Sexting and Young People

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Acknowledgements

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Executive Summary

Aim

This project aimed to investigate the phenomenon of sexting by young people. This under-researched but emergent contemporary legal and social issue was examined through an inter-disciplinary and multi-method framework by asking the question: are the current legal and policy responses to sexting reflective of young peoples' perceptions and practices of sexting? As such, the research had three specific aims: 1. to document young people's perceptions and practices of sexting; 2. to analyse public and media discourse around sexting, and; 3. to examine existing legal frameworks and sanctions around sexting and develop recommendations for an appropriate and effective legislative policy response to the practice by young people.

Method

The project consisted of a three-stage research plan: 1. quantitative surveys and focus groups with young people regarding their views and experiences of sexting; 2. a media discourse analysis to capture the tenure of public discussion around sexting in Australia, and; 3. an analysis of existing laws and sanctions that apply to sexting in all states and territories in Australia.

Results

Our results indicate that a significant number of young people have engaged in the sending and receiving of sexually suggestive pictures (sexting). Indeed, 47% of young people surveyed reported engaging in such behaviour. However, both the types of activity and the frequency of the engagement varied dramatically amongst respondents. Furthermore, the vast majority of those who reported sending or receiving sexually suggestive images did so with only a small number of people and most commonly only with those they already had a romantic attachment.

Focus group respondents indicated that they did not use the term sexting and saw it as an adult or media construct. Their knowledge about sexting relied heavily on media reports and high school curriculum. A range of motivations for sexting practices (both their own and their peers) were also identified, ranging from experimentation to peer pressure. Respondents tended to perceive that young people – particularly young women – feel pressure to exchange sexual images. On the other hand participants in sexting exchanges were much more likely to judge their behaviour positively, stressing the fun and flirtatious nature of sexting. Focus groups participants' also suggested the importance of an intersectional analysis (age, class and

gender) in understanding and engaging with sexting practices, as well as the need to rethink criminal justice responses to sexting.

The discourses that young people reported around sexting mirrored the findings of the media analysis, which showed that young peoples' sexting behaviours were an issue of growing concern in the Australian media. Sexting was framed in the media as a risky activity, with potentially far-reaching consequences for young people and their romantic and career prospects, not to mention the potential legal ramifications. Such media reporting has thus promoted a particular image of sexting as an activity that should be avoided by young people, and dealt with seriously by parents, educators, governments and the law.

An analysis of the legal framework around sexting suggests that sexting has generally been framed as child pornography and that such offences significantly outweigh young people's perceptions of the seriousness of most behaviours that might be defined as sexting. In Australian jurisdictions child pornography has a relatively broad definition, extended in recent decades in response to concerns that new technologies are fuelling child pornography. In most jurisdictions there is little to legally hinder prosecution (aside from the general requirement of establishing sufficient understanding of wrongfulness on the part of 10 to 14 year olds (presumption of doli incapax), defences to child pornography offences for minors in certain situations in Tasmania and Victoria and the Attorney-General's permission being needed before prosecution of an under 18 year old can be commenced under the Commonwealth Criminal Code). It is therefore legally possible for young people to be prosecuted for child pornography offences. Despite this it seems that prosecutions for child pornography offences for sexting are rare in Australia and that discretion is widely used to divert young people from formal proceedings unless there are aggravating factors.

Conclusion

This project has found that the sending and receiving of sexually suggestive pictures by young people can have serious consequences. As well as the potential legal consequences for young people who take and/or circulate such images, there are a number of personal costs that young people engaging in this behaviour may face. These include the embarrassment or humiliation resulting from the dissemination of images, coercion through the threat of making an image public, the continuation of physical or psychologically abusive behaviours into the digital realm (cyberbullying), and the potential for such images to fall into the hands of paedophiles. More generally sexting can contribute to the reproduction of gendered power relations and double standards. Such negative consequences are reinforced by much of the media discourse on sexting.

Nevertheless, the findings from this project suggest that such outcomes, as reported by young people themselves, are relatively rare. Indeed, the majority of young people, although certainly not all, who engage in sexting do so with a

romantic partner in a climate of perceived mutual trust. Even though this trust might be thought of as fragile, the research shows it is not regularly broken. It should be noted that when such trust is broken and a third party is shown the image, it is more likely to occur in-person rather than through digital on-sending – although of course this also happens.

Introduction

Young people have integrated online and digital technology into their everyday lives in increasingly complex ways. New technologies and media inform education, connect friends and peer groups, provide instantaneous communications between users across physical space, and literally provide the maps by which a generation of young people live their lives. Yet the ways in which technology is incorporated into young people's romantic and sexual relationships and practices has been poorly understood by researchers and policy makers and perhaps misinterpreted by media and social commentators. At the core of contemporary debates around young people's online sexual practices, new technologies, social media, and childhood sexuality has been the phenomenon of sexting.

Sexting is a term that originated in the media, a neologism created by collapsing the terms sex and texting. Sexting, as Ostrager (2010: 713) notes, can be described as a 'more technological approach to sending a flirtatious note' (see also Lenhart 2009). Generation Y is 'built on now. … The same thing happens when you want to be sexual with someone. … It is instant sexual gratification' (Richards & Calvert 2009: 16; see also Day 2010). Sexting is generally defined as the digital recording of sexually suggestive or explicit images and distribution by mobile phone messaging or through the Internet on social networking sites, such as Facebook, Instagram and YouTube. However, commentary often extends the definition to the sending of sexually suggestive texts. As the Law Reform Committee of Victoria noted, the term 'sexting' is evolving and 'encompasses a wide range of practices, motivations and behaviours' (2013: 15). These range from a person sharing a picture with a boyfriend or girlfriend, the boyfriend or girlfriend showing the picture to someone else, to the recording of a sexual assault, or even to an adult sending an explicit text to 'groom' a child (Law Reform Committee of Victoria 2013: 19).

Indeed, sexting amongst young people has become a significant cultural phenomenon, a topic of major media discussion and the target of concern by law and policy makers. Over the past few years, news media in Australia, North America and other Western countries have reported with concern on cases of sexting where minors have used digital cameras to manufacture and distribute sexual images of themselves and/or other minors, in some cases falling foul to child pornography laws. Populist responses to this behaviour have ranged from liberal commentators, who have called for the decriminalisation of sexting, to others who perhaps more conservatively have insisted that sexting should be considered a form of child pornography (Weins and Hiestand 2009-2010).

This report constitutes an investigation of the phenomenon of 'sexting' by young people. This under-researched but emergent contemporary socio-legal issue is examined through an inter-disciplinary and multi-methods framework. The research discussed in this report was informed by the question: are the

current legal and policy responses to sexting reflective of young peoples' perceptions and practices of sexting? More importantly, this research sought to 'give voice' to young people on this topic - a voice that has long been absent from such discussion (Karaian 2012).

The research had three specific aims: 1. to document young people's perceptions and practices of sexting; 2. to analyse public and media discourse around sexting, and; 3. to examine existing legal frameworks and sanctions around sexting and develop recommendations for an appropriate and effective legislative policy response to the practice by young people.

The report first discusses the existing literature and research in regard to young people and sexting. It then sets out the methods that were undertaken before moving to a discussion of the key findings of the research project. Finally, it provides conclusions and avenues for further policy and legal reform, and indeed for future research.

Review of Past Research and Literature

In Australia, there has been little investigation of the laws that relate to sexting. Historically, laws in this area have been designed to protect the young from exploitation as the subjects of such material and to protect them from the harms associated with viewing sexually explicit material. Originally enacted to protect children from exploitation by adults, the potential now exists for these laws to be applied to the phenomenon of sexting between young participants; that is, laws initially created to protect young people can now be used to criminalise them. Reports from the US, for example, are evidence of the fact that young people can and are being prosecuted for sexting (see for example Crofts and Lee 2013; Arcabascio 2010; Karaian 2012).

While existing Australian research has explored the implications of new and digital technologies on young people, there has been limited research into sexting (cf. Albury et al 2010; 2013). For example, Powell (2010) has examined the Australian legal response to the distribution of digital images and videos of sexual assault through online or telephone technologies but this relates to unauthorised recordings and non-consensual and illegal sexual activity. As this report indicates, most sexing between young people is, but for the legal implications, consensual.

