

Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600
Submitted by email to family.violence.reps@aph.gov.au

Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs inquiry into family, domestic and sexual violence

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Acronyms & other terms

ACCAN	Australian Communications Consumers Action Network
COAG	Council of Australian Governments
DFV	Domestic and Family Violence
NHHA	National Housing and Homelessness Agreement
NNEDV	National Network to End Domestic Violence (US)
OESC	Office of the eSafety Commissioner
Safe Connections	A joint partnership between Telstra and WESNET that provides smartphones to survivors of domestic and family violence through a network of specially-trained frontline agencies that understand how smartphones can be misused by perpetrators.
Safer Technology for Women Program	An initiative funded under the \$100M Women's Safety Package that provides free smartphones and prepaid credit to survivors through a network of trained frontline agencies across Australia. For more information visit phones.wesnet.org.au
Safety Net	An international program established by NNEDV in 2001 that examines the intersection between technology and violence against women. In Australia the Safety Net Australia program is provided under license by WESNET.
"tech abuse"	Technology-facilitated abuse
"tech safety"	Technology safety
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
WESNET	Women's Services Network
WHO	World Health Organization

About the Women's Services Network (WESNET)

WESNET is Australia's peak body representing Specialist Women's domestic and family violence frontline services. A public benevolent institution, WESNET provides relief and support to women and children experiencing domestic violence, family violence and other forms of gender-based violence.

WESNET's member network represents around 320 Specialist Women's Services nationwide, including women's refuges/shelters, halfway houses, safe houses, women's medium-term housing schemes, information and referral services, Indigenous services, migrant, refugee and non-English speaking background services, sexual assault services, outreach services, advocacy services, counselling services, and other women's services.

WESNET are experts in domestic and family violence, and are considered the Australian NGO expert in the area of the intersection between technology and violence against women. WESNET's technology safety experts provide training and educational resources to frontline practitioners, and provide a 1800 helpline for complex technology abuse scenarios and tech support.

To increase women's access to safer technology and systems, WESNET works with technology companies to help them make their products and services safer, and reduce the risk of unintentionally compromising the safety and privacy of their victim-survivor clients. In partnership with tech companies, WESNET's SafetyNet Australia program delivers technology products and services via its network of trained frontline services to be safely distributed to women and children experiencing violence.

For more information about WESNET visit www.wesnet.org.au

For more information about WESNET's Safety Net Australia program visit www.techsafety.org.au

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Introduction

In this submission WESNET will focus on responses and initiatives needed to address technology-facilitated abuse (hereafter “tech abuse”).

WESNET provided input into and fully endorses the Australian Women Against Violence Alliance submission to this inquiry for other TOR items.

The principles that underpin this submission are:

- (1) That technology-facilitated abuse in the context of domestic and family violence is not a stand-alone issue, and stand-alone responses will be ineffective in supporting victim-survivors experiencing tech abuse.
- (2) 98% of domestic and family violence survivors are experiencing some form of technology-facilitated abuse.
- (3) DFV victim-survivors have better outcomes when they are supported by Specialist Women’s Services rather than generalist services. That said, all measures to increase the coordination between, and understanding of, all sectors that work with victim-survivors is strongly supported.
- (4) Any interventions to support DFV victim-survivors in relation to tech abuse need to be integrated with the existing service responses and not sit as standalone or ‘bolt-on’ response or service outside the system.

What is technology-facilitated abuse?

Technology-facilitated abuse in a broad reaching term that describes the misuse of technology by abusers to abuse their victims. The types of behaviours include--amongst others--when an abuser uses technology to harass, stalk, humiliate, impersonate, isolate, control, monitor and coerce their victims. See Figure 1.

Not all tech abuse occurs as part of domestic and family violence, but there is strong evidence to suggest that tech abuse occurs in nearly all instances of domestic and family violence in Australia. One recent Australian study showed that 100% of survivors abused by an intimate partner reported technology abuse began or escalated at separation¹.

Technology doesn’t cause technology-facilitated abuse, abusers do

The same kinds of abusive behaviours we have seen abusers use in domestic and family violence and other forms of gender-based violence against women are still being used by abusers, however advances in technology, and particularly mobile phone technology, mean that it is now much easier and cheaper for abusers to mis-use technology to perpetrate harms and abuse. Perpetrators now have unprecedented, easy access to simple and user-friendly technology, and the effect is that abuse and monitoring behaviours have become instantaneous, omnipresent, unrelenting and harder to detect.

¹ Dragiewicz, M et al (2019) *Domestic violence and communication technology: survivors experiences of intrusion, surveillance, and identity crime*. ACCAN.



Figure 1 - Common forms of technology-facilitated abuse².

WESNET's key concern in combating tech abuse is striking an adequate balance between victim-survivor safety, perpetrator accountability and continued technological accessibility and connectivity for victim-survivors to sustain and promote their social inclusion and active citizenship.

Common tech abuse tactics include controlling or breaking the woman's phone, abusive and threatening messages and phone calls, hacking social media, accessing online banking and email accounts, and non-consensual image sharing. To monitor a woman's location and activities an abuser might hack her devices or accounts, install tracking apps, or give his children devices or toys with inbuilt covert listening or tracking apps which he controls. When this happens, many women feel they have to get off technology.

In a 2015 national survey³ of 549 DFV practitioners, 98% of respondents indicated they had clients who had experienced tech abuse, with the most common form of abuse via text message. In June and July 2020, WESNET has repeated this survey and results should be available in the second half of 2020. Preliminary results indicate that tech abuse remains widespread, but the tactics used by abusers has become more diverse.

