

20 August 2021

Victorian Law Reform Commission
GPO Box 4637
Melbourne Vic 3001

Via email - stalking@lawreform.vic.gov.au

Re: Stalking Consultation Paper

The Alannah & Madeline Foundation welcomes the announcement of a review into Victoria's legal responses to stalking, harassment and similar conduct, with a focus on the safety and wellbeing of victim survivors.

We apologise for missing the deadline for submissions on 5 August. If it is still possible, we request an opportunity to speak with the VLRC about this important work.

The Alannah & Madeline Foundation is the leading national not-for-profit organisation working to protect children from the effects of violence and bullying. We care for children who have experienced or witnessed serious violence; reduce the incidence of bullying, cyber bullying and other cyber risks; and advocate for the safety and wellbeing of children. Our programs are in close to one third of Australian schools and more than 80% of Australian public libraries. We also support 10,000 children in refuges or foster homes across the country every year through our Buddy Bags program.

We would stress the importance of paying attention to the needs of children and teens affected by stalking, including cyber stalking.

Children victimised by stalking in the context of family violence

Stalking occurs commonly as part of family violence, and many victims of family violence are children. For example, the Australian Bureau of Statistics found that:

- 1 in 8 Australian adults experienced abuse when they were children.
- 1 in 8 Australian women and 1 in 10 Australian men recalled witnessing relationship violence towards their mother when they were children.
- 4 in 10 women who experienced violence from a partner had children in their care at the time.ⁱ

Being exposed to violence puts children at risk of psychological, developmental or behavioural problems, which, if not addressed early, can carry over into their adult lives.ⁱⁱ

However, children's experiences of family violence are often obscured and their voices unheard. Due to ethical challenges for researchers and the structure of the family violence service system (set up originally with adults as the primary clients), we do not know enough about the extent and nature of children's exposure to family violence.ⁱⁱⁱ

At the Foundation, we believe it is important to recognise children as victimised in their own right, with their own needs and perspectives.

More research is needed into the stalking of children within family violence, but the existing scholarship shows how damaging the experience can be. Qualitative studies in Denmark and Finland found that while mothers were the primary targets, their children were also harmed: stalked themselves, subjected to threats and violence, and coerced or manipulated into spying and informing on their mothers. The children showed high rates of trauma and a range of social, emotional and physical harms. The stalking constrained their lives and affected their relationships with their mothers. The researchers stressed that it was important to view children as victimised themselves, needing safe environments and interventions to address their trauma and help them build supportive social relationships.^{iv}

The near-ubiquitous reach of digital technologies into children's lives has given rise to new concerns. Studies by eSafety and WESNET (2020) based on surveys of hundreds of Australian family violence practitioners found that there has been a sharp rise in tech-facilitated abuse involving children, especially stalking. eSafety estimated that over a quarter of domestic violence cases now include tech-facilitated abuse of children, with stalking the most common activity. While the main target is usually the child's mother, the stalking also severely impacts children's mental health, relationships and daily lives.

When asked how often perpetrators gave children tech devices in order to monitor and abuse their mothers, and how often perpetrators contacted their ex-partners using their children's social media, two-thirds of family violence practitioners said these things happened 'often' or 'all the time'. Other common stalking behaviours included:

- monitoring children's messages
- making children share passwords
- impersonating other people online in order to contact their children
- using video calls to coerce or manipulate children into revealing information about their mothers' location and activities.

These behaviours may have gotten worse during COVID-19 lockdowns, with children reliant on digital technologies for education and social connections. Practitioners called for:

- better professional support for family violence practitioners about safety planning, risk assessment and support for women and children in relation to tech-facilitated abuse
- better understanding by police and legal professionals about tech-facilitated abuse, its impacts on children, and how to respond
- access to free or affordable tech devices for children escaping family violence, to help them avoid using devices paid for and controlled by perpetrator
- screening tools for professionals which ask explicitly about tech-facilitated abuse
- protection orders which address tech-facilitated abuse explicitly and comprehensively
- upskilling police to better support victims of family violence about cyber security
- dedicated teams in telcos to help clients escaping family violence.^v

We support these recommendations and would welcome the opportunity to discuss the issues further.

Stalking and cyber stalking between children and teens

Being stalked by a peer can be deeply distressing for children and teens. Under-18s who have been stalked by peers can experience harm to their physical and mental health, school disengagement and/or suicidal ideation. At the same time, many teens continue to see controlling and harassing behaviours as 'normal', including online.

Far more research is needed into the prevalence, nature and impacts of stalking between children and teens, the rates of male and female perpetration and victimisation, and effective approaches to address these behaviours.

