

Kids' access to online pornography – progress and solutions

A joint Ministerial Briefing from the inter-agency Pornography Working Party

3 December 2020

Circulated to:

Hon Chris Hipkins, Minister of Education;

Hon Carmel Sepuloni, Minister for Social Development and Employment and Minister for ACC;

Hon Andrew Little, Minister of Health;

Hon Poto Williams, Minister of Police and Associate Minister for Children;

Hon Jan Tinetti, Minister of Internal Affairs, Minister for Women and Associate Minister of Education;

Hon Priyanca Radhakrishnan, Minister for Youth and Associate Minister for Social Development and Employment;

Hon Marama Davidson, Minister for Prevention of Family and Sexual Violence;

Hon Kelvin Davis, Minister for Children and Associate Minister of Education (Māori Education);

Hon Kris Faafoi, Minister for Broadcasting and Media;

Hon Dr David Clark, Minister for the Digital Economy and Communications.

Overview

Formed in May 2018, the inter-agency Pornography Working Party (PWP) has been investigating the impacts of online pornography, coordinating work and advice between agencies and providing a centre of knowledge for government on the subject and advice on potential policy responses.

The PWP is chaired by Chief Censor David Shanks of the Classification Office, and includes representatives from the Classification Office, Netsafe, Ministry of Health, Department of Internal Affairs (DIA), Ministry for Women, Ministry of Social Development (MSD), Ministry of Education, ACC, and New Zealand Police. The PWP Terms of Reference are attached at Appendix B on page 16.

This briefing updates you on:

- The current environment and its challenges;
- the relevance of this work to wider government priorities;
- progress to date on key issues and responses;
- high-level recommendations; and
- individual agency responses.

Chief Censor David Shanks is available to meet Ministers and their staff to discuss the work of the PWP and the findings from the Classification Office's three-part *NZ Youth and Porn* research programme.

The current environment and its challenges

Why kids' access to online pornography matters

There is widespread concern in New Zealand about young people viewing online pornography. Public and media interest is ongoing, and recent research from Netsafe¹ found that, in relation to online harms, seeing sexually explicit content was one of the top concerns of parents and caregivers. NGOs working on the ground with young people, educators and health providers are seeing increasing demand for training and support around pornography and related issues.

There is widespread concern amongst young people. The three-part *NZ Youth and Porn* research programme² from the Classification Office provides a common, trusted evidence base around young people's experience and views about pornography. The initial 2018 survey found that the great majority of young people (89%) think pornography should not be seen by younger children, and 71% support some form of restriction to access by children and teens.

Governments around the world are taking the issue seriously. Countries such as the UK and Australia have made significant progress investigating regulatory and technical solutions.

Key issues

It is common for pre-adolescent children to see pornography

- Modern technology has made pornography freely available to anyone with a smartphone or internet connection. Classification Office research shows that 1 in 4 young New Zealanders first see pornography by age 12, and most are not seeking it out when they first see it.
- Relatively little is known about the potential impact of this exposure on a generation of children. We do know it's a problem, as some children are disturbed or even traumatised by these experiences.

Pornography has a significant impact on young people

- Classification Office research shows that most young people (75%) reported seeing pornography by age 17. Some young people are viewing porn regularly (15% view porn at least monthly, weekly or daily) and the majority of these young people started viewing porn regularly by age 14. Some young people are struggling with issues around their pornography use, and they need support.
- Pornography has become a default learning tool for young people. Many worry about what this means for their own expectations about sex, and the expectations others may have of them. They have real concerns about pornography's influence on attitudes towards sex, gender and consent.
- There are continued debates about some of the impacts of pornography on young people, but the available evidence supports taking a precautionary approach. New Zealand now has sufficiently robust evidence for policy responses that are youth-focused and relevant to the New Zealand context.