Over the last decade, sexting has gained increasing amounts of media attention (Lee et al. 2013). As Vanderbosch et al (2013: 99) have argued, 'the news media pay considerable attention to stories on internet-related risks and children, especially those involving sex and aggression'. This has led some researchers to suggest that when it comes to internet related risks generally, and sexting practices specifically, that the media has induced moral panics, reminiscent of other youth related moral panics of the mid and late 1990s (Potter and Potter 2001: 31). Others, however, have argued that rather than a

moral panic, what we are witnessing is a media panic, whereby '… the mass media are both the source and the medium of public reaction' (Drotner 1992: 44). As Mascheroni et al. (2010) contend, the evolution of media discourses on sexting demonstrates the media's tendency to frame issues negatively when it comes to young people and the Internet.

Existing studies on the media reporting of sexting have shown some relatively consistent patterns when it comes to the representation and framing of sexting as an issue of concern, particularly when it comes to young peoples' participation in it. Draper's (2011: 225) study on television news coverage of sexting in the US, for example, found that news coverage promoted the 'notion that "good kids" are seduced by the accessibility of digital technologies into deviant activities'. Further, he found that these reports depicted girls as the producers and distributors of this material. In contrast to what we know about sexting practices, these media reports fostered the impression that girls engage in sexting in an effort to attract male attention (Draper 2011: 226). He concluded that there was a noticeable trend within the media to 'conflate concerns regarding a perceived increase in teen sexuality brought on by the seductive powers of digital media with a yearning for an idealized past' (Draper 2011: 226).

Similarly, in his study on the reporting of sexting in major US newspapers between November 2008 and April 2009, Lynn (2010: 9) found that an overreliance on a single online survey on sexting, with an unrepresentative participant base, was used by the media, to 'make the case that sexting among teens is widespread', contributing to the media trope of a sexting 'epidemic'.

Despite much of the media and public discussion around young peoples' sexting, our knowledge of the practices and perspectives of young people themselves, however, is still relatively limited. Thus far only a small number of surveys have attempted to understand the practice of sexting amongst young people, and questions about the definition of sexting and the type of methodology employed to understand its prevalence ensure that these surveys vary significantly.

For example, a survey for Pew Internet (Lenhart 2009) found relatively low levels of sexting amongst young people in the US. The survey established that 4% of 'cell-owning' young people (12-17 years) reported 'sending a sexually suggestive nude or nearly-nude photo or video of themselves to someone else' (Lenhart 2009: 4). When it came to receiving 'sexts' the survey found that 15% of those aged 12-17 had received a sexually suggestive nude or nearly nude photo or video of someone they knew on their cell phone.

On the other hand, a study by Cox Communications (2009) of 655 teenagers aged between 13 and 18 in the US discovered a relatively high prevalence of sexting behaviour. They reported that around 20% of respondents had engaged in the sending, receiving and/or forwarding of sexually suggestive nude or nearly nude photos via phone or computer, and that over 33% knew of a friend who had done so. Only 9% of students, however, actually reported

producing or sending images themselves, with 3% reporting that they had passed images of others on.

In another study by Strassberg (2013), which sampled 606 students from a single high school in the US's south-west (98% of the total student population), it was determined that almost 20% of participants had sent a sexually explicit image of themselves via mobile phone. Moreover, almost 40% reported that they had received a sexually explicit picture. Of those, over 25% indicated that they had forwarded a picture to others. In line with other studies, the prevalence of sexting was higher among senior students than junior students and while not generalisable, Strassberg's study provides an almost complete snapshot of some variables in a single school.

In the Australian context the best evidence we have of the prevalence of sexting comes from The House of Representatives Joint Select Committee on Cyber-Safety's survey, which informed the *High-Wire Act: Cyber Safety and the Young* (2011) report. The Committee conducted two online surveys of young people in relation to cyber-safety issues as part of their enquiry. A total of 33,751 young people completed the surveys: '18,159 for those less than 12 years old and 15,592 for 13 to 18 year olds' (Joint Select Committee on Cyber-Safety 2011: 21). Furthermore, of the total respondents that identified their gender, 53.2% were female and 46.8% were male' (Joint Committee on Cyber-Safety 2011: 540). The prevalence of sexting overall was reportedly low, with 91.2% of respondents saying 'they would not or have not sent nude or semi-nude pictures via new technologies' (Joint Committee on Cyber-Safety 2011: 138).

Recently, Mitchell et al. (2014) found that more than half of the 16-18 year old students they surveyed had received a sexually explicit text message and 26% reported sending a sexually explicit photo of themselves. Moreover, this US-based study found that such behaviours were incorporated into broader sexual and romantic relationships.

When it comes to motivations for sexting, the US based Sex and Tech Internet Survey (National Campaign to Prevent Unplanned Teen and Unplanned Pregnancy 2010: 9) suggested that the most common reason for sending sexy content was to be 'fun or flirtatious', with 66% of girls and 60% of teen boys responding thus. Of the teen girls, 52% said the sext was a 'sexy present' for their boyfriend; 44% of both teen girls and teen boys said they sent sexually suggestive messages or images in response to such content they received; 40% of teen girls said they sent sexually suggestive messages or images as 'a joke'; 34% of teen girls say they sent/posted sexually suggestive content to 'feel sexy'; and only 12% of teen girls said they felt 'pressured' to send sexually suggestive messages or images (National Campaign to Prevent Unplanned Teen and Unplanned Pregnancy 2010: 4). Importantly, respondents could choose all the responses that applied, so the fact that 'pressure' had such a low response rate was very significant.

Mitchell et al. (2012) have also surveyed motivations for sexting. Respondents

were asked why they thought the sexting incident(s) they were involved with had occurred. The majority of those producing and sending (51%) and receiving (54%) sexts said it was part of a romance or existing relationship. Another 23% (sending and producing) and 11% (receiving) suggested it was a joke or prank; trying to start a relationship (5% and 11% respectively), or getting someone's notice (3% and 7%) were also contributing factors. Only 3% and 2% respectively reported being blackmailed, coerced or threatened into the activity, and 0% and 1% respectively reported it to be related to conflict or revenge. Similarly, 0% and 1% respectively reported it was the result of bullying or harassment.

While there has been much said in the media about the dangers of young people and sexting, Phippen (2009) noted that those personally impacted by sexts were very much in the minority. However, he highlighted that a larger number of his respondents were aware of friends who had been 'affected', with 30% of respondents reporting that they knew a friend affected by the problems initiated by sexting.

The qualitative research on sexting adds some nuance to these survey results. Both Ringrose et al. (2012, 2013) and Albury et al. (2013) have highlighted the gendered dynamic of sexting and how it occurs in the context of a 'gendered double standard'. They note that young women and girls generally have more to lose when consensual sexting goes wrong, or when they feel pressured into sending an image. Ringrose et al. (2010; 2013) revealed the coercive nature of gendered relationships in two disadvantaged schools that extended from the school ground into the digital realm. Their 2012 research identified a troubling range of gendered practices among the cohort of 35 Year 8 and Year 10 students interviewed across two inner-city schools in London. Such practices included:

- girls regularly receiving unsolicited explicit photos — often of other girls performing sex acts;
- requests for photos or even sex via messaging — often with the threat of being 'exposed' should they decline, with exposure entailing either having an embarrassing story or embarrassing image circulated;
- boys asking for, and often receiving, semi-nude photos of their girlfriends for their default messaging profile image. Sometimes this would include a cleavage shot with text written across the breasts noting that this body 'belonged' to the boy in question — as Ringrose et al. (2012) put it, the girls' bodies were the 'property' of the boys.

Such behaviours were largely considered to represent an extension of the kinds of gendered relations already playing out in the school grounds. These gendered power relations manifested through sexualised activities in the school grounds, including:

- verbal harassment — girls continually being asked to perform sex acts on boys, and repeated comments about girls' bodies;
- being touched up — many girls had to wear shorts under their skirts for

fear of being inappropriately touched by boys;

- being rushed, pushed down, and 'daggering' — this range of harassments essentially constitutes forms of assault and often involved groups of boys holding down a girl while a boy 'daggered' — thrusting his penis against a girl from behind or masturbating against a girl from behind (Ringrose et al. 2012).

