15 June 2012

To Whom It May Concern,

RE: INQUIRY INTO SEXTING

Thank you for providing the opportunity to respond to the Terms of Reference outlined for the Victorian Law Reform Committee’s 2012 Inquiry into Sexting.

As an international leader in health promotion with substantial expertise in the primary prevention of violence against women, we are pleased to provide advice with a focus on the links between the determinants of violence against women and the social practice known as ‘sexting’.

VicHealth seeks to promote an understanding of the way broad social norms and gendered stereotypes create a culture where sexting and other forms of hyper-sexualised practices are normalised, particularly for young women. We therefore recommend that the practice of sexting be legislated and researched within this wider context, taking into account the impact that gender inequality and also unequal power between women and men have on the prevalence and impact of sexting in Victoria.

In addition, we recommend that further research be conducted into the nature, prevalence and impact of sexting within a public health/health promotion framework prior to legislative or policy reform. It is imperative to further develop the evidence base on which to build legislative, policy and educational response to sexting.

Yours sincerely,

Jerril Rechter
CEO
Victorian Health Promotion Foundation (VicHealth)
Recommendations summary

**Recommendation 1**
VicHealth recommends that future research efforts should focus on:
- Understanding the gendered social context within which sexting takes place and the positive impact primary prevention efforts which focus on changing this gendered culture can have on the prevalence of sexting
- Making clear the relationship between the determinants of violence against women and the practice of sexting
- The participation of children, young people and adults in this practice in Victoria
- Developing an evidence base that can guide the inclusion of sexting education into existing evidence based respectful relationships education programs in Victorian secondary schools.

**Recommendation 2**
Whilst it is imperative that young people receive education about sexting, including its prevalence, impact, legal consequences and gendered nature, VicHealth recommends that messages regarding sexting are provided to young people as part of a broader respectful relationships education program. This will allow young people to clearly understand the gendered nature of sexting, and understand the broader social context within which this practice occurs.

**Recommendation 3**
VicHealth recommends that teachers and school staff are provided with the knowledge and skills to teach students about respectful relationships and sexting, as recent research suggests that 69% of sexuality educators say they require more assistance to teach students about the impact of communication technology on sexuality and relationships (ARCSHS, 2011).

**Recommendation 4**
VicHealth recommends that before undertaking legislative reform, the Victorian government should conduct further research into the nature, prevalence and impact of sexting in Victoria or Australia for both young people and adults.

**Recommendation 5**
Given the lack of clarity around definitions of sexting, as well as current research which suggests that the taking and sending of unauthorized sexual images is a gendered practice (Powell, 2009), VicHealth recommends that legislation and public policy makes a clear differentiation between different types of sexting, for example:
- Consensual sexting (that is only distributed to the person for whom the sext was intended)
- Consensual sexting where the sext is further distributed
- The non-consensual taking of images or filming which are then distributed
- The non-consensual filming of consensual sex which is then distributed
- The non-consensual filming of sexual assault which is then distributed.
Victorian Health Promotion Foundation (VicHealth)

The Victorian Health Promotion Foundation (VicHealth) was established by the Victorian Parliament in 1987 and is the peak health promotion body in Victoria. VicHealth works in partnership with organisations, communities and individuals to make health a central part of our daily lives. The focus of VicHealth’s work is on promoting good health and preventing ill-health. Today, we have a broader understanding of health than ever before.

How much we earn, our social position, our level of literacy and our capacity to be involved in sport or creative activities that help connect us to others in our community are as important to determining health and wellbeing as the medical care we receive when ill.

Promoting health by fostering change in social, economic, cultural and physical environments underpins VicHealth’s mission. We seek to build the capabilities of organisations, communities and individuals in ways that:

- Change social, economic, cultural and physical environments to improve health for all Victorians
- Strengthen the understanding and skills of individuals in ways that support their efforts to achieve and maintain health.

For more information about VicHealth visit www.vichealth.vic.gov.au.

Background – Preventing violence against women

VicHealth’s Preventing Violence Against Women program involves an annual expenditure of around $2.5 million to build programs and research in the prevention of violence against women. The attached summary (see attachment 1) outlines some of our most significant investments and our recent partnership activity designed to prevent violence and build new evidence in a variety of settings, but also in workforce development, training and research.

For several years, VicHealth has led the development of an evidence-base for the primary prevention of violence against women across multiple settings and communities in Victoria. VicHealth first prioritised the primary prevention of violence against women in 2003 as part of a broader program aimed at addressing the preventable causes of poor mental health and wellbeing. This was followed in 2004 with the publication of a ground-breaking study on the health costs of violence against women using burden of disease methodology (VicHealth 2004). This study demonstrated that intimate partner violence was the largest known contributor to the total disease burden of Victorian women aged 15–44 years. Moreover, the contribution of violence outstripped other more commonly known risk factors of disability and death such as obesity, high cholesterol, high blood pressure and illicit drug use.