¹ *Parenting and pornography* (2018): A survey of 2,061 NZ parents and caregivers of children 9 to 17 years old. www.netsafe.org.nz/parents-and-sexually-explicit-content_three-country-comparison-2018

² *NZ Youth and Porn* (2018); *Breaking Down Porn* (2019); *Growing up with Porn* (2020): www.classificationoffice.govt.nz/about-nz-classification/research/#growing-up-with-porn-april-2020

Extreme and potentially objectionable material is easy to access

- Websites that feature extreme and potentially objectionable (ie illegal) pornography are freely available online. A simple Google search for “rape porn” returns over 300 million results with many sites dedicated to this material.
- There is clear public awareness about the legal prohibitions for child sexual abuse material, but a much lower understanding about other potentially objectionable material – for example material that promotes sexual assault and bestiality. This poses significant risks for both adults and young people.
- The Classification Office is undertaking an analysis of websites that specialise in extreme and potentially objectionable content and will provide a briefing to the Minister of Internal Affairs in the new year.

How does pornography relate to the Government’s wider priorities?

Pornography is part of a wider environment of related online content harms, including: extremist or terrorist promotional material; the spread of mis/disinformation; content that promotes self-harm; disturbing content aimed at children; and unregulated commercial media entertainment.

Pornography has a significant impact on how young people learn about sex and consent, and respectful relationships, and is therefore relevant to sexual violence prevention programmes. It sits squarely within the framework of the Government’s Child and Youth Wellbeing Strategy – for example through fostering the development of healthy relationships and manaakitanga (kindness, respect and care for others).

Taking action – the response from government

These issues require an approach that is both collaborative and integrated, involving regulation, education, and tools and information for New Zealanders. This section outlines the response to date from PWP member agencies and suggested next steps.

COORDINATION AND COLLABORATION

Progress to Date

- The collaborative approach of the PWP has allowed for a free and frank exchange of ideas and coordinated messaging and policy responses across agencies. It has allowed for joint development and delivery of resources and support, ensured more consistent messaging across agencies, and has promoted the efficient use of government resources by avoiding duplication of work programmes.

Next steps

- Online pornography is relevant to a variety of issues with significant overlap, including online safety, sexual health, and education. Having an integrated response to deal with complex online issues such as online pornography is vital, and so the PWP will continue to meet, collaborate and share progress on relevant programmes.

RESEARCH AND EVALUATION

Progress to Date

- The *NZ Youth and Porn* research programme from the Classification Office has provided a strong evidence base about young New Zealanders' experience and use of pornography, while fostering ongoing relationships with subject matter experts, researchers and NGOs.
- Netsafe's research programme including Ngā taiohi matihiko o Aotearoa provides comprehensive evidence on a wide variety of online harm issues from both the child and parent perspectives.
- We now have sufficiently robust evidence to develop policy responses and resources that are youth-focused and relevant to New Zealanders.

Next steps

- Ongoing research will be necessary for understanding changes in use patterns and impacts in a fast moving digital environment, and to evaluate the effectiveness of programmes that are currently underway.
- MSD has commissioned a comprehensive literature review to inform its upcoming campaign for young people that focuses on safe and healthy relationships. MSD is also leading the Youth Health and Wellbeing Survey – WhatAboutMe?, which includes questions on relationships, sex, and pornography (see further detail in Appendix A on page 9).
- Netsafe continues to work on research into digital parenting experiences in New Zealand and provide evidence to address children's exposure to explicit content.

EDUCATION

Progress to Date

- The Ministry of Education's updated Relationships and Sexuality Education curriculum guidelines now include information about pornography³, drawing on findings from the *NZ Youth and Porn* research programme. The Classification Office has produced video resources that can be used in schools as conversation starters, and is currently working with the Ministry of Education on a professional development module for educators to encourage a consistent and evidence-based approach to the topic.
- The Ministry of Education funds the Netsafe Schools Programme to support schools and kura to establish and maintain safe online learning environments and to foster the development of digital citizenship skills (for students and educators).
- ACC continues to play a significant role in the education space with the nationwide *Mates & Dates* programme in schools – providing information on sex, consent, and healthy relationships. Other PWP members continue to do important work towards improving education outcomes. These include Netsafe's support for schools, Police programmes such as Loves-Me-Not and Keeping Ourselves Safe, and cyber safety sessions.

Next steps

- Improving education around pornography, sexuality and healthy relationships is the most important factor in mitigating potential harms of pornography. Inconsistent implementation of

³ www.education.govt.nz/news/refreshed-resource-relationships-and-sexuality-education-released

health and sexuality education at a local level can present significant issues in addressing this need. In response, the Ministry of Education is working on measures to increase engagement with the new curriculum guidelines, including the provision of 40 Curriculum Leads to assist schools.