² WESNET (2020) Safety Net Project: Improving technology safety for women surviving domestic and family violence. P4. Downloaded from www.wesnet.org.au/impact

³ Woodlock, Delanie (2015) ReCharge: Women's Technology Safety, Legal Resources, Research and Training, Women's Legal Service NSW, Domestic Violence Resource Centre Victoria and WESNET, Collingwood.

There is emerging evidence⁴ to suggest that when domestic violence goes technological, women experience heightened levels of fear, and there is no escape. Even if they leave, the technology means it still feels like the abuser is with them 24/7.

Telling women to get off technology is not the answer

One obvious and commonly advised solution to avoiding tech abuse is to stop using the technology or device through which the victim-survivor is receiving the abuse. Many women calling the WESNET helpline report being told by Police to get off facebook or to get a new phone⁵.

But while this advice is “obvious” it is not universally helpful or even possible for many women. In some cases, it can potentially be harmful. For example, a victim-survivor:

- may not be able to discard her phone because there is court-order requiring contact between the abuser and children in her custody.
- may not be able to afford a new phone or device, or the abuser is the one that is currently paying for the phone/device.
- may need to stay on social media in order to monitor the abusers escalating behaviour or use it to get support from family and friends because other modes of communication are controlled by the abuser.
- is likely to be severely isolated and find accessing essential services dramatically reduced if they reduce their access to technology.

More importantly, there is a very real risk that when women attempt to interrupt or block tech abuse, it may have the unintended consequence of making the abuse get worse or escalate. Women already lag behind men in their use of technology. The Australian Digital-Inclusion index⁶ 2019 shows that young women 14-24 are already less digitally included than males of the same age, and the gap widens with each older age cohort. This technological disadvantage, combined with the fact that Australian women are nearly three times more likely than men to experience violence from an intimate partner, in an issue that needs to be addressed as a matter of urgency. These statistics only get worse for Australia’s marginalised communities, further compounding the barriers and intersecting disadvantages for women identifying as Aboriginal and Torres Strait Islander, women from culturally and linguistically diverse backgrounds, women living with disabilities, women identifying as a lesbian, gay, bi-sexual, intersex, queer, or woman from other diverse sexual orientation or gender identity, younger women and older women.

Technology as a tool to help women stay safe and to hold perpetrators accountable

Advances in technology, particularly mobile technologies, offer a plethora of new and innovative ways to help survivors seek and maintain safety and hold abusers to account.

Some examples that are currently being explored both here and overseas include:

- data collection about violence against women and girls,
- advocacy, community initiatives, and other prevention initiatives,

⁴ George, A. & Harris, B., 2014. Landscapes of Violence, *Deakin University*. Available at: http://www.deakin.edu.au/__data/assets/pdf_file/0003/287040/Landscapes-of-Violence-online-pdf-version.pdf [Accessed 2015].

⁵ WESNET answered 3,471 calls to the WESNET helpline in the 12 months to 30 June 2020.

⁶ Thomas, J., Barraket, J., Wilson, CK., Rennie, E., Ewing, S., & MacDonald, T., 2019. Measuring Australia’s Digital Divide: The Australian Digital Inclusion Index 2019, RMIT University and Swinburne University of Technology, Melbourne, for Telstra.

- access to information, essential services and tertiary intervention and service responses,
- mobile phone apps, that assist in preventing or mitigating violence against women, along with other personal safety alarms and devices,
- personal security systems such as CCTV, panic buttons, and duress alarms,
- perpetrator monitoring devices and apps,
- body worn cameras for police,
- calling emergency services,
- collecting evidence of abuse.

The Expert Group Meeting of the UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence noted: “Governments have unprecedented opportunities to utilize safe technology to enhance the provision of essential services to women victims/survivors of violence against women and girls.”⁷

The 2013 UN Commission on the Status of Women agreed conclusions clearly states that States have an obligation to establish coordinated and comprehensive multisectoral services and programs *with the support of all available technologies*, for all victims and survivors of all forms of violence against women and girls.⁸

The expansion of mobile phone technology and the high take up of mobile phones amongst Australians has significant potential for improving women experiencing domestic and family violence.

Measures to counter Technology Facilitated Abuse through the National Plan and Four Action Plans

Technology facilitated abuse was first documented as an issue for survivors of violence against women first in Australia in 1999⁹. WESNET first identified the issue as significant for the DFV sector in 2010 and began a program to train frontline workers in the different ways technology was being misused by abusers, under license from the National Network to End Domestic Violence (US).

This was around the same time that the National Council to Reduce Violence Against Women and their Children was established and the National Plan commenced.

Lack of coverage of Tech Abuse by successive National Action Plans

There is little or no reference to technology facilitated abuse in the National Plan or the four Action Plans developed to date.

⁷ Aziz, Z., 2019 Expert Group Meeting of the UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence: Final Report of the Expert Group meeting, Vienna, November 2018 (pers comm)

⁸ Commission of the Status of Women 2013 Agreed Conclusions, p12, downloaded from <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/57/csw57-agreedconclusions-a4-en.pdf?la=en&vs=700>

⁹ Hand, T., Chung, D. & Peters, M., 2009. The Use of Information and Communication Technologies to Coerce and Control in Domestic Violence and Following Separation Australian Domestic Family Violence Clearinghouse, ed., Sydney: Australian Domestic and Family Violence Clearinghouse Stakeholder Paper.

Table 2 - Table showing number of times Technology has been mentioned in the National Plan and related action plans

	Number of times Technology is mentioned	Detail
National Plan	1	In relation to ACT Gov initiatives to technology upgrades in courts
First Action Plan	0	
Second Action Plan	2	Both in relation to supporting the national roll out of the now defunct Aurora App
Third Action Plan	10	3 references to tech abuse. 7 around using technology to support women
Fourth Action Plan	13	Referred to in either a definition of technology facilitated abuse or a journal article citation

While the number of references to technology has increased over subsequent Action Plans, the specific references to technology-facilitated abuse are not commensurate with the prevalence of women's experiences of tech abuse.