Albury et al.'s (2013) Australian based study is more circumspect, highlighting the mutual excitement of consensual sexting. Participants in their study noted the different gendered interpretations of sexting practice and the likelihood of girls who sext being judged differently to boys who do so. However, girls in the focus groups did distinguish between boys who asked for photos — who they deemed more likely to share them without consent — and those who were sent photos as part of a relationship.

When taken in its entirety, existing research on the phenomenon of sexting and young people seems to suggest that there remains a disconnect between practices and perceptions of sexting. That is, while there is a growing concern in the media and the general public over young peoples' engagement in sexting behaviours, research into young peoples' practices remains equivocal. This project sought to fill this gap in knowledge.

The Current Study

It is thus timely and important that the phenomenon of sexting is examined not only from the perspective of young people, but through the discourses produced in the media as well. Further, legislative and policy responses – often, indirectly, the outcome of public and media discourse – are also to be reconsidered accordingly. This project brings together these three components – the media, young people and the law – in order to examine the composite picture of sexting in Australia, and the implications this has on policy. This under-researched but emergent contemporary legal and social issue was examined through an inter-disciplinary and multi-method framework by asking the question: are the current legal and policy responses to sexting reflective of young peoples' perceptions and practices of sexting?

The research, thus, had three specific aims:

1. To document young people's perceptions and practices of sexting;
2. To analyse public and media discourse around sexting, and;
3. To examine existing legal frameworks and sanctions around sexting and develop recommendations for an appropriate and effective legislative policy response to the practice by young people.

The challenge facing government authorities, schools and parents is to develop an evidence-based and proportionate response to sexting that encourages a responsible rapprochement between new technology and young people's sexualities. This research project attempted to merge the three components to develop a model for responding appropriately to sexting.

Methodology

The methodology guiding this project consisted of four separate stages: a survey, focus groups, a thematic media analysis and legal analysis. Each of these stages is detailed below.

Survey

The online survey aimed to produce data on young people's motivations for and perceptions of the sending and receiving of sexually suggestive pictures, or sexts. The survey questions were developed over a twelve-month period and were extensively trialed on our target demographic - young people between the ages of 13 and 18. This development process involved consultation sessions with the NSW Commission for Children and Young People's youth advisory group, who provided valuable feedback on the constitution of the questions and usage of terminology. Following these consultations, questions were adjusted accordingly, resulting in the final survey, which consisted of 34 items.

These items were developed with the aim of capturing data on young people's perceptions of sexting, their practices of and motivations for sexting, and their understanding of the law in relation to sexting. In addition, the survey also aimed to collect a significant amount of demographic information including the age, religion, gender, city/country, sexuality, and ethnicity of respondents. While the respondents to the survey were not a representative population sample, the significantly large number who participated made the results compelling. Moreover, given the pros and cons of existing survey styles for this type of research, the online survey methodology constituted a very useful methodology for this particular sample cohort.

Between July 2013 and October 2013 the survey was made available online for participation and completion. The survey was a self-selection style, administered through the University of Sydney Law School Survey Monkey platform. A Facebook site was also developed to link to the survey. The survey was promoted via the Triple J Hack program[1], Facebook, Twitter, the Universities of Sydney, Western Sydney and UNSW, as well as a large range of youth service providers. While the survey was aimed at 13 – 18 year olds, older participants were also able to complete the survey, enabling us to capture useful comparative data. The data was statistically analysed using the SPSS program.

It should be noted that in line with ethical requirements of the project, a range of protections were put in place so that participants could be vetted and alerted to the sexual nature of some of the questions. When respondents opened the survey page they were provided with information warning them that the survey would contain questions about 'sexual pictures':

> The Sydney Institute of Criminology at USYD, along with UNSW and UWS is asking Australian young people to share their views on sexting. This survey will include questions about sexual pictures (like pictures sent to a boyfriend/girlfriend). We would like to know your honest thoughts about this. All responses are anonymous – no one will know you have participated and no one will know which answers are yours. The survey will only take 10-20 minutes. If you are not comfortable sharing your opinions, please exit the survey now. By continuing, you are giving your consent to participate in the survey.

Those respondents who chose not to continue were directed to another page that noted:

> You indicated you do not want to continue with the survey. Please confirm that you want to exit the survey. If you choose to continue, you may change your decision at any stage of the survey and exit. Your responses prior to exiting will be used for research and will remain anonymous.

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[1] Triple J is that Australian Broadcasting Corporation's (ABC) national youth radio network. 'Hack' is the Triple J current affairs program aired each weekday afternoon at 5.30pm.

For those that chose to continue the survey we set out to define the concepts in a way that would provide clarity. We provided the following advice for respondents:

> Throughout this survey, it is important that you understand what we mean so that we interpret your answers correctly. Please keep the following in mind as you read and answer each question:
>
> Any time that we ask about "sexual pictures/videos" we are only talking about sexually suggestive, semi-nude, or nude personal pictures and/or videos (like nudes, naked selfies, banana pic etc) – and not those found on the internet (like unwanted mail, images, videos or text from someone you don't know).
>
> If you hover your cursor over this phrase, a definition will appear to remind you what we mean. Please note this won't work on an iPad/tablet or mobile devices[2].

Focus Groups

The focus group component of the project sought to gather the responses of young people in relation to their perceptions and practices of sexting. Eight focus groups were held with young people between the ages of 18 and 20 from the University of Sydney, University of Western Sydney, and TAFE NSW. Participants were asked to comment on several key themes, including their use of information technologies and the negotiation of their online identity, as well as how they conceptualised sexting and what underpinned their knowledge on the topic[3]. In addition, they were asked to reflect on the prevalence of sexting practices among their peers. Participants also commented on second-hand (hearsay) and personal sexting experiences, and intersections of age, gender and sexting (in terms of pressures for sexting, sexting experiences, and views on victims and offenders).

Beyond this, focus groups also sought to capture young people's opinion on criminal justice responses to sexting cases in Australia. In order to do this, focus groups participants were provided with two case studies that capture common sexting scenarios: one involving a person inviting/ pressuring a person under 16 to sext (the case of Damien Eades, for which charges laid were inciting a person under 16 to commit an act of indecency and a possession of child pornography); the other relating to consensual sexts taken in a relationship between two people who were 17 at the time and distributed after the break up (for which the charges were making and transmitting child pornography online). Participants were asked to comment on the circumstances surrounding the case studies, including the social and moral culpability of those involved, legal responses (charges) laid in these cases and the (administered and desired) punishment in such cases.

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[2] See Appendix 1 for a full list of the survey questions.

[3] See Appendix 2 for a full list of the focus group questions.

The focus group facilitator guided discussion on participants' views of the conduct of the individuals in each case. The focus groups therefore provided an important forum for the examination of young people's views on common sexting situations and on the legal response to sexting, and it canvassed their views on what would constitute an appropriate response to the issues posed by sexting. In this way, the focus groups provided a way of exploring the themes that emerged from the different arms of the project, including the survey material, media discourse analysis and legislative analysis.

Throughout these qualitative arms of the project, data gathering, transcription and analysis occurred in alternating sequences in accordance with a grounded theory approach (see Strauss and Corbin 1998). In this approach, data was analysed even as it is gathered, which in turn impacted upon subsequent data collection, leading to the refinement of the analysis, which fed back into data collection and so on. Interview data was transcribed and anonymised before being imported into the qualitative analysis program, nVivo, which enabled users to assign a code to specific lines or segment of text. This approach is defined by Strauss and Corbin (1998) as the breaking down, naming, comparing and categorising of data, a process in which hypotheses or theories are generated directly from the data, rather than through a priori assumptions or existing theoretical frameworks. In this way, a coding matrix was developed from initial interview data that was then used to inform and refine the structure of subsequent interviews in order to maximise the quality of the data gathered.

Media Analysis

The media component of the project aimed to gain an understanding of the role of the media in framing knowledge around the issue of sexting, and the implications of this media framing. To do this, Australian and New Zealand media reports on sexting from between 2002 and 2013 (inclusive) were collated in order to explore the ways in which sexting has been articulated in the media, and what definitions and explanations of sexting were being employed in these news reports. Particular attention was paid to the key stakeholders, 'actors' or spokespeople on sexting who were cited in the media, as well as recurrent themes that appeared to define or position sexting as an issue of concern, importance or newsworthiness.