- ACC's implementation of the *Mates & Dates* healthy relationships programme in schools has been a key contributor in this space, and an evaluation of the programme is currently underway as part of ACC's review of primary prevention to reduce the incidence and severity of sexual violence.

RESOURCES, INFORMATION AND SUPPORT

Progress to Date

- There has been significant investment and progress on workforce and resource development since the establishment of the PWP. The Light Project⁴ has been an important contributor in delivering these services – which include a 12 month porn and youth health workforce development project under contract from the Ministry of Health.
- The Light Project has also received MSD funding for their web resource In The Know⁵, which is aimed at young people who are struggling with negative impacts of pornography and need tools, information and support pathways. The Light Project is also working on porn literacy tools, and resources for Māori and Pasifika youth in collaboration with Te Rau Ora and Le Va.
- Netsafe continues to provide reactive and proactive online safety services to schools (contracted to the Ministry of Education) and to the public. In response to COVID-19 and the associated lockdown, Netsafe fast-tracked the development of educational resources to support parents.
- The Classification Office has produced a range of resources primarily aimed at parents and encouraging positive conversations with youth about sensitive issues around pornography, including video resources and how-to guides⁶.
- DIA's Keep It Real Online campaign⁷ is raising awareness about digital harm issues including pornography. Development of the campaign was supported by inter-agency collaboration.

Next steps

- Significant progress has been made in awareness raising and normalising open, positive conversations about pornography in the home, at school and in the wider community. Awareness raising campaigns are ongoing, including the Keep It Real Online campaign, and ACC's healthy relationships campaign currently being rolled out. A continued focus in this area will benefit young people by reducing the taboos surrounding conversations around porn.
- Likewise, progress has been made on support and resources for families, health professionals, schools, and (most importantly) for young people themselves. However there remains a lack of long-term funding commitments and the demand for support services, information and workforce development is not being met. Relevant government agencies should consider ongoing funding to build capacity, support organisations such as The Light Project who have proven expertise in this area, and meet public demand.

⁴ The Light Project, an NGO, is currently the primary service in New Zealand delivering evidence-based health workforce development, health resources and technical assistance around youth and pornography. It has worked with a number of PWP member agencies either in a project delivery, training or advisory capacity including the Classification Office, MSD, the Ministry of Health, Netsafe, ACC, DIA and NZ Police.

⁵ www.intheknow.co.nz

⁶ www.classificationoffice.govt.nz/news/latest-news/how-to-talk-with-young-people-about-pornography

⁷ www.keepitrealconline.govt.nz

REGULATION AND TECHNICAL SOLUTIONS

Progress to Date

- PWP members have been engaging with industry and officials to investigate technical solutions to children and young people's access to pornography. This involves ongoing relationships with tech firms such as Yoti⁸ which is pioneering age-verification technology, as well as international organisations such as eSafety in Australia⁹, and the BBFC in the UK¹⁰.
- The PWP recognises that industry – including ISPs and content providers – will have an important role to play. Examples of where this is working well are the Ministry of Education's ongoing support for N4L's¹¹ comprehensive school Wi-Fi internet filtering, and the Switch on Safety¹² filter for children learning from home.
- Internal Affairs investigated options for ISP based filtering of adult sites. The proposal looked to increase the availability of 'family filtering' products offered by New Zealand ISPs. It would have required all ISPs to provide a free basic filter product and for that filter to be switched on by default for new customers. The proposal was not supported through coalition and support party consultation.

Next steps

- A majority (71%) of 14 to 17-year-olds¹³ think access to online pornography should be restricted in some way, but the law has not kept pace with changes in access. Regulation provides options for limiting access to young people (especially children) who may be vulnerable. Even without regulatory changes there is still a role for technical tools and interventions such as 'opt-in' (voluntary) content filtering in homes which could significantly reduce accidental access by children.