Recommendations from the COAG Advisory Panel on Reducing Violence against Women and their Children

The final report of the *COAG Advisory Panel on Reducing Violence against Women and their Children*¹⁰, contained four recommendations relating to tech abuse. Table 1 summarises the progress of successive governments against these recommendations.

Table 1 - Summary of progress against recommendations from the COAG Advisory Panel on Reducing Violence against Women and their Children relating to Tech Abuse

COAG Advisory Panel Recommendation	Progress
Action Area 2: Women who experience violence should be informed to make informed choices	
<p>RECOMMENDATION 2.2 All Commonwealth, state and territory governments should ensure that the opportunities presented by the use of technology are widely understood, and risks mitigated where necessary. Governments should:</p> <ul style="list-style-type: none"> provide support to police, legal services and frontline services to deliver technology safety advice to women at risk of violence, even if the woman has not formally reported technology-facilitated violence or abuse 	<p>Partially achieved. Training has been provided to police, legal and frontline services through measures that provided funding to the OESC and WESNET. Women's experience of receiving technology safety advice from police, legal services and frontline services</p>

¹⁰ Commonwealth of Australia Department of Prime Minister and Cabinet, 2016. *COAG Advisory Panel on Reducing Violence against Women and their Children – Final Report*, Canberra: Australian Government.

<ul style="list-style-type: none"> • establish a dedicated national point of contact for technical assistance and advice about dealing with technology-facilitated violence • develop and support training for victims and frontline staff on the use of technology for gathering evidence about a perpetrator's actions • support forums on technology safety that bring together relevant stakeholders to discuss solutions to emerging problems. 	<p>is not uniform across Australia and requires further investment, noting that WESNET's funding is ending on 31 March 2021.</p> <p>Partially Achieved.</p> <ul style="list-style-type: none"> • Commonwealth Gov provided by funding WESNET to provide a tech abuse helpline for frontline workers to seek advice and support when assisting clients impacted by tech abuse. Funded between May 2016 to 31 March 2021. • Victims of image-based abuse can seek support online through the eSafety portal. <p>Partially achieved.</p> <ul style="list-style-type: none"> • Training has been provided by the Office of the eSafety Commissioner and WESNET to over 20,000 frontline workers. <p>Achieved independently of Government.</p> <ul style="list-style-type: none"> • WESNET hosted technology safety summits in 2016, 2017 and 2018 • CW Govt funded Office of eSafety Commission eSafety conference but focus is consistently cybersafety not technology safety in relation to DFV.
<p>RECOMMENDATION 2.3 All Commonwealth, state and territory governments should continue to monitor, implement or expand trials of technology to support women who experience violence. Specific trials should:</p> <ul style="list-style-type: none"> • evaluate and further develop the range of accessible online support services by identifying which online services for women work well and expanding them across jurisdictions • implement remote video access to all courts that deal with cases of violence against women and their children. This should ensure that women do not have to appear face-to-face with, or in close proximity to, the perpetrator if they do not wish to do so. 	<p>Most jurisdictions implemented technology trials. There is a lack of transparency about the outcomes and evaluations of the trials.</p> <p>Not achieved in all jurisdictions.</p>
<p>Action Area 4: Perpetrators should be held to account for their actions and supported to change</p>	
<p>RECOMMENDATION 4.4 All Commonwealth, state and territory governments should introduce legislation that reinforces perpetrator accountability by removing uncertainty and explicitly making it illegal to use technology to distribute intimate material without consent. Governments should:</p> <ul style="list-style-type: none"> • introduce and enforce strong and consistent penalties for adults who distribute intimate material without consent • improve community understanding of the impacts and consequences of distributing intimate material. 	<p>Mostly achieved</p> <p>All States and Territories except Tasmania have introduced legislation to deal with image based abuse.</p>
<p>Action Area 6: Integrated responses are needed to keep women and their children safe</p>	
<p>RECOMMENDATION 6.1 All Commonwealth, state and territory governments should support the development and use of a national</p>	<p>Not achieved.</p>

<p>common risk assessment framework for violence against women and their children.</p> <p>This framework should:</p> <ul style="list-style-type: none"> • include nationally agreed principles, draw on existing best practice and specify nationally agreed core content • inform risk assessment tools that are flexible and tailored to different jurisdictions and/or to different high-risk groups • be applied accurately and consistently by professionals who should also receive regular, high-quality training • ensure risks associated with all forms of violence against women and their children are appropriately accounted for (including, but not limited to, risks associated with technology, disability, finances or immigration status) • incorporate guidance on appropriate referral pathways for victims of violence (both women and their children) and perpetrators • be evaluated and updated at least every three years to ensure relevance and accuracy. 	
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Overall, there has been some progress against issues such as introducing legislation around image-based abuse, but many other recommendations are still to be implemented and are still highly relevant 11 years on.

Recommendation 1: The remaining recommendations in relation to technology facilitated abuse from the COAG Advisory Panel on Reducing Violence against Women and their Children be implemented.