Using the Proquest Australia and New Zealand Newsstand database, searches were conducted for the following terms[4]:

- "Sexting"
- "Sex text" or "sex texts"
- "Nude selfie" or "nude selfies"
- "Naked selfie" or "naked selfies"

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[4] There are obvious limitations to the retrieval and compilation of content through databases such as Proquest, not least of which being the potential for important or relevant stories to be excluded from the sample due to the choice of search terms that may limit or narrow the categories of analysis (Jewkes 2011b, p. 250).

- "Banana pic" or "banana pics"

Search terms were developed following consultation with youth representatives on the NSW Commission for Children and Young People's Advisory Group. Whilst commonly used by and among adults to describe sexually suggestive, semi-nude, or nude personal pictures/videos, evidence suggests sexting is not the preferred term of young people. For this reason, a wider range of terms were identified and used in the search in order to capture articles that may use alternative terminology that would otherwise be overlooked by the search engine.

Following this, the data was thematically interpreted and analysed to identify information consistent with the interests of the broader research project. This analysis was driven by a number of guiding questions, including:

- When did sexting emerge as a media discourse and how has it been defined?
- How do the media frame sexting? What are the common themes that emerge around sexting, particular as it relates to young people?
- How are the causes of sexting explored and/or defined?
- Who are the key stakeholders, experts and/or primary definers of sexting in the media and in what context are they being cited?
- What are the responses (actual or recommended) to sexting and young people that are explored in the media? How are these responses framed by the media?

Searches conducted on Proquest determined that there were no relevant term matches before 2002, therefore resulting in a timeframe of 2002-2013, inclusive, for data collection. Media formats examined within the Proquest database included newspapers, wire feeds[5] and other sources (such as radio broadcasts, commentary, magazines and weblinks), culminating in the identification of over 2000 relevant articles across the twelve year period of study.

Legal Analysis

The legal analysis component of the project consisted of a review and examination of the legal approaches to sexting focusing on child pornography offences (sometimes called child abuse or child exploitation offences - we generally refer to child pornography unless referring to a specific jurisdiction) given the media attention on these offences. Firstly, current laws in place throughout the Australian criminal jurisdictions were reviewed. The legal provisions in each state and territory and the Commonwealth dealing with child pornography were identified through a search of official legislation publication sites (including comlaw.gov.au, state law publisher and legislation online). An examination was also carried out on the ways in which Australian

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[5] Wire feeds are news items that come from organisations such as the Associated Press, whose journalists supply news reports to news organisations, such as newspapers, magazines, and radio and television networks.

laws have been framed, exactly what sort of behaviour could be captured by such laws and to what extent there is consistency in the law in Australia. Employing legal databases and other sources, such as the Victorian Law Committee Report and submissions, and parliamentary debates and reports, we explored whether it was possible that young people could be prosecuted for child pornography offences and whether there had in fact been any prosecutions.

The legal analysis also sought to understand what might be stopping young people from being prosecuted, such as the use of police discretion to divert young people from criminal proceedings. Through analysis of various inquiries and reports, policy documents and parliamentary debates information was obtained about the background to child pornography laws and whether any changes had been made to such laws in light of sexting practices. Finally, a review of these documents allowed us to understand what reforms, if any, had been suggested or planned.

Results

The results of the project have been divided into four sections: survey, focus groups, media analysis and legal analysis.

Survey

Respondents

There were 2243 respondents who attempted the survey, with 1416 completing every question (63% completion rate). The sample cohort consisted of 48% males and 52% females, with <1% of respondents (0.5%) identifying as other. 28% of respondents were aged 13-15, with 42% aged 16-18. 9% of respondents were aged 19-21, 7% were aged 22-24, and 13% were aged 25 and above. This spread of age groups has allowed us to make some comparisons between both different groups of young people and young people and adults.

The survey also captured data on sexuality, with 9% of respondents indicating they were bi-sexual, 3% indicating they were gay, 1% indicating they were lesbian, and 6% indicating they were 'questioning'. While 36% of respondents were from the state of NSW, there was a good spread of respondents from across the Australian states. In addition, data captured on the location of respondents showed that 15% of respondents were from rural areas. While the majority of respondents were born in Australia and of Anglo-Saxon origin, respondents were also drawn from 15 different ethnic groups. Data captured on the religious background of our cohort also revealed the majority of respondents identified with no religion (57%), with a significant number identifying with Christianity (28%). There was low representation from other religious groups.

The vast majority of respondents reported having 'sent and received text messages' (96%) and having a 'social networking profile' (98%). A sizable minority 'viewed pictures on dating or singles sites' (10%), and a smaller group 'had a profile on a dating or singles site' (8%). A majority of the sample 'read or viewed blogs' (61%), 'shared photos on social media sites' (94%), 'shared picture or videos via MMS on a mobile phone' (87%), 'sent or received pictures or videos on a computer' (83%), and 'posted or shared videos through social media' (74%). A smaller but significant minority had 'written a personal blog' (33%). Ninety-six % of respondents 'used a computer or tablet without adult supervision', and 97% 'used a mobile phone without adult supervision'. These numbers demonstrate that the majority of respondents were relatively technologically engaged.

As detailed in the Methods section of the report, the survey defined sexting relatively narrowly as 'the sending and receiving of sexual images or videos', with specific questions dealing with whether or not the images were of oneself or others also included in the survey. While the definition we used could

possibly include sexual images that would not contravene the current legal definitions of child abuse or child pornography material, it was agreed – with the input of the young people with who we consulted – that this was the most accurate way in which to capture sexting by young people that, in Australian jurisdictions at least, is criminalised.

Entire Cohort: Sending Receiving

Of the entire sample, 49% of respondents reported having *sent* a sexual picture or video of themselves. We would suggest that while all methodologies have great limitations with regards to the question of prevalence, we are likely to have oversampled those that have sent pictures, in part due to the modes of promotion of the survey. Despite this, we think these figures reflect the fact that the practice of sexting is more widespread in the Australian context than much of the existing Australian and international research might indicate. The survey also revealed that 67% of respondents had *received* a sexual image.

Age: Sending Receiving

The data presented in Table 1 reports the prevalence of sexting broken down by age category. As indicated, our younger cohort were much less likely to have sent an image or video of themselves than any other age cohort. Indeed, they were the only cohort who reported more participants not sending than sending at a statistically significant level. Nonetheless, with 38% of 13-15 year olds having sent an image, a significant minority of our younger cohort have engaged in the practice. Moreover, 50% of the 16-18 year old cohort had sent a sexual image or video.

Table 1: Have you ever sent a sexual picture / video (by age)6

Age group	Yes	No	Total
13–15	172 (38%)	276 (62%)	448
16–18	340 (50%)	346 (50%)	686
Adult (19+)	256 (59%)	179 (41%)	435
Total	768	801	1569

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6 Pearson $\chi^2(2) = 34.15$, $p<.001$.

A similar distribution is revealed on the question of receiving images or videos (see Table 2). These results indicate high numbers of respondents receiving images or videos (as opposed to sending) in every age category. The 13-15 year old group had received less images or videos than other cohorts, at 62%. Tables 1 and 2 also indicate that all age groups were far more likely to receive than send an image or video. What this data demonstrates is that sexting is not a marginal activity in any of the age groups surveyed. While young people were sending images less than their adult counterparts, they were receiving also them more often than they were sending them.

Table 8.2: Have you ever received a sexual picture / video (by age)[7]

Age Group	Yes	No	Total
13–15	276 (62%)	169 (38%)	445
16–18	479 (70%)	204 (30%)	683
Adult (19+)	296 (68%)	138 (32%)	434
Total	1051	512	1562

Gender

Much of the academic and popular commentary about sexting has focused on the differing dynamic of gender. As the results in Table 3 below indicate, at the overall cohort level there were no statistical differences in prevalence rates between males and females. Indeed, in both cohorts roughly 50% of respondents reported having sent an image or video.

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[7] Pearson $\chi^2(2) = 37.15$, $p<.001$.

Table 3: Have you ever sent a sexual picture / video of yourself (by gender)[8]

	Yes	No	Total
Male	326 (48%)	349 (52%)	675
Female	438 (50%)	447 (50%)	885
Total	764 (49%)	796 (51%)	1560

The issue of gender was, however, a factor in the receiving of images. As the results presented in Table 4 indicate, of the overall cohort, women and girls were less likely to report that they had received a sexual image or video than men and boys.

