in the way it used to. As colonisation continues to have a major impact on this community, every facet of life must change and become contemporary.