From 2006, VicHealth partnered with the Victorian Government to develop a framework to guide whole-of-government policy and activity on preventing violence against women. The end result, Preventing Violence Before it Occurs: A Framework and Background Paper to guide the Primary Prevention of Violence against Women in Victoria (herein referred to as the ‘VicHealth framework’) was published in 2007 (VicHealth 2007, see attachment 2). The framework is based on ecological understandings of the key determinants violence against women and identifies contributing factors at the individual, relational, community and societal levels. Combining national and international research, the framework indicates that violence against women is caused by three underlying determinants:
In 2009, VicHealth was commissioned by the Victorian Department of Education and Early Childhood Development to develop a best practice framework for the prevention of violence against women in secondary schools. The resulting *Respectful Relationships Education: Violence prevention and respectful relationships education in Victorian secondary schools* (DEECD, 2009) report sets out a program structure and criteria to guide the development and implementation of best practice respectful relationships education programs in secondary schools (see attachment 3).

**The relationship between sexting and the determinants of violence against women**

The VicHealth framework, based on international and Australian research, outlines three key causes of violence against women:

1. Unequal power between men and women
2. Rigid adherence to gender roles and stereotypes
3. Broader cultures of violence.

Whilst more research is required to understand the links between these three key determinants and the practice of sexting, the research that is currently available indicates that the practice of sexting is heavily gendered (Powell, 2009; Sex and Tech, ND). That is, more young women than men send sexy images or texts, and young women’s justifications for sexting are different to those of young men. More young women report sending sexually explicit or suggestive text messages or images as a result of pressure from a male; in a recent survey, 51% of teenage girls and only 18% of teenage boys reported pressure from someone of the opposite gender as a reason they engaged in the practice of sexting (Sex and Tech, ND). In addition, young women aged between 15 and 24 are the most likely to experience sexual assault (Heenan and Murray, 2006) and current Canadian research suggests that women and children are most likely to be the victims of unauthorised visual images (Powell, 2009).
Response to Terms of Reference

1. The incidence, prevalence and nature of sexting in Victoria

There is limited research currently available on the practice of sexting in Victoria. Whilst some research has been conducted with teenagers and young people in the US, there is little Australian or Victorian research available to guide interventions. Whilst it is clear from current research that sexting is a gendered practice, more research is required to understand both the prevalence and impact of sexting in Australia.

Recommendation 1
VicHealth recommends that future research efforts should focus on:

- Understanding the gendered social context within which sexting takes place and the positive impact primary prevention efforts which focus on changing this gendered culture can have on the prevalence of sexting
- Making clear the relationship between the determinants of violence against women and the practice of sexting
- The participation of children, young people and adults in this practice in Victoria
- Developing an evidence base that can guide the inclusion of sexting education into existing evidence based respectful relationships education programs in Victorian secondary schools.

2. The extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting

Primary prevention aims to achieve long term cultural, structural, attitudinal and behavioural change. The VicHealth framework indicates that long-term reductions in the incidence of violence against women can only be achieved by supporting long term sustained changes in individual skills and knowledge, as well as changes in the broader environment (VicHealth 2007). Specifically, educational programs in response to sexting will be most effective if they adhere to the principles for best practice in primary prevention and respectful relationships education, especially:

- Aiming to affect change at the individual, community/organisational and societal levels
- Maintaining a universal, mainstream focus
- Using a whole of school approach
- Developing a program framework and logic
- Ensuring effective curriculum delivery
- Utilising relevant, inclusive and culturally sensitive practice
- Engaging in impact evaluation (DEECD, 2009).

Recent research suggests that 75% of American teenagers (aged 13 – 19) and 71% of young adults (aged 20 – 26) understood that sexting “can have serious negative consequences” (Sex and Tech, ND). However, this same research shows that even when young people do
understand these negative consequences, they still engage in sexting and have a range of reasons for making this choice (Sex and Tech, ND). For example, being “fun and flirtatious”, to “feel sexy”, “as a sexy present” (to a boy/girlfriend) or as “a joke” were often cited by teens and young people as reasons they engage in sexting (Sex and Tech, ND). This suggests that awareness raising or education campaigns which focus on the harms of sexting are likely to be ineffective in reducing the practice of sexting unless they also take into account the broader gendered social context within which young people make decisions about their sexual practices, and give young people the knowledge and skills to resist these often harmful social norms.

There are a range of respectful relationships education programs operating in Victoria, many of which incorporate a focus on technologies and young people. However, a recent survey conducted by the Australian Research Centre in Sex, Health and Society shows that ‘the impact of communication technology on sexuality and relationships’ is not often taught in secondary schools; out of 30 possible topics, it was ranked 24th in terms of how often it was taught to students (year 7 to year 12), and was not taught at all by 25.5% of sexuality educators (ARCSHS, 2011).

