



Australian Women Against Violence Alliance

Australian Human Rights Commission
Consultation on Technology and Human Rights
2 October 2018

Australian Women Against Violence Alliance

Submission on Human Rights and Technology

Thank-you for the opportunity to make a submission in response to the public consultation on technology and human rights.

About the Australian Women Against Violence Alliance (AWAVA)

Australian Women Against Violence Alliance (AWAVA) is one of the six National Women's Alliances funded by the Australian Government to bring together women's organisations and individuals across Australia to share information, identify issues and contribute to solutions. AWAVA's focus is on responding to and preventing violence against women and their children. AWAVA's role is to ensure that women's voices and particularly marginalised women's voices are heard by Government, and to amplify the work of its member organisations and Friends and Supporters. AWAVA's members include organisations from every State and Territory in Australia, representing domestic and family violence services, sexual assault services, and women's legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators, women in the sex industry and other groups. AWAVA's lead agency is the Women's Services Network (WESNET).

Introduction

While we acknowledge the broad scope of the consultation, in this submission we focus on technology-facilitated abuse against women and non-binary people as an infringement of human rights. We also comment briefly in response to the consultation questions, focusing on the potential for technological innovations to support rather than undermine gender equality.

Broadly, we wish to highlight that violence and abuse perpetrated through technology follows the same patterns as violence against women generally, is driven by the same social dynamics of gender inequality and other intersecting forms of oppression and discrimination, and can be prevented mainly through changes to those dynamics of power. Support for positive engagement with technology by marginalised groups is preferable to approaches that seek to limit exposure in an attempt to protect against harm: the social world is increasingly digital, so digital exclusion amounts to social exclusion. At the same time technology regulators and providers need to proactively take steps to make products and platforms safer, more socially-responsible and more accountable.

Technology-facilitated abuse

Over the last few decades, technology such as the internet, social media, mobile phones, computers and surveillance devices have increasingly been used against women by perpetrators as tactics of

control and abuse within the wider context of violence against women. For these reasons in the submission we are using the term ‘technology-facilitated abuse’ to capture the wide range of behaviours that are inflicting violence and harm on women.

Australian legislation is enacted at the Commonwealth (national) level and in the jurisdictions of the sub-national States and Territories. Legislative responses to the increasing technology-facilitated abuse are neither unified nor consistent. While we understand that with rapidly developing technology, it may be hard for both legislation and police investigation techniques and models to catch up, it is necessary for legislation to both recognise the possibility of committing an offence facilitated through technology and more importantly, to focus on the criminal nature of such a behaviour.

Manifestations of technology-facilitated abuse range from recording of intimate images where a victim/survivor does not have a safe option not to consent, to stalking, installing hidden applications to track woman’s location¹ or to obtain access to her email or messages, (cyber)bullying and harassment, and the use of communications technologies to enable a sexual assault and/or to coerce a victim into an unwanted sexual act.²

Technology-facilitated abuse has also become a tool of perpetrators of domestic and family violence to threaten, harass and/or control both current and former partners.³ In terms of sexual violence in both intimate partner and non-intimate partner relationships, technology is another weapon with which assault is perpetrated. Manifestations of technology-facilitated sexual violence include non-consensual sharing of intimate images, online sexual harassment, technology-facilitated sexual assault and coercion, sexual exploitation, broadcasting sexual assaults online etc.

Non-consensual sharing of intimate images has damaging consequences that go beyond its potential impact on reputations and career prospects. Research has found that technology-facilitated abuse, including the non-consensual sharing of intimate images, or the threat of sharing such images, can traumatise and isolate victims and constitutes a major barrier to the full enjoyment of social life and autonomy.⁴ Online interactions now constitute a major dimension of social life for many people, and the unauthorised sharing of intimate images can traumatise and isolate victims, which is often the intention of those who share the images. Furthermore, the non-consensual sharing of intimate images, or the threat to share such images, is increasingly used as a tactic of control in abusive relationships and in the perpetration of sexual assault. More generally it also manifests and reaffirms the means of maintaining male privilege and power.