We can do more: Key opportunities for this term

New Zealand has the potential to be world-leading in every aspect of our response to online pornography – from our regulatory settings through to public resources. We are already doing well, but there are opportunities to do more including:

1. Promoting consistent and comprehensive education in schools: despite improvements to the national curriculum guidelines, implementation of health and sexuality education is inconsistent across the country.
2. Continued development and funding for up-to-date information, training and resources: for parents, educators, health professionals, and frontline services, supporting them to provide appropriate help and information to young people.
3. Regulatory change to prevent access by children: New Zealand has an opportunity to lead in implementing measures to prevent children accessing online porn. Available options include introducing an effective 'opt-out' family filter on ISP connections, and development of a digital

⁸ www.yoti.com

⁹ www.esafety.gov.au

¹⁰ British Board of Film Classification: www.bbfc.co.uk

¹¹ Network for Learning: www.n4l.co.nz

¹² www.switchonsafety.co.nz

¹³ NZ Youth and Porn (2018): www.classificationoffice.govt.nz/news/latest-news/nzyouthandporn/

age-verification framework – which could also serve to limit access by children to other adult products online.

4. Blocking sites that specialise in extreme content – for example extremely violent and degrading material, sexual assault, and bestiality. This would require careful consideration and a transparent framework, but may present a partial solution to New Zealanders’ easy access to clearly illegal content.

These issues can be wrapped into the broader review of New Zealand’s media regulation, however our position is that we should continue the momentum we have by acting now.

Recommendations

Our members recommend that you:

- | | | |
|---|--|--------|
| 1 | Indicate your endorsement and support for the continuing work of the PWP. | Yes/No |
| 2 | Note the PWP’s view that these issues are best addressed with an integrated approach that may involve regulation, education, tools and information. | |
| 3 | Refer this briefing to those of your colleagues with an interest in child and youth health and wellbeing, sexual violence prevention, education, broadcasting, communications and digital media. | Yes/No |
| 4 | Indicate whether you would like to meet Chief Censor David Shanks to discuss the work of the PWP. | Yes/No |

Signed by Minister:

Date: _____

Signed by Chief Censor David Shanks



Date: 03/12/2020

Further information

To arrange a meeting with Chief Censor David Shanks, please contact his PA s9(2)(a)

Contact Classification Office Senior Advisor **s9(2)(a)** for further information about this briefing, and for information about the *NZ Youth and Porn* research programme: **s9(2)(a)**

Appendix A – PWP agency responses

These appendices include more detailed information provided by member agencies about work relevant to the Pornography Working Party. Information is included from the following agencies: ACC (page 9), Ministry of Education (page 9), Ministry of Health (page 11), Ministry of Social Development (page 11), NZ Police (page 13), DIA (page 14), and Netsafe (page 14).

ACC

The relevance of this work / where it fits in your Minister's portfolio

Subject matter is important to our approach to Healthy Relationships, in particular our flagship programme *Mates & Dates*.

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

It's important to have consistency in information and approach. There is a clear connection between the impacts of pornography in our communities and how we collaborate in addressing these concerns. It's an area that we also lack understanding in and is not widely spoken about or normalised. We see the work that DIA is doing through the Keep It Real Online ad campaign as presenting an approach that we can dovetail with in addressing a taboo subject.

Your agency's involvement or intended involvement in the PWP and any short or long-term actions arising

We support the Working Party intent, both short-term and long-term. ACC are happy to be at the conversational table in addressing this subject collectively.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography. You may want to include timelines or milestones where applicable.

We see this group supporting our work in current programme delivery as we are becoming more familiar with the context of data and research.

Ideas around policy change if actions that could be taken haven't already been raised

Not at this stage, but happy to be part of the discussion.

Ministry of Education

The relevance of this work / where it fits in your Minister's portfolio

Education plays a role in response to recent research findings of pornography and young people in New Zealand. The work is relevant to the Minister of Education, Hon Chris Hipkins and the Associate Minister of Education, Hon Jan Tinetti.

The Ministry supports schools to access appropriate tools and resources to develop their localised health curriculum and ensures that students are protected from online harm when using the school's internet. In part this is achieved by filtering the internet of school and kura via the Network for Learning, and the provision of broader digital wellbeing advice via the Ministry's contract with Netsafe.

From your agency's perspective, why is the joined up approach of the PWP important in addressing issues around pornography?

The Ministry of Education sees a role for a number of agencies in response to this issue. The work of the PWP allows agencies to regularly update each other on emerging work in their organisation around pornography and increases opportunity for joint development and delivery of tools and resources in the education space.

The PWP allows us to assure our Ministers, the education sector and whānau and communities that we are providing the best possible response to this issue taking into account the work of other agencies.