Table 4: Have you ever received a sexual picture / video (by gender)[9]

	Yes	No	Total
Male	480 (72%)	191 (28%)	671
Female	564 (64%)	319 (36%)	883
Total	1044 (67%)	510 (33%)	1554

Number of Sexting Partners

Respondents were also asked about the number of people they had sent images or videos to, and how many people they had received images from, in the past 12 months. This question aimed to explore just how many sexting partners our respondents conversed with, something not addressed in past research. As Table 5 indicates, of those that *had* sent an image, the majority of every age and gender cohort had either not sent to anyone in the past twelve months, or had only done so to only one person. Nonetheless, in the younger age and gender cohorts those who *had* sent images were more likely to have sent to more than one person compared with the adult cohorts.

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[8] Pearson $\chi^2(1) = 0.22$, *p*=.64.
[9] Pearson $\chi^2(1) = 10.44$, *p*=.001.

Across the age / gender groups, males who *had* sent were more likely to have sent to two or more people (41%) than females (29%), indicating a significant overall difference in behaviours between males and females. That is, males overall were likely to send images or videos to more sexting partners than females. However, post hoc tests indicated that only adult females were significantly less likely than other groups to have sent to more than five people. Thus, removing adult females meant that there were no significant differences across the other cohorts in the numbers of respondents who sent to multiple partners.

Table 5: How many people have you sent a sexual picture / video of yourself to?[10]

	Male 13–15	Male 16–18	Male adult	Female 13–15	Female 16–18	Female adult	Total
No one in past 12 months	11 (16%)	18 (12%)	22 (22%)	10 (10%)	32 (18%)	36 (23%)	129 (17%)
One person	30 (42%)	67 (44%)	42 (42%)	47 (48%)	94 (52%)	91 (59%)	371 (49%)
2–5 people	19 (27%)	46 (30%)	24 (24%)	34 (34%)	38 (21%)	26 (17%)	187 (25%)
More than 5 people	11 (16%)	21 (14%)	11 (11%)	8 (8%)	18 (10%)	2 (1%)	71 (9%)
Total	71	152	99	99	182	155	758

As the data in Table 6 (below) indicates, of those who had ever received a sext, the largest percentage of young people from all the gendered categories (except 16 to 18-year-old girls) had received a sexual image from two or more people in the past 12 months. Post hoc tests confirmed that the younger cohorts of females were more likely than adult females to have received images or videos from more than five people in the past 12 months (24%). They also confirmed that males aged 13-15 and 16-18 were similar to girls ages 13-15 in that they were more likely to have received from multiple persons. For both adult groups and the females 16-18, post hoc tests indicated that the majority received from one or no partners in the past 12 months.

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[10] Pearson $\chi^2(15) = 44.16$, $p<.001$.

Table 6: How many people have you received a sexual picture / video from?[11]

	Male 13–15	Male 16–18	Male adult	Female 13–15	Female 16–18	Female adult	Total
No one in past 12 months	6 (5%)	22 (9%)	24 (21%)	8 (5%)	27 (12%)	46 (26%)	133 (13%)
One person	40 (33%)	74 (31%)	44 (38%)	52 (35%)	104 (44%)	88 (50%)	402 (39%)
2–5 people	51 (42%)	103 (43%)	29 (25%)	54 (36%)	73 (31%)	34 (19%)	344 (33%)
More than 5 people	26 (21%)	39 (16%)	19 (16%)	36 (24%)	30 (13%)	9 (5%)	159 (15%)
Total	123	238	116	150	234	177	1038

Sexuality: Sending and Receiving

The survey also sought to understand the correlation between sexuality and sexting. As the data in Table 7 (below) indicates, respondents identifying as gay were significantly more likely to have sent or received a sexual image or video (81%). Both lesbian and bi-sexual identifying respondents were also more likely to have engaged in the practice than their heterosexual counterparts. Note that this data is inclusive of the adult cohort due to the lower number of respondents.

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[11] Pearson $\chi^2(15) = 104.50$, $p<.001$.

Table 7: Have you ever sent a sexual picture / video of yourself (by sexuality)[12]

	Yes	No	Total
Hetero	526 (45%)	636 (55%)	1162
Lesbian	13 (65%)	7 (35%)	20
Gay	30 (81%)	7 (19%)	37
Bisexual	89 (67%)	44 (33%)	133
Total	658 (49%)	694 (51%)	1352

As Table 8 further indicates, a similar distribution was also found in relation to the receiving of images or videos, with 92% of gay identifying respondents having received such images. Lesbian and bisexual respondents were also more likely than heterosexual respondents to have received an image, although less likely than their gay counterparts.

Table 8: Have you ever received … by sexuality[13]

	Yes	No	Total
Hetero	755 (65%)	407 (35%)	1162
Lesbian	13 (65%)	7 (35%)	20
Gay	34 (92%)	3 (8%)	37
Bisexual	103 (77%)	30 (23%)	133
Total	905 (67%)	447 (33%)	1352

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[12] Pearson $\chi^2(3) = 40.81$, $p<.001$.
[13] Pearson $\chi^2(3) = 19.10$, $p<.001$.

While the sample sizes of these groups were relatively low and the results thus not statistically significant, Table 9 demonstrates that respondents identifying as gay, followed by those identifying as bisexual, were the most prevalent sexters. Moreover, gay respondents were more likely to send to multiple partners, followed by bisexual respondents.

Table 9: How many people have you sent to … by sexual preference?[14]

	Hetero	**Lesbian**	**Gay**	**Bisexual**
No one past 12 months	90 (17%)	3 (23%)	6 (20%)	11 (13%)
One person	271 (52%)	8 (62%)	5 (17%)	46 (52%)
2–5 people	123 (24%)	1 (7.5%)	11 (37%)	23 (26%)
More than 5 people	42 (7%)	1 (7.5%)	8 (27%)	9 (10%)
Total	526 (45% of total hetero n)	13 (65% of total lesbian n)	30 (81% of total gay n)	89 (70% of total bi n)

The same dynamic played out with regards to the receiving of images and sexuality. As Table 10 shows, gay identifying respondents appeared to be the most likely recipients of images or videos, although the sample is too small to draw firm statistical conclusions.

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[14] Pearson $\chi^2(9) = 23.50$, $p=.005$.

Table 8.10: How many people have you received a sexual picture / video from (by sexual preference)[15]

	Hetero	Lesbian	Gay	Bisexual
No one past 12 months	101 (13%)	2 (15%)	2 (6%)	7 (7%)
One person	310 (41%)	8 (62%)	7 (21%)	39 (38%)
2–5 people	244 (32%)	2 (15%)	11 (32%)	37 (36%)
More than 5	100 (13%)	1 (8%)	14 (41%)	20 (19%)
Total	755	13	34	103

Relationships: Sending Receiving

The survey also sought to establish the types of relationships between those that send pictures or videos to one another. Perhaps implicit in much of the current discourse on sexting has been that it is a practice that is engaged in by singles or those in the early stages of a relationship; that is, it is part of getting to know someone, or attracting the attention of the receiver so that a relationship of some kind might ensue.

As the data reported in Table 11 indicates, however, those in some kind of relationship, particularly those in a long-term relationship (with the exception of married respondents), were more likely to have sent a sexual image or video of themselves than those who were not in a relationship, or those who had 'just started seeing someone'. This suggests that those that sent pictures of themselves, in the vast majority of instances, sent them to someone they had an established relationship with. One caveat here would be that we cannot conclusively say that those in a relationship were actually sending the pictures to their partner in that relationship. Nor can we establish with certainty that the respondent was in a relationship when they sent or received an image or video.

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[15] Pearson $\chi^2(9) = 30.00$, $p<.001$.

Table 11: Have you ever sent a sexual picture / video of yourself (by relationship status)[16]

	Not in a relationship	Just started seeing someone	Casual/ dating relationship	Long-term relationship	Married	Other	Total
Yes	288 (40%)	63 (53%)	86 (62%)	218 (62%)	18 (41%)	27 (53%)	700 (49%)
No	435 (60%)	56 (47%)	52 (38%)	132 (38%)	26 (59%)	24 (47%)	725 (51%)
Total	723	119	138	350	44	51	1425

As reported in Table 12, those dating or in long-term relationships were more likely to have received an image or video. Least likely were those who were not in a relationship followed by those that were married.