¹ See <http://www.smartsafe.org.au/disturbing-new-trend-domestic-violence-offenders-use-car-tracking>

² Anastasia Powell & Nicola Henry (2016): Policing technology-facilitated sexual violence against adult victims: police and service sector perspectives, *Policing and Society*, DOI:10.1080/10439463.2016.1154964

³ Henry, N., Powell A. (2015) Beyond the ‘sext’: Technology facilitated sexual violence and harassment against adult women. *Australian & New Zealand Journal of Criminology*. Vol. 48(1) 104–118

⁴ See: Anastasia Powell & Nicola Henry (2016): Policing technology-facilitated sexual violence against adult victims: police and service sector perspectives, *Policing and Society*, DOI:10.1080/10439463.2016.1154964; Henry, N., Powell A. (2015) Beyond the ‘sext’: Technology facilitated sexual violence and harassment against adult women. *Australian & New Zealand Journal of Criminology*. Vol. 48(1) 104–118; Henry N., Powell A. (2016) Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law *Social & Legal Studies*, Vol. 25(4) 397–418; Henry N., Powell A. (2015) Embodied Harms: Gender, Shame, and Technology-Facilitated Sexual Violence. *Violence Against Women*, Vol. 21(6) 758–779; McGlynn, C., Rackley, E. (2017) Image-Based Sexual Abuse. *Oxford Journal of Legal Studies*, Vol. 37, No. 3, pp. 534–561; Henry, N., Powell A., Flynn A. (2017) Not Just ‘Revenge Pornography’: Australians’ Experiences of Image-Based Abuse. A SUMMARY REPORT. RMIT University. Available at <https://www.rmit.edu.au/news/all-news/2017/may/not-just-revenge-porn-image-based-abuse-hits-1-in-5-australian>.

At services responding to sexual violence, young women are increasingly accessing services due to the impacts of trauma where sexual violence and technology-facilitated violence are among the dynamics present. While the role of technology in domestic and family violence is becoming more widely understood, the kinds of cases to which these services respond are not included in domestic violence statistics, since the relationships involved are often not formal or legitimised, unlike 'domestic' relationships.

While both men and women may become victims of technology-facilitated abuse, it is important to recognise the gendered nature of the technology-facilitated abuse. Firstly, as research has shown the majority of victims are women and the majority of perpetrators are men.⁵ Secondly, the impact of this behaviour is gendered as it is rooted in outdated stereotypes about gender roles, sexuality and sexual norms for women. And lastly, the underlining cause of violence inflicted through technology lies in the "social and structural context of gender hierarchization"⁶, in other words, power relations between men and women, the dominant position of men over women, and the desire for control and coercion. The normalisation of male violence and restrictive expectations about women and girls are some of the key drivers of violence and bullying generally.

We are also seeing an increased number of social media pages and groups promoting violence against women, sexism, and harmful gender stereotypes. Typically, these are created in traditionally masculine institutions such as the military or sporting clubs. It takes a lot of community pressure to remove these pages.⁷

Scale and prevalence of technology-facilitated abuse against different groups

Comprehensive research on the prevalence of all forms of technology-facilitated abuse is absent in Australia. Most commonly, technology-facilitated abuse is viewed as a type of violence against women. The most recent research focusing on the scale of image-based abuse (as one form of technology facilitated abuse) only has been done by researchers from RMIT and La Trobe University. This research found that one in five people in Australia has experienced image-based abuse.⁸ While both women and men are equally affected, men are more likely to be a perpetrator and known to the victim. The study has also found that 56 per cent of people with a disability and 50 per cent of Indigenous Australians had been victims of image-based abuse. People who identified as LGBTIQ were more likely to be victims (36 per cent) than heterosexual people (21 per cent).

In 2017 the Australian Human Rights Commission produced a report on sexual assault and sexual harassment at universities in Australia. It has found that "more than 1 in 5 students experienced technology-based sexual harassment in 2016". More detailed findings highlighted that:

⁵ Henry N., Powell A. (2016) Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law Social & Legal Studies, Vol. 25(4) 397–418

⁶ Ibid.

⁷ For recent examples see: http://www.huffingtonpost.com/2017/10/23/facebook-shuts-down-vile-rape-and-violence-group-linked-to-adf-troops_a_23253443/; <http://www.sbs.com.au/news/article/2017/10/24/facebook-closes-rape-meme-page-adf-troops-link> In a recent development, Facebook and the Australian Office of the eSafety Commissioner have announced an initiative to use Facebook's image recognition tool to let users report non-consensual intimate images, have the image removed and then ensure it is not uploaded again or shared from other sources. See <http://www.afr.com/technology/facebook-and-esafety-commissioner-join-forces-to-stop-revenge-porn-in-australia-20171031-gzcc0y>

⁸ Henry, N., Powell A., Flynn A. (2017) Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse. A SUMMARY REPORT. RMIT University. Available at <https://www.rmit.edu.au/news/all-news/2017/may/not-just-revenge-porn-image-based-abuse-hits-1-in-5-australian>.