Women's Safety Package

The majority of other technology abuse specific measures were announced in the \$100M Women's Safety Package in September 2015. Technology-related measures included:

- \$2.5M for the Safer Technology for women / Safe Connections program to provide free Telstra-donated smartphones and prepaid credit to victim-survivors of DFV through a trained network of frontline agencies that provide safety planning to ensure women activate their new phones safely.
- \$7.5M in matched funding for Technology trials designed to test the use of innovative technological solutions to keep women and their children safe from domestic violence. This was to include expanding or trialling new technologies or innovative uses of existing technologies that may increase perpetrator accountability, strengthen system effectiveness and improve safety of women and their children.¹¹
- Keeping Women Safe in the Home: a range of technology solutions to assist women to stay safely at home, where this is their choice. Each of the funded projects is designed to complement the existing domestic and family violence services available in each jurisdiction. The measure included funding to states and territories (or service providers) to expand jurisdictions' Safe at Home programs; and \$3.2M to the Salvation Army to

¹¹ Downloaded from the world wide web on 20 June 2020

http://www.federalfinancialrelations.gov.au/content/npa/community_services/project-agreement/Tech_Trials_Project_Agreement.pdf

conduct risk assessments and basic security upgrades with a focus on early intervention.

- Funding to the OESC for eSafety Women - to create online and offline resource package to inform and empower women at risk of technology facilitated abuse.

Although a wide range of initiatives have been funded under the \$100M package, very little in the way of published evaluations have been published or made available to assess the efficacy of the programs.

Recommendation 2: That an evaluation of the effectiveness of the \$100M Women's Safety Package be undertaken.

Recommendation 3: That evaluations of the various elements of the \$100M be published or made available to inform the future funding of programs in relation to the intersection of technology and violence against women.

Responses to the Terms of Reference

A) Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

Continue and expand the Safer Technology for Women Program

In March 2016, the Federal Government announced \$2.5M in funding for the Women's Services Network (WESNET) to provide 20,000 Telstra-donated smartphones and pre-paid credit to women impacted by domestic and family violence, along with up-to-date training on technology facilitated abuse to frontline workers through the Safer Technology for Women program.

Between 2014 and 20 June 2020, the program has provided more than 20,700 'safe' phones to women across Australia - around 31% to Indigenous women, 8% to women with a disability, and 10% to women from culturally and linguistically diverse backgrounds - via its network of 276 specially trained frontline support services. It is clearly reaching the most disadvantaged women. There are currently another 190 frontline services on the waiting list to be onboarded to the program.

Securing a vulnerable woman's safety via technology is not as simple as just giving her a new smartphone. Phones, and their apps and accounts, are now more connected than ever, creating multiple opportunities for an abuser to track and locate a woman who has purchased a new phone or SIM card (see Joanne's story in Box 1)

Box 1 - Joanne's Story

Joanne and her 3 children had experienced severe domestic violence and she had been forced to move house and replace her mobile phone several times. But each time, it was only a matter of days before her abuser found her again. And each time he would call her on her new phone just to let her know. Joanne felt so unsafe she avoided turning her phone on.

Joanne's support worker, who had received training from WESNET, gave her a Telstra Safe Connections phone and worked with her to identify how the perpetrator was locating her. They reviewed her online accounts and took measures to prevent her abusive ex from accessing her information. They set up a new Google account, and enhanced the privacy and safety settings on her phone. Since then, Joanne has received no calls from the perpetrator, and he hasn't found her again. Joanne expressed it was the first time she had felt safe in many years.

The only reason the program's phones are 'safe' is because they are given to a woman by a trained and supported frontline worker in WESNET's network who understands the complex dynamics of domestic and family violence and technology abuse, and can provide phone and technology safety advice as a strategic element of the woman's overall risk assessment and safety planning.

Recent measures by at least one State government that provide additional brokerage funding to domestic and family violence services to buy women new smartphones, do not make any

provision for workers to safety plan about the activation of a new phone. Due to the way mobile phone accounts are structured in Australia, many women find that their abusive partner is notified of the activation of a new phone as the legal lessor of the phone, potentially leading to escalating violence.

In the Safer Technology for Women Program, WESNET trains and supports front-line workers on the technology abuse risks inherent in activating a smartphone. It is not safe for Telstra retail staff or other non-professionals to provide phones directly to victim-survivors of abuse.

The program's specialist technology abuse training and support empowers frontline workers to assist their clients to activate and use their smartphones in a way that maximises their safety and prevents further abuse. To 30 June 2020, WESNET has delivered specialist technology abuse training to over 3,356 frontline workers across 276 agencies.

In February 2020, Telstra signed a new three-year MOU with WESNET to provide 6,000 smartphone kits each year, and pre-paid credit. To continue to deliver the program, WESNET requires funding to support our small team to:

- coordinate the distribution of 6,000 phones every year to the network of frontline services
- provide specialist technology abuse training to frontline workers to assist their clients to activate their new phone safely and remain safely connected on technology
- provide a 1800 support line so frontline workers and survivors can access a technology safety expert to address complex abuse scenarios.

The program was independently evaluated in early 2018 by Curtin University as part of the original Safer Technology for Women Program grant announced under the \$100m Women's Safety Package¹². The evaluation found that *"Safe Connections is an empowering program that is contributing to the safety of women who have experienced family and domestic violence. It supports women to remain connected to family, friends and services or to re-establish connections and relationships where they are socially isolated"*. Safe Connections was described as a "lifesaver" that offered women a sense of security, while creating opportunities for greater freedom and independence. Frontline workers and key stakeholders saw Safe Connections as filling an important gap in DFV responses, and emphasised that the continuation and expansion of the program was crucial to supporting women and their children impacted by violence to stay safely connected.

Commonwealth funding for the Safer Technology for Women program is due to conclude on 31 March 2020. Given that the majority of the frontline agencies that provide the phones are funded under the National Housing and Homelessness Agreement (NHHA), consideration of ongoing funding for the Safer Technology for Women Program could be managed under a Commonwealth-State funding arrangement where the costs are shared between jurisdictions. Increased funding could also see the program expand into more frontline agencies being able to safely provide more women with access to a 'safe' smartphone. There are currently an additional 192 frontline agencies on the waiting list ready to expand the program.