Table 12: Have you ever received a sexual picture / video (relationships).[17]

	Not in a relationship	Just started seeing someone	Casual/ dating relationship	Long-term relationship	Married	Other	Total
Yes	435 (60%)	91 (77%)	115 (83%)	256 (73%)	24 (55%)	35 (69%)	956 (67%)
No	288 (40%)	28 (23%)	23 (17%)	94 (27%)	20 (45%)	16 (31%)	469 (33%)
Total	723	119	138	350	44	51	1425

As Table 13 (below) illustrates, those who reported being in a long-term relationship were also most likely to have sent images or videos to only one person. The same was true of respondents who were married.

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[16] Pearson $\chi^2(5) = 61.02$, $p<.001$.
[17] Pearson $\chi^2(5) = 45.93$, $p<.001$.

Table 13: How many people have you sent a sexual picture / video of yourself (by relationship status)[18]

	Not in a relationship	Just started seeing someone	Casual/ dating relationship	Long-term relationship	Married	Other	Total
No one past 12 months	51 (18%)	13 (21%)	11 (13%)	38 (17%)	5 (28%)	2 (7%)	120 (17%)
One person	112 (39%)	26 (41%)	33 (38%)	144 (66%)	11 (62%)	13 (48%)	339 (48%)
2–5 people	87 (30%)	18 (29%)	36 (42%)	25 (12%)	1 (6%)	7 (26%)	174 (25%)
More than 5 people	38 (13%)	6 (10%)	6 (7%)	11 (5%)	1 (6%)	5 (19%)	67 (10%)
Total	288	63	86	218	18	27	700

Similarly, as represented in Table 14, those who had received images or videos, were more likely to be in a relationship with the exception of married respondents.

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[18] Pearson $\chi^2(15) = 70.49$, $p<.001$.

Table 14: Relationship status by how many people respondent has received from in the past 12 months[19]

	Not in a relationship	Just started seeing someone	Casual/ dating relationship	Long-term relationship	Married	Other	Total
No one past 12 months	45 (10%)	8 (9%)	12 (10%)	46 (18%)	10 (42%)	1 (3%)	122 (13%)
One person	146 (34%)	25 (28%)	38 (33%)	139 (54%)	10 (42%)	13 (37%)	371 (39%)
2–5 people	168 (39%)	39 (43%)	44 (38%)	54 (21%)	3 (13%)	12 (34%)	320 (34%)
More than 5 people	9 (26%)	19 (21%)	21 (18%)	17 (7%)	1 (4%)	9 (26%)	143 (15%)
Total	435	91	115	256	24	35	956

Perceptions of Sexting

The survey also asked respondents about their perceptions of sexting. That is, we asked respondents a range of questions about what they knew of and perceived about sexting, in order to differentiate perceptions from practice. As previous studies have often confused perceptions with practices or motivations, it was important in this study to differentiate between the two, so as not to conflate the two.

Where Did They Hear About Sexting?

Respondents were initially asked how they came to know about sexting in the first place. As the data in Table 15 indicates, the highest percentage younger cohorts had heard about sexting from friends, whereas the higher percentage older respondents reported hearing about sexting from the media.

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[19] Pearson $\chi^2(15) = 93.16$, $p<.001$.

Table 15: Where did you first hear about sexting?[20]

Age	School teacher	Friend	Police	Internet	Parent/ Guardian	Sibling	Social network-ing	Media	This survey	Other	Total
13–15	74 (14%)	187 (36%)	43 (8%)	2 (<1%)	20 (4%)	5 (1%)	58 (11%)	117 (22%)	7 (1%)	14 (2.7%)	527
16–18	96 (12%)	304 (39%)	71 (9%)	3 (0.4%)	18 (2.3%)	6 (0.8%)	70 (9.0%)	175 (22.6%)	1 (0.1%)	31 (4%)	775
Adult (19+)	17 (3%)	156 (31%)	5 (1%)	2 (<1%)	5 (1%)	2 (<1%)	31 (6%)	255 (51%)	5 (1%)	19 (4%)	497
Total	187 (10%)	647 (36%)	119 (7%)	7 (<1%)	43 (2%)	13 (<1%)	159 (9%)	547 (30%)	13 (<1%)	64 (4%)	1799

Perceptions of Sexting by Gender

Respondents were also asked about their perceptions of sexting; specifically, why they think young people engage in sexting, as opposed to why one might engage in it oneself. Table 16 presents the results of respondents' top three responses to the question 'why do you think girls send sexual pictures/videos?'. The data shows the answers that were the most popular choices and what percentage of respondents selected each response as one of their three choices (thus percentages do not add up to 100%).

As the results indicate, the most popular options for males and females were: (1) to get attention, with 54% of males and 65% of females choosing this response; (2) because of pressure from the receiver, with 42% of males and 46% of females choosing this response; or (3) according to the perceptions of males, as a 'sexy present' (38%) or, according to females, to get a girl or guy to like them (33%). In short, there was a general perception that girls might be pressured or feel compelled to send an image to get a partner interested. There were also some significant differences within some of the lesser chosen categories, with females more likely to suggest 'getting a guy/girl's attention' and 'to get a girl/guy to like them' than males. However, males were significantly more likely than females to perceive sexting a 'sexy present for a boyfriend/girlfriend' or a 'to be fun and flirty'.

Those respondents who chose 'other' offered a number of alternative reasons, including because they "Liked them and trusted them", for "Self validation", "To feel empowered", or several variants of "To help keep a relationship alive while partner is working away".

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[20] Pearson $\chi^2(18) = 194.83$, $p<.001$.

Table 16: Why do you think girls send sexual pictures/videos?

	Frequency	Frequency Male (% of males)	Frequency Female (% of females)	X^2	p value
Get or keep a guy/girl's attention	1078	445 (54%)	633 (65%)	21.02	0.00**
Bf/gf pressured them to send it	794	343 (42%)	451 (46%)	3.46	0.06
As a sexy present for bf/gf	610	314 (38%)	296 (30%)	12.03	0.00**
To feel sexy or confident	424	191 (23%)	233 (24%)	0.11	0.74
To get a guy/girl to like them	504	186 (23%)	318 (33%)	22.00	0.00**
Pressure from friends	98	41 (5%)	57 (6%)	0.49	0.49
To get compliments	365	157 (19%)	208 (21%)	1.49	0.22
To be included/fit in	151	58 (7%)	93 (10%)	3.53	0.06
To be fun/flirty	334	202 (25%)	132 (14%)	36.15	0.00**
To get noticed or show off	436	191 (23%)	245 (25%)	0.85	0.36
Because she received one	156	78 (9%)	78 (8.0%)	1.27	0.26
I don't know	44	25 (3%)	17 (2%)	3.31	0.07
Other (please specify)	59	30 (4%)	29 (3%)	0.65	0.42

**indicates significance at the p<.001 level

In comparison, as show in Table 17, when respondents were asked to select their top three reasons for why males send sexual images/pictures, responses were quite different. These results are perhaps reflecting the stereotypical notion that boys predominantly pressure girls to send images — but also reflecting a gendered double standard that constructs girls as 'sluts' and boys as active agents, 'doing what boys do'. Both male and female respondents believed that males were likely to send images to: (1) 'get noticed or show off', with 54% of females and 34% or males choosing this response; or (2) 'get or keep a guy/girl's attention' with 37% of females and 34% of males choosing this response. Significant differences in male and female responses were apparent, however, with the third most popular choice for male respondents, 'because he received one' (31%) and for female respondents 'as a sexy present' (27%). There were also some statistically significant variations in responses to particular items between males and females. More males than females endorsed the items 'boyfriend or girlfriend pressured them to send it', 'to be fun and flirty' and 'because he received one'. More females than males endorsed the items 'to feel sexy and confident', to get compliments', to be included and fit in', and 'to get noticed or show off'.

Table 17: Why do you think guys send sexual pictures/videos?