Your agency's involvement or intended involvement in the PWP and any short or long term actions arising

The Ministry of Education (the Ministry) provides two regular attendees. One contributes information to the working party and provides information back into the Ministry to ensure it links into matters related to the curriculum and children and young peoples' learning. This way the information can be linked into teaching and learning in Health and Physical Education. The other staff member focuses on IT contexts and possible technical remediation actions.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography

Curriculum Leads (Wellbeing)

A \$32.8 million package will be delivered over four years funding up to 40 Curriculum Leads (wellbeing). The Curriculum Lead (Wellbeing) positions will support schools, kura, early learning services and ngā kōhanga reo deliver a high-quality curriculum and marau ā kura with a focus on wellbeing, including healthy relationships. This initiative was in response to the expected increase in wellbeing and mental health needs of learners after COVID-19 disruptions. The Ministry is worked with the sector, peak bodies and wellbeing agencies to co-design the roles and continues to work with these groups to co-design the service design model.

Relationships and Sexuality Education Guidelines

The Ministry has released refreshed Relationships and Sexuality Education guidelines. This refresh included splitting up the document into primary and secondary school version. It links to broader themes around wellbeing and mental health, strengthens the LGBTIQ+ content, and ensure concepts of sexuality are seen through Māori and Pacific lenses, as well as considering the perspective of those with additional learning needs. This refresh also includes an updated section on online activity and pornography. This work was undertaken in consultation with the education sector, students and an expert advisory group, to help ensure schools and teachers are supported to plan learning programmes with a focus on healthy and respectful relationships.

The Ministry of Education intend to organise a series of implementation and promotion activities alongside our partner agencies to increase engagement with the new guide, including the current proposal of Sexuality Education Guideline modules.

Educator resource – Changing the conversations around pornography and sexuality

To further strengthen the suite of resources being developed, the Ministry will be supporting the Office of film and literature to produce a teaching resource focused on understanding Porn literacy. This interactive resource will equip all educators to confidently navigate conversations with students about Porn literacy. Research has shown there is a growing interest from young people about the need to learn about

Sexuality Education through a safer and more guided context, with the inclusion of Porn literacy. Discussions are currently in progress about the way in which this resource would best be implemented.

School Toolkit for Safer Digital Online Behaviour

The Ministry has worked with SchoolKit to develop a school resource toolkit for Years 5-8 students that strengthens teaching and learning of safer online digital behaviours. The toolkit includes guidance for teachers and a pack of items that can encourage thought provoking strategies schools can use to build awareness of safer online digital behaviour. This will be achieved through enhancing empathy and promoting positive behaviour, it will tackle the issues, decisions and behaviours that students are exposed to online. The resource is currently being piloted in over 1000 classrooms nationwide before being considered for wider release.

Ministry of Health

Work being undertaken by the PWP is particularly relevant to the Ministry of Health's work in promoting positive, respectful safe sex behaviours and good youth health. Given pornography does not role model gender equity, respectful communication, negotiation of consent, condom or contraceptive use, but does show frequent extreme sexual behaviours, it is considered to be a largely unhelpful influence on sexual development.

The PWP is important as it facilitates a cross-government approach, providing multiple viewpoints and opportunities to address the challenge of pornography through the various scopes of influence across government. The Ministry of Health has a one year contract 2020–2021 with The Light Project to provide introductory workshops and follow up training to enable capped numbers of youth health providers, eg school and university health services, sexual health and sexual violence response services, youth mental health, Māori and Pacific youth health and services for rainbow youth, to develop improved pathways of care.

Ministry of Social Development

Kids' access to online pornography – progress and solutions: A joint Ministerial Briefing from the inter-agency Pornography Working Party – MSD input

The relevance of this work / where it fits in your Minister's portfolio

As noted earlier, pornography has a significant impact on how young people learn about sex and consent, and respectful relationships, and is therefore relevant to youth development and sexual violence prevention programmes. This work is therefore relevant to the following work in particular:

- MSD is leading the Youth Health and Wellbeing Survey – WhatAboutMe?, which includes questions on relationships, sex, and pornography. The survey will collect information from 14,000 young people in schools, kura kaupapa, alternative education units, and Youth One Stop Shops throughout New Zealand. Data will be used to inform progress on a number of wellbeing indicators within the CYWS, and in the development of policies, programmes and services.
- The Youth Plan¹⁴, led by MYD, is for rangatahi aged 12–24 years, and sits under the Child and Youth Wellbeing Strategy. One of the actions is directly related to the work of the PWP:

¹⁴ www.myd.govt.nz/documents/young-people/youth-plan/youth-plan-2020-2022-turning-voice-into-action-rebuilding-and-recovering.pdf

- *Develop a social marketing campaign for rangatahi promoting healthy and safe relationships.* This is a youth-specific strand of the Campaign for Action on Family Violence (*It's Not OK*). The campaign will encourage positive, safe and respectful relationships by challenging and changing harmful beliefs, attitudes and behaviours that support violence. It will primarily be conducted through social media and will complement and enhance the learning that rangatahi receive about healthy relationships and violence prevention through schools. The project is being led by MSD and will complement the work being done by MOE, DIA, the Classification Office and others.

Additional relevant initiatives under the Youth Plan led by other agencies include:

- *Create a safe digital environment for children and young people.* Design and implement a public awareness campaign about the risks of online harm to children and young people. Led by DIA, in partnership with MOE.

Additional relevant initiatives under the CYWS¹⁵ that have MSD involvement include:

- Sexual violence crisis support services for children and young people (Family and Sexual Violence Joint Venture)
- Increased services for children and young people with concerning/harmful sexual behaviours (Family and Sexual Violence Joint Venture).

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

The research is clear that young people's sexual and romantic lives are heavily influenced by popular culture and pornography. Currently multiple agencies are addressing the negative aspects of this in order to minimise the harm. The current joined-up approach allows us to understand how support is being targeted so that we can continue to work together to address the harms by developing mutually reinforcing initiatives.

Your agency's involvement or intended involvement in the PWP and any short or long-term actions arising

We have been involved since inception and intend to continue to be involved.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography. You may want to include timelines or milestones where applicable.

See point 1 regarding the social marketing campaign. Timelines are:

- Literature Review – completed September 2020
- Audience Research – topline findings available March 2021 – Final report June 2021
- Implementation strategy finalised May 2021 (this campaign will be phased and has ongoing funding)
- Phase 1 go live August 1.

Note: Some of the research methodology requires face to face work so timelines are reliant on the management of COVID-19. It also needs to be noted that this campaign does not have its own appropriation but is included in funding for the *It's Not OK* campaign (Budget 19). The increase in funding

¹⁵ <https://childyouthwellbeing.govt.nz/sites/default/files/2019-08/current-programme-action-child-wellbeing-strategy-aug-2019.pdf>

was also decreased by 50% so timelines may be pushed out in order for us to deliver a meaningful and best practice campaign on existing funding.

Ideas around policy change if actions that could be taken haven't already been raised

The following may have the potential to complement ACC and MOE initiatives:

- Utilising Youth One Stop Shops (YOSS) in schools and/or the community to provide youth friendly information on healthy sexual relationships, as well as mental health services – including possibly porn addiction.
- The youth development approach and youth development programmes (for example through fostering the development of healthy relationships).

NZ Police

The relevance of this work / where it fits in your Minister's portfolio

Police have continued to see examples of pornography being a factor in criminal investigations where young people have viewed or been exposed to pornography and it has been linked to the reported offending. Police has the influence through our school community and child protection teams (as well as other areas) to be able to make a difference in this space through continuing our commitment to the PWP.

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

The effects of the consumption of and exposure to pornography by New Zealand youth is a complex issue, it is therefore well-suited to a collaborative approach using different areas of expertise across the involved organisations. Police's involvement along with the other agencies in the PWP allows us all to keep each other updated on emerging trends relating to New Zealand youth and pornography and to work together to increase opportunities around harm prevention. It also increases the opportunity for innovative joint development and delivery of tools and resources to better protect our young people and children.

Your agency's involvement or intended involvement in the PWP and any short or long-term actions arising

Police is committed and engaged in the PWP and provides one (if not two) regular attendees to contribute information and ensure that we are working with the PWP and keeping up-to-date with new tools and resources to pass on to our communities. Although Police is mainly an advisory role in this case, it is important that we continue to be engaged with the PWP and to think of ways in which we can prevent harm to young people/children in this area.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography. You may want to include timelines or milestones where applicable.