- 22% of students had experienced technology-based sexual harassment on at least one occasion in 2016;
- 5% of students experienced technology-based sexual harassment in 2016 in a university setting;
- Women (3.2%) were more than twice as likely as men (1.4%) to have been sexually harassed in a university setting in the form of repeated or inappropriate advances on email, social networking websites or internet chat rooms; and
- Trans and gender diverse students were more likely than cis people to report sexual harassment at university in 2016.⁹

In the area of domestic and family violence, technology-facilitated abuse is widespread. The national survey of technology-facilitated abuse drawing on the experience of family violence practitioners across Australia¹⁰ stated that almost all survey respondents (98 per cent) indicated that they had clients who had experienced technology-facilitated stalking and abuse. Another survey of survivors who had received unwanted contact from a partner or ex-partner via the phone or internet found that 80 per cent had been abused via text messages, while Facebook was the next most commonly used technology.¹¹

Emerging areas of concern

Technology-facilitated abuse of women in the sex industry

We draw your attention to an emerging issue of the technology-facilitated abuse of women in the sex industry that has been raised by our member organisation Project Respect.¹² Project Respect states that women are reporting instances of clients filming them without permission. Women who have been trafficked also experience technology-facilitated abuse at the hands of traffickers who are using their recordings in a threatening manner, “with the aim of building control over the woman as part of their enslavement”.¹³

Project Respect states that technology-facilitated sexual violence against women in sex industry has been increasingly impacting women on different levels: in the context of family violence, with clients in the sex industry, and in the context of women trafficked for sexual exploitation.

We refer you to the full text of the submission prepared by Project Respect in response to the Senate inquiry on ‘revenge porn’ that outlines more issues of concern in relation of technology-facilitated abuse of women in the sex industry. The submission can be accessed via [this link](#).

⁹ Australian Human Rights Commission (2017) Change the Course. National Report on Sexual Assault and Sexual Harassment at Australian Universities. Available at https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf (p.68-69).

¹⁰ 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.

¹¹ Woodlock, Delanie (2013) Technology-facilitated Stalking: Findings and Recommendations from the SmartSafe Project, Domestic Violence Resource Centre Victoria, Collingwood <http://www.smartsafe.org.au/sites/default/files/SmartSafe-Findings-Booklet.pdf>

¹² Project Respect is a support and referral service for women trafficked for sexual exploitation and women in the sex industry. Project Respect is a member of AWAVA. For more information, see <http://www.projectrespect.org.au/>

¹³ Project Respect submission to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ‘Phenomenon colloquially referred to as ‘revenge porn’ https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1453939756/Revenge_Porn_Submission.pdf?1453939756

Technology-facilitated abuse of women human rights defenders

In general, human rights defenders often face violence directed at them because of the work they do. Amnesty International states in their report, that “the abuses they experience are multi-faceted and they are subject to multiple and intersecting forms of discrimination”.¹⁴ Women human rights defenders are often targeted not only for their activism but “also because of their gender and their activities are repeatedly delegitimized and denigrated”.¹⁵

Women working on the issues of sexual and reproductive rights, gender equality, family and domestic violence are more vulnerable to threats including technology-facilitated abuse. For women in regional and rural areas, threats are increasing due to the fact that they are normally known to both victim/survivors and perpetrators. Women also become targets of trolling and cyberbullying online for their posts and/or promoting of gender equality and rights of women and girls.

Cyberbullying and diverse populations

Reports over the last 10 years indicate that from 60 to 80 per cent of people who identify as LGBTIQ have experienced homophobic abuse including cyberbullying.¹⁶ Transgender women and men experience significantly higher rates of non-physical and physical abuse compared with women and men who identify as homosexual.¹⁷ The National LGBTI Health Alliance states that LGBTI young people aged 16 to 27 are five times more likely to attempt suicide.¹⁸ When experienced bullying and harassment, the risk is higher.