Recommendation 2
Whilst it is imperative that young people receive education about sexting, including its prevalence, impact, legal consequences and gendered nature, VicHealth recommends that messages regarding sexting are provided to young people as part of a broader respectful relationships education program. This will allow young people to clearly understand the gendered nature of sexting, and understand the broader social context within which this practice occurs.

Recommendation 3
VicHealth recommends that teachers and school staff are provided with the knowledge and skills to teach students about respectful relationships and sexting, as recent research suggests that 69% of sexuality educators say they require more assistance to teach students about the impact of communication technology on sexuality and relationships (ARCSHS, 2011).

3. The appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders register, that may apply to the practice of sexting.

There is currently a limited amount of research and evidence relating to the issue of sexting both internationally and within Australia (Powell, 2009; Walker, 2011; Svantesson, forthcoming).

Currently, ‘sexting’ is not adequately defined in Australian public policy, legislation or academia, as it is seen as a relatively new phenomenon, albeit one that seems to be becoming more prominent due to increasing usability and accessibility of ICTs (Walker, 2011; Powell, 2009).

Recommendation 4
VicHealth recommends that before undertaking legislative reform, the Victorian government should conduct further research into the nature, prevalence and impact of sexting in Victoria or Australia for both young people and adults.
Recommendation 5
Given the lack of clarity around definitions of sexting, as well as current research which suggests that the taking and sending of unauthorized sexual images is a gendered practice (Powell, 2009), VicHealth recommends that legislation and public policy makes a clear differentiation between different types of sexting, for example:

- Consensual sexting (that is only distributed to the person for whom the sext was intended)
- Consensual sexting where the sext is further distributed
- The non-consensual taking of images or filming which are then distributed
- The non-consensual filming of consensual sex which is then distributed
- The non-consensual filming of sexual assault which is then distributed
References


Svantesson, D, forthcoming, “Sexting” and the law – how Australia regulates electronic communication of non-professional sexual content.

The National Campaign to Prevent Teen and Unplanned Pregnancy, ND, *Sex and Tech: Results from a survey of teens and young adults*, Washington DC.


ATTACHMENT 1

SUMMARY: VicHealth Research and Program Activity to Prevent Violence Against Women

RESEARCH


- ‘Two Steps Forward, One Step Back – Community attitudes to violence against women’ (2006) – a research initiative to develop a baseline for community attitudes to violence in against women and to determine the priority settings and audiences for prevention activity in Victoria

- ‘Preventing Violence Before it Occurs – A framework and background paper to guide primary prevention of violence against women in Victoria’ (2007) – a research initiative to review the international evidence base and develop a framework to guide policy and planning

- ‘National Survey of Community Attitudes to Violence Against Women’ (2009-2010) – a research partnership with the Commonwealth Government of Australia to establish a baseline for community attitudes to violence against women and to determine the priority settings and audiences for prevention activity

- ‘More than ready: Bystander action to prevent violence against women in the Victorian community’ (2012) – a partnership program with the Social Research Centre to understand the willingness and capacity of the Victorian community to take bystander action to prevent violence against women

- ‘Press coverage of violence against women in Australia’ (initiated in 2009) – a research partnership with the University of Melbourne to build an evidence-base in relation to print media coverage of violence against women


- ‘Preventing violence against women in the workplace’ (2012) – a summary of international evidence and programs focused on the workplace.
MEDIA

- (initiated in 2008) Seed funding for media projects which are now conducted in partnership with the Office of Women’s Policy, including the ‘EVAs - Eliminating Violence Against Women in the Media Awards’ and the ‘Media Advocates Project’

EDUCATION/SCHOOLS

- ‘Respectful relationships education and violence prevention in secondary schools’ (2009) – a research partnership with the Victorian Department of Education and Early Childhood Development to produce a best practice framework for respectful relationships education in secondary schools
- ‘Partners in Prevention Network’ (2008-2012) – a partnership program with Domestic Violence Resource Centre Victoria that resulted in the development of a website, network and other resources to support respectful relationships education in schools

WORKPLACES

- ‘Take a Stand: Domestic Violence is Everyone’s Business’ (2008-2012) – a partnership program with Women’s Health Victoria that resulted in a comprehensive package for workplaces to take action on violence against women.
- ‘Building more equal and respectful relationships between women and men in the workplace’ (initiated in 2011) – a partnership program with YMCA Victoria to create more healthy and inclusive workplace environments

TRAINING AND WORKFORCE DEVELOPMENT

- ‘Preventing violence against women short course’ (initiated in 2009) – a two-day education program for practitioners to obtain the skills, tools and resources to effectively plan and implement primary prevention activity
- ‘Preventing Violence Against Women Leaders’ Course’ (initiated in 2011) – a half-day briefing session to build the capacity of organisational leaders to plan and undertake primary prevention strategies
ATTACHMENT 2

*Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria* (VicHealth 2007)

(Attached PDF)
ATTACHMENT 3

*Respectful relationships education: Violence prevention and respectful relationships education in Victorian secondary schools (DEECD 2009)*

(Attached PDF)