



Technology facilitated violence against women

How technology is used in violence against women

Technology facilitated violence against women encompasses using technology to stalk, harass, threaten or distribute degrading images. Specific examples include:

- Stalking
- Sexual harassment
 - Contacting the victim regularly via communication device.
 - Creating fraudulent images
- Distributing degrading images or child sexual abuse material.
- Making threats via communication devices to kill or injure someone.

When is technology-facilitated stalking a criminal offence?

Breaching a condition of a Family Violence or a Personal Safety Intervention Order

- It is a criminal offence to breach a condition of a Family Violence or a Personal Safety Intervention Order

Making threats to kill or cause serious injury to a person or damage a person's property:

- It is a criminal offence to make a threat to a person or to damage someone's property with the intention of making that person fear the threat will be carried out.
- It is a criminal offence to threaten to damage property if they do not comply with the demand (otherwise known as extortion).
- It is a criminal offence to make a demand with a threat to kill, cause injury or damage property (extortion)

Using telecommunications or internet service to make a threat or menace/harass/offend

- It is a criminal offence to use a 'carriage service' (e.g. telecommunications or internet service) to commit a serious offence or to make a threat to kill or seriously injure a person. It may also be a criminal offence to use a carriage service in a way that a reasonable person would find menacing, harassing or offensive.

Stalking a person

Technology-facilitated stalking can be a criminal offence if it is intended to cause physical or mental harm (including self-harm) to a person or make them fear for their safety or the safety of another by:

- Contacting a person by telephone, text, e-mail, social media or other electronic means
- Publishing something about a person on the internet or via email
- Pretending to be another person when publishing something on the internet or using email
- Tampering with a person's computer
- Tracing a person's emails, internet use or other electronic communications or otherwise keeping them under surveillance
- Making threats or using abusive or offensive words at or in the presence of a person
- Directing abusive or offensive acts towards a person
- Giving offensive material to a person or leaving it where it will be found by a person
- Intentionally or recklessly doing something that would physically or mentally harm a person or make them fear for their safety or the safety of another

To find a person guilty of stalking, the court must find they have engaged in a 'course of conduct' that amounts to stalking.

Putting a person under unlawful surveillance

- It can be a criminal offence to put another person under surveillance using listening or optical surveillance devices without the consent of a person who is recorded.

Upskirting - Observing, capturing or distributing images of someone's genital or anal region without their consent

- It is a criminal offence to upskirt someone in circumstances where that person would not expect their genital or anal region to be observed. It is also a criminal offence to distribute images (eg photographs or videos) of a



person's genital or anal region without their consent.

Make, publish or distribute child pornography

- It is a criminal offence to make, possess, access or distribute child pornography and this includes via text, email or the internet. Victorian law defines child pornography as a film, photograph, publication or computer game that describes or depicts a person who is under 18 (or appears to be) and who is engaging in sexual activity or depicted in an indecent sexual manner.

What do I do when I think someone has committed a technology-facilitated criminal offence?

If you know or suspect someone has committed a criminal offence the best thing to do is contact the police. The offender will be interviewed and investigated and charged if there is enough evidence.

If you have been a victim of technology-facilitated criminal offences, you can apply for a Personal Safety Intervention Order (IO). A person can apply for a Personal Safety IO against another person if that other person has:

- Assaulted them or sexually assaulted them
- Damaged or interfered with their property
- Made a threat to kill or cause serious injury to them
- Harassed them through a course of conduct that is demeaning, derogatory or intimidating
- Stalked them, AND the person is likely to do so again in a way that would cause the victim to have reasonable fears for their safety.

How to minimise risk using technology

Computers: It is possible for 'snooping' or spyware to be installed upon computers allowing stalkers access to things such as email and calendars. If this is suspected, avoid using the computer until it has been examined and software uninstalled if required. An anti-spyware program is often required as anti-virus software cannot always detect spy programs.

Mobile phones: Mobile phones have the ability to transmit information about location and users can be traced using this facility. Additionally many apps have geo-tagging abilities. All apps capable of this should be checked and this function turned off or the app removed. Spyware can also be installed upon mobile phones. To remove such software it may be best to reset the phone entirely.

Email: To avoid messages from a stalker it is recommended that email addresses are changed and the new username is not recognisable to the stalker (e.g. not your name or nickname).

Social Networking: Much information can be made readily available by social networks depending not only upon your security settings but also those of your friends. Aside from deleting all accounts permanently, the best way to minimise risk is to delete all online accounts and open new ones with a false name and birthday and adding only friends and family aware of your situation.

Geo-tagging capabilities should be turned off and the privacy settings set to the highest possible, it would be inadvisable to upload any identifying photos.

Passwords: All passwords should be changed and should not be anything that may be guessed by the stalker (e.g. birthdays, pet's name). Security questions should be avoided and if must be used again should not be guessable by the stalker.

Warning signs of a stalker

Partner or Ex-partner

Around 50% of ex-partner stalking starts before the relationship ends.

- They become controlling/demanding, wanting to know where you've been and/or who you've been talking to.
- They 'check-up' on you persistently and may ask friends or family to do the same.
- They seem to know information you haven't told them e.g. checking your internet history, chat log.
- Emails and messages you haven't read have been marked as read, emails have been sent from your account not by you.
- Your passwords stop working or keep changing.
- They send threatening, aggressive or abusive messages.
- They spread rumours or place embarrassing posts online about you or under your name.



CASA Forum

Victorian Centres Against Sexual Assault

Stranger or Acquaintance

- They contact you multiple times a day unsolicited
- They want to know personal information about you e.g. where you live, work, attend school
- They seem too interested too soon, it is important to trust your gut.
- They try to contact you repeatedly despite 'blocking' them online using different accounts.
- They seem to know things about you that you haven't told them
- They add your friends and family to their list, despite not know them.
- Their story changes or doesn't feel right. Asking a friend's opinion can be a good way to judge this.

References

<http://smartsafe.org.au/wp-content/uploads/2013/08/SmartSafe-Easy-Guide-3.pdf>

<http://www.digital-stalking.com/digital/how-to-factsheets/digital-stalking-guidelines-factsheets.html>

<http://nssadvice.org/trust-your-instinct/>