Police has continued to be engaged with the PWP and supports the work that the PWP is completing. Police have been involved more recently with the DIA online digital safety campaign and members of the online child exploitation team have been involved in the *Our Kids Online* documentary film which has been aired and used within DIA digital safety workshops; this film specifically covers the topic of the effect of pornography on our youth as well as online safety in regard to the sexual abuse of children.

Department of Internal Affairs

The relevance of this work / where it fits in your Minister's portfolio

The Department has a growing focus on minimising harm from online content. Internal Affairs administers the Films, Videos, and Publications Classification Act 1993. This Act aims to protect New Zealanders from inappropriate content or harmful and illegal material. Viewing age inappropriate content can negatively affect the brain development and socialisation of children and young people.

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

Mitigating the impact of pornography on children and young people is going to require resilience and skill development in young people, protections for our children and advice and support for our communities. The organisations in PWP all have a part to play in pursuit of this outcome.

Your agency's involvement or intended involvement in the PWP and any short or long-term actions arising

We support the Working Party intent, both short-term and long-term. We will continue to support the projects of those in the PWP and progress initiatives in this area through the PWP.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography. You may want to include timelines or milestones where applicable.

Internal Affairs will launch the second phase of the Keep It Real Online campaign in December 2020. This phase will be aimed at young people. It will raise awareness and provide advice in a format that engages young people around harmful online behaviours and content, including viewing pornography. In early 2021 we will launch material to support early conversations with children about online harms. This work will link children, young people and those that support them through to government and non-government organisations that provide advice and support for online harms.

Internal Affairs will continue to look for opportunities to progress non-regulatory and regulatory work to mitigate the effects of harmful content online.

Netsafe

The relevance of this work / where it fits in your Minister's portfolio

Netsafe provides online safety products and services to schools (contracted to the Ministry of Education), and to the public both in its role as the Approved Agency under the Harmful Digital Communications Act (contracted through the Ministry of Justice) and as an independent NGO.

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

In addition to the points raised about the benefits of the joined-up approach in the 2019 briefing, comments on digital parenting below highlight how children's access to sexually explicit content overlaps with related other online safety issues and their potential remedies.

Your agency's involvement or intended involvement in the PWP and any short or long-term actions arising

Netsafe is committed to ongoing support of, and participation in the PWP.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography. You may want to include timelines or milestones where applicable.

In response to the COVID-19 pandemic lockdown Netsafe fast-tracked the development of educational resources to support parents in their role mediating children's access to sexually explicit online content as part of a broader approach to "digital parenting". It also contributed research evidence and professional knowledge to the Keeping It Real Online campaign that includes a component that addresses children's access to pornography. This work reflects parents' critical role in mediating their children's online experiences, including their access to sexually explicit content via personal devices and family internet connections.

Netsafe's previous research into parents' awareness and attitudes towards their child's access and exposure to sexually explicit content found that this was just one of the online risks they were concerned about. This highlights the need for specific, targeted advice for parents about this topic delivered within a broader framework of support.

With this in mind, Netsafe continues to develop specific targeted content for educators within the Netsafe Schools Programme and for parents and caregivers through the Online Safety Parent Toolkit.

Ideas around policy change if actions that could be taken haven't already been raised

Information and exhortation are key policy instruments in tackling issues related to child exposure to sexually explicit content. Work to support parents by Netsafe, the Classification Office and Keeping It Real Online have begun to address a key audience for this intervention. Similarly, schools have a critical role to play in educating young people through the Health and Physical Education and Hauora wāhanga ako learning area. Progress has been made in this area too, with, for example, ACC's nationwide expansion of the *Mates & Dates* programme and schools' access to other civil/social initiatives such as The Light Project. However, ERO's 2017 finding that "sexual violence and pornography were covered in fewer than half of the secondary schools ERO visited" highlights the potential scale of the challenge still facing this sector, and also the need for more frequent evaluation of progress in this regard.