¹² Dorozenko, K and Chung, D (2018) *Research and evaluation of the safer technology for women training and the safe connections program*. Downloaded on 20 July 2020 from https://wesnet.org.au/wp-content/uploads/sites/3/2019/10/Safe-Connections-Evaluation_Telstra-Report_-Final.pdf

Recommendation 4: That federal and state levels of government continue and expand the funding for the WESNET Safer Technology for women program that provides smartphones to survivors and certification training for frontline services providing devices to survivors.

Continue funding for training of frontline workers in relation to understanding technology facilitated abuse

WESNET is committed to sharing their DFV and tech abuse expertise to increase the technical skills of frontline DFV workers in how to recognise tech abuse and how victim-survivors can use technology to increase their safety.

Since 2011, WESNET's Safety Net Australia program has drawn on international expertise and research in current and emerging tech abuse tactics, to provide high quality, up-to-date, practical, and client-focussed advice and assistance, frontline worker training, educational resources and support to mitigate the threat to women and children experiencing violence.

Over the past five years, WESNET has provided regular and updated advice and training to national agencies including 1800RESPECT, DV-ALERT and OESC. The work of WESNET's Safety Net Australia project largely informs the Office of the eSafety Commissioners training for frontline workers that was co-delivered by WESNET and the OESC in face-to-face sessions around Australia in 2017-18 and also formed the basis of the online training available to a range of frontline services on the esafety.gov.au website. While this training is comprehensive and available to a wide range of different service agencies that come into contact with survivors experiencing tech abuse, specialist women's services and DFV professionals have expressed an urgent need for more advanced training, like that provided by WESNET. WESNET's training is provided by DFV experts who are also technology experts which is the training that the DFV sector needs.

To date, WESNET's technology safety experts have separately trained over 10,000 frontline DFV workers, police, magistrates, legal services, and others via face-to-face training and webinars. WESNET also provides educational resources via techsafety.org.au, and a 1800 helpline for frontline workers, their clients and members of the public with complex tech abuse cases.

Recommendation 5: Fund WESNET to provide advanced-level training for specialist DFV practitioners around technology facilitated abuse

Fund and expand WESNET's Tech Abuse Helpline for frontline workers

While WESNET's Safety Net Australia and Safe Connections 1800 helpline has the requisite expert knowledge and skill to address complex tech abuse cases, the service is significantly underfunded to continue to meet its increasing caseload. Over time, the helpline has experienced a significant increase in women being referred by larger DFV services, and a significant increase in the number of women calling WESNET directly for advice even though the service was not set up to be public-facing. The complexity of tech abuse cases has also increased over time. The COVID-19 lockdown has seen perpetrators and victims become more

reliant on technology, which has resulted in a dramatic increase in referrals and calls to the WESNET's 1800 tech abuse helpline.

There are arguments for establishing a public facing tech abuse hotline for survivors of domestic and family violence, however given the complexity that survivors face in navigating the multiple complex systems, we strongly recommend that any tech abuse hotline designed for survivors of domestic and family violence be incorporated within the existing national hotline service 1800RESPECT and not as a separate standalone hotline for victim-survivors.

A better model would be to fund the existing highly skilled team within WESNET who are experts in both domestic and family violence and technology abuse to provide expert advice to practitioners and other services such as 1800Respect and the OESC as required.

Recommendation 6: Provide ongoing funding for WESNET's tech abuse helpline for frontline workers and other national hotlines and services that support victim-survivors.

Safety Apps and other apps to help survivors experiencing domestic and family violence

Women are concerned for their personal safety in public and private spaces. This has led to an upsurge in women turning to mobile apps to increase their privacy, safety and security, and to seek support. Mobile apps designed for and marketed to women-at-risk of DFV, sexual violence and stalking are flooding the Australian market, buoyed by the increase in DFV funding. The OESC and DFV services actively promote some of these apps to women-at-risk.

The development of some of these apps has not necessarily been motivated by legitimate privacy, safety and security risks to women, and many have not involved experts in violence against women and tech abuse. While predominantly well-intended, many apps have significant design limitations, barriers to use and safety implications, including creating a false sense of security. WESNET launched the App Safety Centre in 2018 as an educational resource for survivors, DFV workers and app developers.

The App Safety Centre has 3 elements:

- Advice for survivors and frontline DFV workers on safety, privacy and security apps.
- Independent App reviews. Working with DFV services, with funding support from The Australian Communications Consumer Action Network (ACCAN), WESNET identified the most widely recommended safety, privacy and security apps. The apps were independently reviewed by DFV and technology experts, including IT security experts, and detailed reports were published to the App Safety Centre. The app reviews require regular updates and the inclusion of emergent apps, so women-at-risk and frontline DFV and sexual violence workers can access up-to- date, comprehensive, independent reviews and expert advice.
- Advice for app developers on the safety and privacy considerations unique to women experiencing violence.

Recommendation 7: That ongoing funding be provided to WESNET to maintain the App Safety Centre as a source of independent and unbiased information relevant to victim-survivors and their support workers to help make informed decisions about relevant apps designed to support and assist domestic and family violence victim-survivors.

D) The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.

Women's access to services, pathways to economic independence and ability to escape domestic violence is enhanced by access to technology.