Chatrooms have been identified as the place where young LGBTI people are most likely to feel threatened.¹⁹ The incidence of cyberbullying has increased greatly in recent years with the proliferation of online social networking tools.²⁰ There have been high profile cases of LGBTI young people being bullied and harassed online that have resulted in self harm and suicide.²¹

As noted above, researchers Henry and Powell also found that people with disabilities and Aboriginal and Torres Strait Islander people are among populations vulnerable to the increased rates of technology-facilitated abuse. The suicide rate amongst Aboriginal and Torres Strait Islander peoples is more than double the national rate.²²

Thus, we believe that jurisdictions need to consider how criminal penalties can work together with antidiscrimination laws to treat cyberbullying on the grounds of sexuality, culture, race, gender, disability and religion as particularly serious offences. Penalties should reflect that.

¹⁴ Amnesty International (2017) Human rights defenders under threat – a shrinking space for civil society.

¹⁵ Ibid.

¹⁶ Australian Research Centre in Sex, Health and Society, La Trobe University, [Writing Themselves in 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people](#)(2010); ACON, Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the impact of violence on young Australians (2009), p.4; Also see Tomsen & Mason 2001; Australian Human Rights Commission Violence, Harassment and Bullying and the LGBTI Communities https://bullying.humanrights.gov.au/sites/default/files/content/pdf/bullying/VHB_LGBTI.pdf

¹⁷ Australian Research Centre in Sex, Health and Society, La Trobe University, [Writing Themselves in 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people](#)(2010);

¹⁸ See National LGBTI Health Alliance http://lgbtihealth.org.au/statistics/#_ftn1

¹⁹ Hillier, Horsely and Kurdas, “It made me feel braver, I was no longer alone’: The Internet and same sex attracted young people, published in J. Nieto. Sexuality in the Pacific, Spanish Association of studies in the Pacific, 2004, p15.

²⁰ Shaheen Shariff (2008) Cyber-bullying: Issues and Solutions for the School, the Classroom and the Home

²¹ See for example, J Schwartz., ‘Bullying, Suicide, Punishment’, New York Times, 2 October, 2010. At www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?_r=1&ref=tyler_clementi

²² See <https://www.lifeline.org.au/about-lifeline/lifeline-information/statistics-on-suicide-in-australia>

Best practice in responding to and educating about technology-facilitated abuse

The Safety Net Project

The Safety Net Project is one of the signature projects of WESNET²³ which looks at the intersection of technology and violence against women. Since 2011, Safety Net Australia has been training front-line agencies on the intersection of technology and violence against women issues; these trainings range from how abusive individuals misuse technology to how survivors can use their technology safely and privately. WESNET worked closely with the eSafety Commission (the Commission) in providing expert content for the two-hour “Empowering women to take control online,” training, which is delivered to front-line agencies in partnership with the Commission. WESNET also provides technical expertise to practitioners, policy makers, and technologists on technology-facilitated abuse issues that impact women, including the misuse of images and video to harass, abuse, and harm.

More information about the Safety Net Project can be found at <https://wesnet.org.au/safetynet/>.

Recharge: Women’s Technology Safety

Recharge is a collaborative project between Domestic Violence Resource Centre Victoria (DVRCV), Women’s Legal Service NSW and WESNET. As part of this project, DVRCV conducted a national survey of technology-facilitated abuse drawing on the experience of family violence practitioners across Australia.²⁴ For more information visit <http://www.wlsnsw.org.au/recharge/>

SmartSafe

In 2015 the Recharge project was expanded Australia-wide through a national survey²⁵, the creation of legal guides²⁶ and referral information²⁷ for all states and territories, and development of online training programs.²⁸ More information about SmartSafe can be found at <http://www.smartsafe.org.au>

Recommendations for reform

1. Broadening the definition of violence against women to include technology-facilitated abuse

In line with the CEDAW General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19, in particular paragraph 20, we are calling for a broadening of the definition of violence against women to capture technology-facilitated abuse as one of the manifestations of gender-based violence.