	Frequency	Frequency Male (% of males)	Frequency Female (% of females)	χ^2	p value
Get or keep a guy's/girl's attention	637	278 (34%)	359 (37%)	1.83	0.18
Bf/gf pressured them to send it	156	84 (10%)	72 (7%)	4.55	0.03*
As a sexy present for bf/gf	495	227 (28%)	268 (27%)	0.02	0.90
To feel sexy or confident	443	182 (22%)	261 (27%)	5.11	0.02*
To get a guy/girl to like them	355	170 (21%)	185 (19%)	0.96	0.33
Pressure from friends	192	51 (6%)	141 (14%)	31.09	0.00**
To get compliments	341	130 (16%)	211 (22%)	9.42	0.00**
To be included/fit in	155	49 (6%)	106 (11%)	13.08	0.00**
To be fun/flirty	435	234 (29%)	201 (21%)	15.17	0.00**
To get noticed or show off	878	350 (43%)	528 (54%)	23.31	0.00**
Because he received one	476	252 (31%)	224 (23%)	13.71	0.00**
I don't know	128	68 (8%)	60 (6%)	3.05	0.08
Other (please specify)	87	37 (4%)	50 (5%)	0.26	0.61

*indicates significance at the p<.05 level
** indicates significance at the p<.001 level

Specific questions were also asked with regard to the posting of sexual pictures on social networking platforms, and the pressure to do so. When asked whether they agreed or disagreed with the statement 'There is pressure among people my age to post sexual pictures/videos in their (social networking) profiles', overall there were no significant differences between those that believed there was pressure and those that did not, indicating that the perception that there is pressure is quite far reaching (see Table 18).

Table 18: There is pressure among people my age to post sexual pictures/videos in their (social networking) profiles[21]

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	Total
Male	75 (12%)	168 (27%)	119 (19%)	173 (27%)	87 (14%)	12 (2%)	634
Female	147 (17%)	268 (31%)	120 (14%)	213 (25%)	82 (10%)	23 (3%)	853
Total	222 (15%)	436 (29%)	239 (16%)	386 (26%)	169 (11%)	35 (2%)	1487

When broken down according to gender (see Table 18), post hoc tests confirmed that significantly more females than males agreed or strongly agreed with the statement that 'there is pressure to post sexual pictures/videos on their social networking profiles'. Significantly more females neither agreed nor disagreed and significantly more males strongly disagreed with the statement. These responses demonstrate a gender disparity in perceptions of pressure to post images.

We also broke this down further in relation to age. As Table 19 indicates, a high percentage of 13-15 year old females either agreed or strongly agreed that there was pressure to post sexual pictures on networking sites (65%), while 54% of 16-18 year old females also endorsed this statement.

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[21] Pearson $\chi^2(5) = 22.27$, $p<.001$.

Table 19: There is pressure among people my age to post sexual pictures/videos in their (social networking) profiles[22]

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	Total
Male 13–15	34 (19%)	31 (23%)	43 (24%)	39 (22%)	14 (8%)	7 (4%)	178
Male 16–18	37 (13%)	101 (34%)	49 (17%)	69 (23%)	37 (13%)	4 (1%)	297
Male adult (19+)	4 (3%)	26 (16%)	27 (17%)	65 (41%)	36 (23%)	1 (1%)	159
Female 13–15	63 (27%)	88 (38%)	34 (15%)	33 (14%)	9 (4%)	7 (3%)	234
Female 16–18	68 (19%)	123 (35%)	53 (15%)	81 (23%)	21 (6%)	10 (3%)	356
Female adult (19+)	16 (6%)	57 (22%)	33 (13%)	99 (38%)	52 (20%)	6 (2%)	263
Total	222 (15%)	436 (29%)	239 (16%)	386 (26%)	169 (11%)	35 (2%)	1487

Motivations

As the data presented in Table 20 shows, respondents were asked to select the three reasons why they were motivated to send an sexual image or video. While the perceptions data above suggests that people engage in sexting due to pressure, 'motivations' responses suggested that pleasure or desire were the driving motivations for those who actually engaged in the sending of images. Respondents were asked to select the three reasons why they were motivated to send a sexual image or video. We have disaggregated the responses by age and gender.

This data suggest that teenage girls first and foremost sent images to be 'fun and flirty', secondly 'as a sexy present', and thirdly to 'feel sexy and confident'. This was very closely followed by 'because I received one'.

Teenage boys responses differed somewhat. They suggested firstly that they were motivated to send an image or video again 'to be fun and flirty', secondly 'because I received one', and thirdly 'as a sexy present'.

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[22] Pearson $\chi^2(25) = 204.81$, $p<.001$.

Again there were also some statistically significant variations between groups on particular items that warrant some discussion. Male and female adult groups endorsed the item 'as a sexy present for a boyfriend of girlfriend' significantly more than their teen counterparts, although all groups endorsed this in relative high numbers, Similarly, adults in both groups were more likely to have chosen the popular overall response of being motivated 'to be fun and flirty' than their teen counterparts. Female adults (28%) were more likely to suggest that it made them 'feel sexy and confident' than other groups. Males overall were more likely to report be motivated to send 'because they received one', although this was a popular category for all groups. Adult males (15%) were more likely than the other groups to nominate 'to get noticed or show off' as a motivation. While there were only 13% of both female teens and adult females who endorsed the response that a 'boyfriend of girlfriend pressured them', they did so significantly more than males of either category. Male teens were less likely to suggest they were motivated to 'get a girl or guy to like them' (5%) or 'to get compliments' (5%) than the other groups. Female teens, though in small numbers (5%), were more likely than the other groups to be motivated 'to be included or fit in'. Female teens were more likely to nominate 'I don't know' as a response than other groups – but in very small numbers.

Table 20: Why did you send a sexual picture/video of yourself?

	Frequency total	Male teen	Male adult	Female teen	Female adult	χ²	p value
Get or keep a guy's/girl's attention	194	51a (10%)	26b (16%)	85b (14%)	32a, b (12%)	5.87	0.12
Bf/gf pressured me to send it	136	19a (4%)	4a (3%)	77b (13%)	36b (13%)	42.49	0.00**
As a sexy present for bf/gf	361	83a (16%)	57b (35%)	112a (18%)	109b (40%)	80.26	0.00**
To feel sexy or confident	239	45a (9%)	29b (18%)	90b (15%)	75c (28%)	50.17	0.00**
To get a guy/girl to like me	118	25a (5%)	12a, b (7%)	56b (9%)	25b (9%)	8.44	0.04*
Pressure from friends	30	7a (1%)	1a (1%)	19a (3%)	3a (1%)	7.67	0.05
To get compliments	130	25a (5%)	18b (11%)	53b (9%)	34b (13%)	16.03	0.00**
To be included/fit in	43	6a (1%)	4a, b (3%)	31b (5%)	2a (1%)	20.86	0.00**
To be fun/flirty	397	119a (23%)	60b (37%)	132a (21%)	86b (32%)	23.50	0.00**
To get noticed or show off	132	39a (8%)	24b (15%)	50a (8%)	19a (7%)	9.53	0.02*
Because I received one	288	116a (23%)	46a (28%)	86b (14%)	40b (15%)	26.99	0.00**
I don't know	60	18a, b, c (4%)	2c (1%)	36b (6%)	4a, c (2%)	13.92	0.00**
Other (please specify)	108	39a	11a	35a	23a	2.32	0.51

indicates significance at the p<.05 level

Feelings and Fall Out From Sexting

Respondents were asked to nominate which three reasons might discourage them from sending sexts (see Table 21). Young males reported that the risk of getting in trouble with the law was the primary factor that would discourage them from sexting. While young females endorsed damage to their reputation as their most popular choice, they also endorsed getting in trouble with the law in high numbers. This suggests that young people are generally aware of the laws around sexting and their capacity to fall foul of them. This response contrasted significantly with the adult cohort, who are much less likely to be criminalised under existing laws and therefore perhaps less concerned with this as a risk.

For each age and gender cohort the notion that 'I might regret it' was also a very popular reason not to engage in sexting. For adult females 'potential embarrassment' of their behaviour being revealed to others was a strong motivation not to sext, with 46% choosing it as one of their three options.

Table 21: What might discourage you from sending a sexual picture/video (of yourself)?