Access to essential services is crucial according to the United Nations Joint Global Programme on Essential Services for Women and Girls Subject to Violence, Essential Services Package, where *"the provision, coordination and governance of essential health, police, justice and social services can significantly mitigate the consequences that violence has on the well-being, health and safety of women and girls' lives, assist in the recovery and empowerment of women, and stop violence from reoccurring."*

The Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines¹³ was launched at the end of 2015 and originally sponsored by Spain and Australia. The Essential Services Package reflects the vital components of coordinated multi-sectoral responses for women and girls subject to violence. The provision, coordination and governance of essential health, police, justice and social services can significantly mitigate the consequences that violence has on the well-being, health and safety of women and girls' lives, assist in the recovery and empowerment of women, and stop violence from reoccurring. Essential services can diminish the losses experienced by women, families and communities in terms of productivity, school achievement, public policies and budgets, and help break the recurrent cycle of violence¹⁴.

Recommendation 8: Australia should measure its progress against the UN's Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines

WESNET also notes that the United Nations Joint Global Programme on Essential Services for Women and Girls Subject to Violence have acknowledged¹⁵ WESNET's SafetyNet Australia as

¹³ UN Women, UNFPA, WHO, UNDP & UNODC, Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines. Also available at <http://www.unwomen.org/en/digital-library/publications/2015/12/essential-services-package-for-women-and-girls-subject-to-violence>

¹⁴ Aziz, Z 2019, *ibid*.

¹⁵ UN Women, UNFPA, WHO, UNDP and UNODC 2020, *COVID-19 and Essential Services Provision for Survivors of Violence Against Women and Girls Brief*, EVAW COVID-19 briefs, UN Women Headquarters, New York, viewed 12 July 2020 <<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-covid-19-and-essential-services-provision-for-survivors-of-violence-against-women-and-girls-en.pdf?la=en&vs=3834>>.

one of the World's 'promising practices' in providing survivors of violence against women and girls with access to services. It was the only Australian program acknowledged.

E) All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.

In addition to the immediate and longer term measures that WESNET recommends against Terms of Reference A, there are two further issues in relation to tech abuse that warrant examination. These are:

- the implications of using private security companies as an intervention, and
- issues relating to the police, legal and justice system.

Private security companies providing in-home security checks

Through various technology trial initiatives funded under the Women's Safety Package, there has been a significant expansion of private sector security companies working with survivors of domestic and family violence. Anecdotally, WESNET has been approached by a number of members concerned about some of the behaviour and motivations of private sector security companies.

Our concerns were recently echoed in a recent monograph specifically focussing on the role of private security and domestic violence. In his book, Dr Diarmaid Harkin¹⁶ raises the following risks in private security firms providing in-home security audits and upgrades including CCTV, duress alarms, and 'bug' detection, to DFV victim-survivors.

- No accreditation standards required to be working with the vulnerable DFV population.
- No specific complex trauma training for security workers.
- No standardised costs, leaving DFV services vulnerable to profit-driven, exploitative and opportunistic quotes in order to access more of the Government funded program.
- Poor quality or faulty security products and services.
- The *"live and real risk that perpetrators of domestic violence could be operating in this industry"*, as the scale of abuse in Australia means many perpetrators in the population.
- Significant possibility that security workers with criminal history (including DFV convictions) will gain access to DFV victims.
- Underreporting by victims and difficulty in successfully prosecuting perpetrators, means many perpetrators have no DFV conviction, and as such, are undetectable.
- Unethical and insensitive conduct including sexist comments, confidentiality breaches, preying on the victim's trauma and insecurities by exaggerating risk to 'upsell' security features, and initiating relationships with victims outside the protection of the referring DFV support service.

Overall, the advice is that there is an urgent need for:

- Extreme caution in exposing vulnerable DFV victim-survivors to commercial security providers
- Stronger victim data and privacy protection

¹⁶ Harkin, D 2019, *Private Security and Domestic Violence : The Risks and Benefits of Private Security Companies Working with Victims of Domestic Violence*, Taylor & Francis Group, Milton. Available from: ProQuest Ebook Central. [15 July 2020].

- Oversight via civil regulation body of providers to ensure suitable vetting and training of security workers
- Sharing of known unethical operators amongst the DFV sector

Dr Harkin proposes a number of solutions to the issue of unethically operating private security firms, the most sensible of which, in WESNET's view, is the establishment of 'civil regulation' of security companies working in the field of domestic and family violence¹⁷.

Representatives on the regulation body, which could sit at either a state or national level should include:

- The domestic violence sector, including peak bodies and frontline services
- Local police and representatives of the judiciary
- Local or national government
- Academics
- Private security sector

Recommendation 9: Establish 'civil regulation' of security companies working in the field of domestic violence

Training for law enforcement, legal and justice

Although there has been some progress in survivors successfully using digital abuse evidence in relation to holding abusers accountable, many women are still finding that their experience with reporting tech abuse to police and while having matters considered in the legal system is highly dependent on the officer or magistrate. Women are still regularly reporting to WESNET that they are not believed by police in relation to the extent and type of tech abuse they are experiencing.

In the 2015 national Recharge survey¹⁸ of frontline DFV workers, 62% believed that police took tech abuse in a DFV context seriously only 'sometimes' and 17% believed police 'rarely' took tech abuse seriously. *"The two main themes that emerged ... were that police often claimed that there was not enough proof that it was the perpetrator who was using the technology, and that police seemed to blame the woman for the abuse."* Workers reported that police often had limited resources to address tech abuse and that physical abuse is prioritised as it is perceived as a higher risk to the woman's safety. However stalking by an intimate partner has been linked to an increased risk of homicide¹⁹.