In relation to regulation, since the 2019 briefing, the UK's failure to introduce its proposed age-verification policy highlights the difficulty of designing and implementing effective regulatory interventions. These challenges are reflected in the New Zealand context where proposals to introduce default pornography filters on domestic internet connections failed. However, while only a partial solution at best, there remains a role for technical restrictions such as search settings, opt-in content blocking and filtering services, with particular potential for reducing the frequency of accidental viewing of sexually explicit content by young people. This will require a concerted multi-stakeholder effort to raise children's and parents' awareness of the benefits and limitations of these technologies. This also reinforces the need for the joined-up approach advocated by the PWP member organisations.

The adult content industry has a role to play in tackling children's access to content hosted on their sites, for example, through the implementation of voluntary agreements. While it is a sensitive topic, this raises a question of how such industry initiatives can contribute to an overall approach to addressing child exposure to sexually explicit content.

Appendix B – Terms of Reference

2018

Purpose

This Working Party is established to investigate the impacts of New Zealanders' use of pornography in the modern digital environment, coordinate work and advice relevant to this issue between agencies and to provide a centre of knowledge for government on the subject and advice on potential policy responses.

Background

Modern digital technology has meant that very high volumes of free, highly diverse and sometimes extreme pornographic material is available to almost anyone with a smartphone or internet connection.

This issue was highlighted in a select committee hearing in May 2018, on a petition calling for the appointment of an expert panel *“to investigate the public health effects and societal harms of pornography to both children and adults, and to make policy recommendations to Parliament”*.

Discussions between agencies concerned with sexual violence; sexual health; youth mental health and other relevant areas on this issue highlighted the fact that significant work on this issue was already underway by individuals and organisations around New Zealand. An opportunity to help co-ordinate this work and provide a centre for collaboration on the topic was identified, and the Working Party was established.

Objectives

1. The Working Party will inform research or work undertaken by government agencies relating to pornography, and ensure that relevant work is known and available across government. For example, the Working Party will help inform the work the Office of Film and Literature Classification has commenced researching the prevalence and effect of pornography use by young New Zealanders.
2. The Working Party will represent a centre of knowledge on pornography use and impacts in New Zealand, and will be available to advise agencies on work programmes or initiatives relevant to those impacts.
3. The Working Party will be available to provide collective advice to government on relevant policy initiatives and responses.

Rules of engagement

The parties agree that they will:

- Work together in good faith, balancing the interests of all parties
- Hold Working Party discussions in confidence and on a without prejudice basis
- Agree to any external communications or releases as circumstances arise.

If the parties are unable to reach agreement on recommendations, the Working Party will develop briefings that outline:

- The areas where the parties have reached agreed recommendations, and
- the areas of difference.

Approach

Membership

To enable an effective process and discussion the parties will keep membership of the Working Party tight. There are currently twelve members from eight government agencies and one independent agency operating under legislation.

The parties agree that consistency of attendees will be important – though not essential – for the Working Party to achieve its objectives, and will aim to ensure that representatives will not be changed unless this is unavoidable. If any change in representatives is required, the party concerned will ensure the new attendee/s have been well briefed on previous discussions and progress.

The parties will each ensure that their constituents/stakeholders are informed and have appropriate opportunity to have input into development of recommendations.

Chief Censor David Shanks of the Classification Office is chair of the Working Party.

Parties

The current parties are: the Classification Office, Netsafe, Ministry of Health, Department of Internal Affairs, Ministry for Women, Ministry of Social Development, Ministry of Education, ACC, and New Zealand Police.

Parties may work together in smaller groups relating to specific work streams and report back to the full Working Party.

Meetings

The Working Party will determine a schedule of meetings as required to make progress on agreed objectives.

The Classification Office will make practical meeting arrangements (for example the venue and catering) as required by the Working Party.

Timeframes and reporting

Timeframes

The Working Party met for the first time on 8 May 2018. By the end of the 2018 calendar year it is expected that:

- The first stage of Classification Office research (developed and disseminated in consultation with the Working Party) will be published
- A draft analysis/insights paper summarising the group's response to research results will be prepared
- Other briefings may be generated as required on policy recommendations relating to:
 - (a) regulation
 - (b) education and appropriate support services
 - (c) other available steps aimed at preventing, mitigating or reducing harm.

Reporting

Each party will be responsible for reporting to their stakeholders, in accordance with any messaging agreed during Working Party discussions and as required by their internal governance mechanisms. In doing so, the parties agree to honour the confidentiality of the Working Party discussions.

Government representatives will provide progress reports to Ministers as required.