²³ The Women’s Services Network (WESNET) is the national peak organisation for domestic and family violence services in Australia. WESNET works to promote the prevention or control of human behaviour that is harmful or abusive to human beings, specifically the reduction of domestic and family violence against women and their children. For more information visit <https://wesnet.org.au/>

²⁴ See <http://www.smartsafe.org.au/tech-safety-hub/resources/research>

²⁵ See <http://www.smartsafe.org.au/tech-safety-hub/resources/research>

²⁶ See <http://www.smartsafe.org.au/legal-guides>

²⁷ See <http://www.smartsafe.org.au/support-overview>

²⁸ See <https://wesnet.org.au/safetynet/training/>

2. Increased focus on primary prevention programs

There is a need to increase the focus on primary prevention programs consisting of (but not limited to) educational programs about dominant constructions of gender, masculinity and violence against women, as well as promoting and mainstreaming gender equality on multiple levels including through policy.

3. Reform to criminal and civil laws

There is a need for a consistent and uniform legislation adequately responding to the nature of crime and impact it has, especially in aggravated cases.

4. Adequate consultation process regarding legislation changes

It is important to ensure that a wide range of stakeholders working in the areas of violence against women, technology-facilitated abuse, children and technological safety, lawyers, police, magistrates and other relevant bodies are consulted on the changes and implementation of the legislation. It is also important to include victims/survivors in the consultation process to ensure that their experiences are heard and anticipated legislative changes meet their needs in accessing justice.

5. Training for magistrates, lawyers and police on violence against women and technology

Police training is important in ensuring their ability to investigate and prosecute perpetrators, as well as increasing public trust in obtaining justice in the instances of technology-facilitated abuse. There is also a need to review and improve existing investigation techniques and models. Powell and Henry argue that police lack sufficient training to cope with the increased rates of crimes committed in the online realm.²⁹

It is equally important to train lawyers and appropriate magistrates on violence against women and technology-facilitated abuse. We refer you to the Safety Net Australia, a project run by WESNET for training available³⁰ as a best practice in the area.

6. Training and resources for frontline workers and service providers

As Liz Snell has noted, “Resources are also required for police and frontline worker training and for a place where victims/survivors can go to get technical support as well as access to practical and legal support.”³¹

7. Adequate and sustainable funding to service providers

It is imperative to ensure adequate and sustainable funding to organisations working in the women’s service sector for continuing service provision, training and resource development for responses to technology-facilitated violence against women.

8. Support and information for the diversity of victims/survivors

It is important to recognise the diversity of needs for victims/survivors. For example, the needs of women who are experiencing technology-facilitated abuse in the context of domestic violence may

²⁹ Anastasia Powell & Nicola Henry (2016): Policing technology-facilitated sexual violence against adult victims: police and service sector perspectives, Policing and Society.

³⁰ See <https://wesnet.org.au/safetynet/>

³¹ Snell, L. (2017) Recording and sharing intimate images without consent. Law Society Journal 36. Available at <http://www.wlsnsw.org.au/wp-content/uploads/Image-based-abuse-LSJ-Aug-17.pdf>

differ from those of young people experiencing technology-facilitated abuse in the context of their university studies.

It is vital that specialist women's services are sufficiently funded to provide necessary support. Victims of technology-facilitated abuse need to have access to online, telephone and in-person counselling and advice services.

9. Community awareness and attitude change

Despite the high prevalence of technology-facilitated abuse and broad agreement about the need to criminalise these types of behaviours, Henry and Powell argue that the Australian public still holds attitudes that amount to victim-blaming. Their survey has pointed to a serious need for an awareness raising campaign aimed at producing relevant information for victims, encouraging 'bystander' and 'witness' actions and challenging the culture of victim-blaming.³²

Responses to the consultation questions

In response to the consultation questions, we provide the following comments (we do not comment in detail on every question):

- 1. Which human rights are affected by new technologies?**
- 2. Noting that particular groups within the Australian community can experience new technology differently, what are the key issues regarding new technologies for these groups of people (such as children and young people; older people; women and girls; LGBTI people; people of culturally and linguistically diverse backgrounds; Aboriginal and Torres Strait Islander peoples)?**

We agree that the right to privacy, security, safety and the right to life, the right to non-discrimination and equal treatment, and the right to participate in public affairs (as well as other human rights) are all affected by new technologies. We make the further point that the ability to access, enjoy and achieve enforcement of these rights in the context of new technologies is profoundly structured by gender and other interacting factors including cultural and linguistic background, dis/ability, and sexuality. For example, girls and women are discouraged from participating in politics by the extreme forms of online abuse inflicted upon high-profile women. As per our opening comments, this abuse is not created by the technology; rather the technology is a new channel for the same kinds of slurs, stereotypes and negative scrutiny to which women have always been subjected.