More education and training is needed to ensure that police and magistrates understand more about tech-facilitated abuse and how to hold perpetrators accountable. Given that a woman who is suffering from domestic violence may have concurrent proceedings in the federal and state systems and may be interacting with up to seven different legal systems at once while dealing

¹⁷ Harkin, D., 2017. Regulating private sector security provision for victims of domestic violence. *Theoretical Criminology*, 23(3), pp.415–432.

¹⁸ Woodlock, Delanie (2015) ReCharge: Women's Technology Safety, Legal Resources, Research and Training, Women's Legal Service NSW, Domestic Violence Resource Centre Victoria and WESNET, Collingwood.

¹⁹ McFarlane, J., Campbell, J. C., & Watson, K. (2002). Intimate partner stalking and femicide: Urgent implications for women's safety. *Behavioral Sciences and the Law*, 20, p 64.

with domestic and family violence²⁰, it is crucial that training be provided across the many different elements of the Australian legal system.

As part of the Safer Technology for Women program funded under the \$100M Women's Safety Package, WESNET updated and refreshed a set of legal guides that were originally developed through an ACCAN grant that funded the Recharge Project²¹. The legal guides cover Commonwealth and State/Territory legislation in regards to four areas directly related to tech abuse. Each jurisdiction has four guides dealing with intervention orders, image-based abuse, monitoring and surveillance legislation, and any other criminal legislation that may be relevant to holding abusers accountable for tech-abuse and/or DFV.

In the United States, the National Network to End Domestic Violence (NNEDV) which is the sister organisation to WESNET, has created the Legal Systems Toolkit (<https://www.techsafety.org/legal-toolkit>) which WESNET could replicate in Australia under license from the NNEDV (National Network to End Domestic Violence).

The kit is designed to skill up judges and magistrates and other legal practitioners around tech abuse.

Recommendation 10: Improve the range of training and resources available to increase the legal, judicial and enforcement sector's knowledge of tech abuse in a DFV setting.

Recommendation 11: Fund WESNET to replicate the Legal Systems Toolkit© for the Australian legal system.

Recommendation 12: Fund WESNET to update and maintain the Australian federal and state/territory legal guides for technology facilitated abuse

H) The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTQI women, women with a disability, and women on temporary visas.

WESNET targets programs to reach women and children in very remote Australia as well as from marginalised communities, including Aboriginal/Torres Strait Islander (Indigenous) women. For example, 31% of all 23,000+ smartphones were given to Indigenous women. Of these, 30% went to remote and very remote locations, 24% to outer regional locations, and just 28% to cities, whereas 70% of Australians live in cities. Women of culturally and linguistically diverse backgrounds received 10% of all smartphones and women identifying as living with a disability received 8%.

²⁰ Witness Statement of Emma Smallwood, <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/smallwood-wlsv.pdf>

²¹ The Recharge Project was funded by an ACCAN Grant in 2014 and was joint collaboration between the Domestic Violence Resource Centre Victoria, Women's Legal Services NSW and WESNET. For more information about the project visit <https://wesnet.org.au/about/research/recharge15/>

Aboriginal and Torres Strait Islander women experience violence at higher rates than non-Indigenous women,²² and culturally and linguistically diverse women are at greater risk of violence due to a wide range of factors that increases their vulnerability.²³ Some forms of technology-facilitated abuse, such as image-based abuse, are experienced by Aboriginal and Torres Strait Islander women at higher rates: one in two Indigenous people report victimisation of image-based abuse compared to one in five Australians overall.²⁴

In 2018, WESNET conducted a listening tour²⁵ of 90 frontline domestic and family violence workers from 21 urban and regional agencies across Australia, to explore the impact of tech abuse experienced by Aboriginal and/or Torres Strait Islander, and culturally and linguistically diverse victim-survivors, and the types of training and resources that would be most helpful for workers to better assist them.

The study found that women from Aboriginal and Torres Strait Islander and culturally and linguistically diverse communities experience common factors that increase their vulnerability to tech abuse, including low technological literacy, not recognising technology control and coercion are forms of abuse, social and technological isolation, lack of money, and limited English literacy. Language and literacy barriers can compound the abuse experienced by survivors, and can also result in tech abuse not being addressed as a priority for workers or survivors.

The frontline workers were clear that client-facing resources for women from these communities should be simple and accessible to a diverse audience. They also want strategies on how to discuss technology safety with survivors, and more technology safety training and resources so they can provide a more informed response to their clients.

For Aboriginal and Torres Strait Islander survivors, the number of people involved in the abuse can grow from just one perpetrator to many perpetrators within a woman's community, and her vulnerability to abuse may increase if she shares her device within her community.

Many culturally and linguistically diverse survivors do not recognise the technology-facilitated control as abuse, which increases their vulnerability and can permit higher levels of control by the perpetrator. For women with families outside of Australia, their abuse is compounded by their geographical isolation. Perpetrators can use this as leverage to increase the abuse of a woman and her family by enlisting other abusers - both in Australia and overseas.

²² Steering Committee for the Review of Government Service Provision (2016) *Overcoming Indigenous disadvantage: Key indicators 2016*, Productivity Commission, Canberra, p.4.98, and table (table 4A.12.13)

²³ Ames Australia (2017) *Violence against women in CALD communities: Understandings and actions to prevent violence against women in CALD Communities*, AMES Australia, Melbourne, pp. 8-10.

²⁴ Nicola Henry, Anastasia Powell, Asher Flynn (2017) *Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse*, RMIT University, Melbourne, p. 7.

²⁵ WESNET The Women's Services Network, 2017, *Supporting survivors of technology-facilitated abuse from Aboriginal and or Torres Strait Islander, and/or culturally and linguistically diverse communities: National Listening Tour*, Report. WESNET The Women's Services Network, Canberra

Recommendation 13: Significantly more work is needed around the intersection of technology, domestic and family violence and other intersecting layers of disadvantage that occur.