However, the existing scholarship provides some key insights:

- Among teens, there is a very strong overlap between cyber stalking of an intimate partner and face-to-face relationship abuse.
- Teens are at much higher risk of being stalked online if they have also had other risky or harmful online experiences, such as 'sexting', being cyber bullied, being hacked, and looking at porn or violent material.
- Teens are much more likely to stalk an intimate partner online if they have also cyber bullied others or hold attitudes in favour of cyber bullying.
- There is a strong overlap between teen stalking perpetration and victimisation and other high-risk behaviours, such as binge drinking.
- Teen stalking has many different motivations and typologies. Some stalking is a severe extension of school bullying; some occurs following a peer dispute; some is sexually predatory; some involves chaotic anti-social actions with many targets.^{vi}

In light of this, we stress the need for:

- comprehensive, evidence-based, well evaluated education for children and teens about respectful relationships (including online) and digital intelligence.
- expert, targeted support for teens who have experienced relationship violence, and teens who show high-risk or anti-social behaviours, which fully integrate and address the issue of abusive behaviours online as well as offline.
- building the skills and capacity of educators, parents, carers and support workers to effectively support teens who have experienced harm online, recognising that where there is one online vulnerability (eg. being cyber stalked) there are often others (eg. cyber bullying, sexting).
- strengthening the skill and capacity of police and legal professionals to respond appropriately, promptly and effectively to stalking behaviour by under-18s, with a focus on keeping all children safe.

We would be delighted to discuss any of these matters further with you. Please feel free to contact Ariana Kurzeme, Director, Policy & Prevention [REDACTED]

Yours sincerely,

[REDACTED]

Sarah Davies AM
Chief Executive Officer

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- ⁱ Australian Bureau of Statistics (ABS), 'Characteristics and outcomes of childhood abuse,' 6/05/2019, <https://www.abs.gov.au/articles/characteristics-and-outcomes-childhood-abuse>; ABS, Personal Safety Survey <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia>
- ⁱⁱ Dr. Cathy Kezelman AM, Nick Hossack, Dr. Pam Stavropoulos, PhD, Pip Burley, *The cost of unresolved childhood trauma and abuse in adults in Australia, A Report for Blue Knot Foundation*, 2015
- ⁱⁱⁱ Australian Institute of Health and Welfare (AIHW), *Family, domestic and sexual violence in Australia: continuing the national story*, Canberra, 2019
- ^{iv} Ask Elklit, Lene Annie Gregers Vangsgaard, Anne Sophie Witt Olsen, Sara Al Ali, 'Post-Traumatic Stress Disorder (PTSD) Symptoms in Secondary Stalked Children of Danish Stalking Survivors—A Pilot Study,' *International Journal of Environmental Research and Public Health*, Vol. 16, Iss. 5, 2019; Anna Nikupeteri, Merja Laitinen, 'Children's Everyday Lives Shadowed by Stalking: Postseparation Stalking Narratives of Finnish Children and Women,' *Violence and Victims*, Vol. 30, Iss. 5, 2015; Anna Nikupeteri; Merja Laitinen, 'Wounded integrities: Finnish women's and children's experiences of post-separation stalking,' *Injury Prevention*, suppl. 2, Vol. 22, Sep 2016
- ^v eSafety, 'Children and technology-facilitated abuse in domestic and family violence situations,' 2020; D. Woodlock, K. Bentley, D. Schulze, N. Mahoney, D. Chung, and A. Pracilio, 'Second National Survey of Technology Abuse and Domestic Violence in Australia,' WESNET, 2020
- ^{vi} María-Jesús Cava, Inés Tomás, Sofía Buelga, Laura Carrascosa, 'Loneliness, Depressive Mood and Cyberbullying Victimization in Adolescent Victims of Cyber Dating Violence,' *International Journal of Environmental Research and Public Health*, Vol. 17, Iss. 12, 2020; Sameer Hinduja, 'Digital Dating Abuse Among Teens: Our Research, and What We Must Do,' 12 Feb 2020, <https://cyberbullying.org/digital-dating-abuse-research-findings>; Sameer Hinduja and Justin W Patchin, *Digital Dating Abuse: A brief guide for educators and parents*, 2020, <https://cyberbullying.org/digital-dating-abuse.pdf>; Adrienne Katz and Aiman El Asam, 'Look at me: Teens, sexting and risks,' Internetmatters.org, 2020; Filipa Pereira, Marlene Matos, 'Cyber-Stalking Victimization: What Predicts Fear Among Portuguese Adolescents?,' *European Journal on Criminal Policy and Research*, vol. 22, Iss. 2, 2016; Rosemary Purcell, Teresa Flower and Paul E Mullen, 'Adolescent stalking: offence characteristics and effectiveness of intervention orders', *Trends and Issues in Crime and Criminal Justice: Australian Institute of Criminology*, 1 March 2009; Yolanda Rodríguez-Castro, Rosana Martínez-Román, Patricia Alonso-Ruido, Alba Adá-Lameiras, María Victoria Carrera-Fernández, 'Intimate Partner Cyberstalking, Sexism, Pornography, and Sexting in Adolescents: New Challenges for Sex Education,' *International Journal of Environmental Research and Public Health*, Vol. 18, Iss. 4, 2021; Emily A Waterman, Katherine D M Lee, Katie M. Edwards, 'Longitudinal Associations of Binge Drinking with Interpersonal Violence Among Adolescents', *Journal of Youth and Adolescence*, Vol. 48, Iss. 7, Jul 2019