In addition, being subjected to sexual and gender-based violence strongly impinges on people's ability to substantively realise their rights in online spaces and through other technology. This occurs both through direct effects (e.g. a domestic violence perpetrator destroying a victim/survivor's smartphone) and indirect effects including the impacts of domestic violence and sexual assault on financial wellbeing, confidence and social networks – all factors that would otherwise support positive engagement with technology. Again, the way in which these effects will play out in any given situation depends on other factors including sexuality, dis/ability and cultural and linguistic background.

³² Henry, N., Powell A., Flynn A. (2017) Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse. A SUMMARY REPORT. RMIT University. Available at <https://www.rmit.edu.au/news/all-news/2017/may/not-just-revenge-porn-image-based-abuse-hits-1-in-5-australian>

3. How should Australian law protect human rights in the development, use and application of new technologies? In particular:

- (a) What gaps, if any, are there in this area of Australian law?**
- (b) What can we learn about the need for regulating new technologies, and the options for doing so, from international human rights law and the experiences of other countries?**
- (c) What principles should guide regulation in this area?**

Please refer to the table produced by AWAVA which outlines legislation applicable to technology-facilitated abuse for each Australian jurisdiction as at November 2017.³³ Note that in addition Commonwealth legislation on image-based abuse recently passed the Australian Parliament, creating new civil and criminal penalties. AWAVA welcomes these new laws.

In general we note that while there are a range of legal avenues available, the major difficulties lie in the application of existing law. As noted above, training and resourcing of policy, lawyers, magistrates, and specialist women's services is necessary to improve access to justice.

We recommend that organisations designing technology (whether it has the specific purpose of supporting people experiencing violence or for any other purpose) to consider the possible risks the technology could create and to consult and/or partner with community organisations to mitigate those risks as much as possible.

5. How well are human rights protected and promoted in AI-informed decision making? In particular, what are some practical examples of how AI-informed decision making can protect or threaten human rights?

6. How should Australian law protect human rights in respect of AI-informed decision making? In particular:

- (a) What should be the overarching objectives of regulation in this area?**
- (b) What principles should be applied to achieve these objectives?**
- (c) Are there any gaps in how Australian law deals with this area? If so, what are they?**
- (d) What can we learn from how other countries are seeking to protect human rights in this area?**

7. In addition to legislation, how should Australia protect human rights in AI-informed decision making? What role, if any, is there for:

- (a) An organisation that takes a central role in promoting responsible innovation in AI-informed decision making?**
- (b) Self-regulatory or co-regulatory approaches?**
- (c) A 'regulation by design' approach?**

We share the authors' concerns about AI reinforcing gender and other forms of bias against marginalised groups. As Bettina Büchel's research (among others) shows, this is already occurring.³⁴ This is a concern both because of the direct harms that result (e.g. hiring decisions, profiling in criminal cases) and also because the biased results of machine-learning reinforce gender and other dynamics that act as drivers of violence against women. Australia is leading the world in having developed a

³³<https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2018/02/06100905/Attachment-Technology-facilitated-abuse-Australian-legislation.xlsx>

³⁴ <https://theconversation.com/artificial-intelligence-could-reinforce-societys-gender-equality-problems-92631>

shared framework for the primary prevention of violence against women (Change the Story), and implementation of this framework requires the progressive dismantling of gendered power dynamics.

For these reasons, we recommend investing in measures to test and modify AI with a view to removing bias, as well as training developers to build better systems to begin with. The costs of these programs should be factored into development budgets. Further, marginalised groups should be respectfully and ethically consulted about AI development and their involvement fully resourced by governments and/or corporations.

8. What opportunities and challenges currently exist for people with disability accessing technology?

9. What should be the Australian Government's strategy in promoting accessible and innovative technology for people with disability? In particular:

(a) What, if any, changes to Australian law are needed to ensure new technology is accessible?

(b) What, if any, policy and other changes are needed in Australia to promote accessibility for new technology?

10. How can the private sector be encouraged or incentivised to develop and use accessible and inclusive technology, for example, through the use of universal design?

We encourage the Commission to consult directly with Disabled People's Organisations Australia.

We thank you for the opportunity to participate in the consultation on technology and human rights. If you would like to discuss the contents of the AWAVA submission further, please contact Merrindahl Andrew, AWAVA Program Manager, using the details below.

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