I) The impact of natural disasters and other significant events such as COVID-19, including health requirements such as staying at home, on the prevalence of domestic violence and provision of support services.

Impact of COVID-19 on survivors

The COVID-19 restrictions have led to an increased reliance on technology across all aspects of our daily lives.

WESNET conducted a national survey²⁶ of DFV practitioners over a period of two weeks during mid-April 2020 to better understand how COVID-19 may be influencing survivors' help-seeking behaviours and the ways in which services modified their service delivery.

The results found that COVID-19 is adding another layer of complexity to client needs, where clients require additional support and more time from their support workers. Around half of the respondents noted difficulties accessing long and short-term accommodation and cleaning products. Some respondents noticed an increased complexity of cases and new tactics of abuse workers were not seeing before.

Respondents reported that 70% of their support for community clients was provided via phone, followed by in-person and email support, at 18 and 16%, respectively. Limitations of phone-only work was noted, particularly for assisting women who are limited-English speaking.

Nearly 40% of respondents reported constraints on staff capacity. As a female-dominant workforce, common issues included balancing childcare and caring responsibilities while working from home. These issues included the impact of working while caring for their own children, staff turnover, split shifts and legitimising DFV work as 'essential' in order to receive childcare.

Around a third of respondents mentioned barriers working with other agencies. Respondents shared that closures and misunderstandings due to funding limitations were some of the issues. Approximately 15% of respondents reported issues in interacting with police and other state agencies. Some reasons respondents provided for the source of these issues included that police were stretched to capacity due to COVID-19, the justice system lacked communication about perpetrator risks and misunderstanding survivor presentation.

²⁶ Available at techsafety.org.au/covid19

In a May 2020 online survey²⁷ of 15,000 Australian women about their experience of DFV during COVID-19, two-thirds of women who had experienced physical or sexual violence by a current or former cohabitating partner, said the violence had begun or had escalated during the months of February, March and April, coinciding with outbreak of the pandemic.

Experts warn the adverse impacts of COVID-19 isolation measures on [women's safety](#) are only beginning to be felt in Australia, and the risks to women with abusive partners will remain heightened for months and potentially years²⁸. Isolation has caused an increased reliance on technology to communicate, and women are turning to technology for support for keeping safe. Isolation has also increased the opportunities for abusers to misuse technology to perpetrate abuse.

Experts anticipate that when isolation measures cease, women will leave their abusive partners in large numbers²⁹. The most dangerous time is when a woman is planning to leave or after she has left.

In March, Google reported a 75% spike in searches for help with domestic violence (in Australia). WESNET's [techsafety.org.au](#) website increased from 9000 users in March, 13,400 in April, and 20,400 in May. The number of victim-survivors calling WESNET's 1800 tech abuse helpline, or being referred by larger services has increased significantly during the COVID-19 lockdown, and it is anticipated this increase will continue.

Another important reference document at this time is the COVID brief prepared by four UN agencies: *COVID-19 and Essential Services Provision for Survivors of Violence Against Women and Girls*³⁰. This brief highlights emerging trends and implications for the provision of essential services (health, police and justice, social services and coordination of these services) for women and girls who have experienced violence during the current COVID-19 pandemic. It provides actions taken at the regional, national and local levels, in partnership with Governments, civil society organizations and UN entities.

Recommendation 14: The inquiry should pay particular attention to the results of several surveys being conducted in the domestic and family violence sectors about the impact of COVID-19 on survivors, and the support services that survivors need to access.

J) The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

For some time now, WESNET has been working with women experiencing technology facilitated abuse who fall through the cracks of the existing domestic and family violence service

²⁷ Boxall, H., Morgan, A., and Brown, R., 2020, *The prevalence of domestic violence among women during the COVID-19 pandemic*, A Statistical Bulletin no. 28, Australian Institute of Criminology, Canberra.

²⁸ AWAVA 2020, Joint Media Release *Experts warn COVID-19 impacts on women's safety just beginning* "available at <https://awava.org.au/2020/05/08/media-release/2020-media-release/experts-warn-covid-19-impacts-on-womens-safety-just-beginning>

²⁹ AWAVA 2020, *ibid*.

³⁰ UN Women 2020, *COVID-19 and Essential Services Provision for Survivors of Violence Against Women and Girls* available from <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-covid-19-and-essential-services-provision-for-survivors-of-violence-against-women-and-girls-en.pdf?la=en&vs=3834>

systems. Many of these women are unable to obtain help or achieve any sense of justice for the abuse they are or have been experiencing. Most of these women present to WESNET with mental health issues and are often turned away from legal and justice avenues because they are labelled as paranoid, delusional or making it up.

Very little is documented in academic or other literature about the traumatic and ongoing impacts of severe tech abuse.

WESNET recently worked with a client who had experienced a severe sexual assault and abduction following technology-facilitated stalking. Although charges were laid, the perpetrator continued to covertly stalk and monitor the victim for years after the original assault, but the victim had also had a mental breakdown and had been involuntarily admitted to a mental health service. Suffering from paranoia, she currently finds it extremely difficult to obtain assistance from police around what she believes to be the perpetrator's continued monitoring and surveillance.

Recommendation 15: More research and documentation needs to be undertaken around the co-morbidities of tech abuse, mental health and violence against women.

We thank you for the opportunity to participate in this inquiry. If you would like to discuss the contents of the submission further, please contact Karen Bentley, CEO WESNET, using the details below.

Karen Bentley
Chief Executive Officer
Women's Services Network
www.wesnet.org.au | wesnet@wesnet.org.au | ph: +61 1800 937 638