	Frequency total	Male teen	Male adult	Female teen	Female adult	χ^2	p value
Past bad experience	180 (10%)	48 (8%)	11 (6%)	93 (14%)	28 (9%)	18.79	<.001***
Disappoint family	391 (22%)	149 (24%)	18 (9%)	197 (29%)	27 (9%)	70.42	<.001***
Disappoint friends	72 (4%)	34 (5%)	4 (2%)	32 (5%)	2 (<1%)	14.92	.002**
Disappoint teacher	19 (1%)	2 (<1%)	0 (0%)	17 (2.5%)	0 (0%)	22.36	<.001***
Hurt relationship / chances	343 (19%)	153 (25%)	45 (23%)	105 (16%)	40 (13%)	25.61	<.001***
Hurt reputation	679 (38%)	199 (32%)	70 (36%)	275 (41%)	135 (45%)	18.87	<.001***
Hurt family's reputation	107 (6%)	31 (5%)	6 (3%)	56 (8%)	14 (5%)	11.56	.009**
Potential trouble with law	554 (31%)	236 (38%)	37 (19%)	244 (36%)	37 (12%)	84.28	<.001***
Potential trouble at school	70 (4%)	37 (6%)	2 (1%)	30 (5%)	1 (<1%)	21.81	<.001***
Employer might see	352 (20%)	88 (14%)	40 (21%)	140 (21%)	84 (28%)	26.11	<.001***
Potential embarrassment	491 (27%)	121 (19%)	73 (38%)	159 (24%)	138 (46%)	87.16	<.001***
Might regret it	577 (32%)	179 (29%)	73 (38%)	197 (30%)	128 (43%)	23.75	<.001***
Might make people think I'm slutty	169 (9%)	24 (4%)	7 (4%)	110 (16%)	28 (9%)	68.29	<.001***

I don't know	45 (3%)	22 (4%)	10 (5%)	9 (1%)	4 (1%)	13.62	.003**
Other (please specify)	142 (8%)	37 (6%)	18 (9%)	51 (8%)	36 (12%)	10.81	.01*

*indicates significance at the p<.05 level
**indicates significance at the p<.01 level
*** indicates significance at the p<.001 level

Sending Pictures to Third parties

When asked how strongly they agreed with the statement 'personal pictures/videos usually end up being seen by more than the people they were sent to', the vast majority of respondents believed that the images were 'mostly' seen by more people than they were sent to (see Table 22). This was particularly the case with female teens, with around 84% agreeing or strongly agreeing with the statement. As seen in Tables 21 and 22 (below), these figures were at odds with what sexting participants tell us about how often images are *actually* seen by third parties.

Table 22: Personal pictures/videos usually end up being seen by more than the people they were sent to?[23]

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	Total
Male teen	152 (32%)	205 (43%)	51 (11%)	44 (9%)	12 (3%)	11 (2%)	475
Male adult	41 (26%)	70 (44%)	23 (15%)	14 (9%)	8 (5%)	3 (2%)	159
Female teen	263 (45%)	234 (40%)	45 (7%)	31 (5%)	7 (1%)	10 (2%)	590
Female adult	81 (31%)	106 (40%)	40 (15%)	23 (8%)	3 (1%)	10 (4%)	263
Total	537 (36%)	615 (41%)	159 (11%)	112 (8%)	30 (2%)	34 (2%)	1487

As demonstrated in Table 23, of those respondents who had ever sent or received an image or video, only a very small minority sent a picture on or shared it digitally. As such, the perception that an image will be shown to a

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[23] Pearson $\chi^2(15) = 55.39$, *p*<.001.

third party seems to significantly outstrip the reported risk of this occurring.

Table 23: Have you ever shared a sexual picture/video with someone who wasn't meant to see it (by age)

	13–15	16–18	Adult (19+)	χ^2	p value
Shown somebody in person	87 (20%)	153 (22%)	68 (16%)	7.83	.02*
Shared online	23 (5%)	41 (6%)	16 (4%)	2.99	.22
Forwarded (MMS or email)	26 (6%)	57 (8%)	18 (4%)	8.22	.02*

indicates significance at the p<.05 level

There were, however, some gender disparities in this practice, with males being significantly more likely to forward on images than females, as indicated in Table 24 (below).

Table 24: Have you ever shared a sexual picture/video with someone who wasn't meant to see it (by gender)

	Male	Female	Total	χ^2	p value
Shown somebody in person	168 (25%)	138 (16%)	306 (20%)	21.96	<.001***
Shared online	44 (7%)	34 (4%)	78 (5%)	6.00	.01*
Forwarded (MMS or email)	59 (9%)	41 (5%)	100 (7%)	11.12	.001**

indicates significance at the p<.05 level
 **indicates significance at the p<.01 level*
*** indicates significance at the p<.001 level*

Of those surveyed, 20% said they showed others the image/video in person. Respondents who were married or in long-term relationships were least likely to show somebody else, as seen in Table 25. For example, only 13% of those in long-term relationships and 14% of those married said they had shown another person images/videos they had received.

Table 8.25: Shown (in person) a sexual picture/video to someone who wasn't meant to see it (by relationship status) [24]

Not in relationship	Just started seeing someone	Casual/ dating	Long-term relationship	Married	Other	Total
148 (21%)	30 (25%)	40 (29%)	46 (13%)	6 (14%)	15 (29%)	285 (20%)

Legal Consequences

The survey also captured data on respondents' understandings of the seriousness with which the Australian legal system was dealing with sexting, particularly sexting between young people. Respondents were asked to choose what they believed were the most serious consequences that could result from a particular scenario (see Table 26). Specifically, they were asked:

> A 16 year old guy takes a nude picture of his 15 year old girlfriend and sends it to his school mate. What do you think is the most serious thing that could happen to the 16 year old guy?

69% of the sample selected the most correct answer, that 'he could be charged with child pornography offences and placed on a sex offenders register', while another 18% chose the second most likely consequence, that 'he could be charged with child pornography offences'. These responses indicated that respondents were generally cognisant of the possible consequences of sending explicit images in this particular scenario.

Table 8.26: What do you think is the most serious thing that could happen (consequences of sexting between teenagers)? [25]

	Male teen	Male adult	Female teen	Female adult	Total
Nothing	6 (1%)	2 (1%)	4 (<1%)	1 (<1%)	13 (<1%)
Suspended from school	4 (<1%)	2 (1%)	15 (2%)	7 (3%)	28 (2%)
Formal police caution	18 (4%)	15 (9%)	26 (4%)	14 (5%)	73 (5%)

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[24] Pearson $\chi^2(5) = 23.31$, $p<.001$.
[25] Pearson $\chi^2(21) = 41.97$, $p=.004$.

Police could force to remove social media page	7 (1%)	0 (0%)	1 (<1%)	3 (1%)	27 (2%)
Could be charged with child pornography	95 (19%)	27 (17%)	108 (18%)	56 (20%)	286 (18%)
Could be charged with child pornography and placed on sex offenders register	353 (69%)	114 (70%)	431 (70%)	178 (66%)	1076 (69%)
Could face life in prison	16 (3%)	0 (0%)	13 (2%)	6 (2%)	35 (2%)
Other	15 (3%)	3 (2%)	3 (<1%)	4 (2%)	25 (2%)

Focus Groups

A total of 54 young people participated in the eight focus groups. 34 were female and 20 male. All were aged between 18 and 20. Although these participants came from a cross-section of backgrounds in relation to class and ethnicity, all were either students at university or TAFE.

Information Technologies, Risk, Sexting Definitions and Terminology

The focus groups revealed that information technologies play a very important role in the lives of the young women and men who participated in these groups. Whether exploring their sexuality, seeking general education, socialising, meeting potential sexual partners or maintaining existing relationships, the Internet and social networking platforms have become sites where young people congregate, hang out, explore and learn. Sexual content in the digital world, as one participant noted, is 'uncensored and everywhere. It's so casualised' (Female, UWS FG2). This was exemplified by another participant, who explained that in Holland, for example, Facebook is called 'Flacebook… Flace in Dutch means meat, so like Meatbook because everybody's putting pictures up like that' (Female, USyd FG3).

Focus group participants highlighted the importance of the Internet and social media in sustaining long-distance relationships between intimate partners. At the same time, online interactions between potential or actual partners were seen as having the power to:

> 'make it or break it. So much drama happens online, so many relationships have been destroyed that I've seen, just from social media. It's sad' (Female, USyd FG3).

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Interestingly, the role of social media was not only significant in sustaining/deconstructing terrestrial relationships; it also served to validate, making terrestrial relationships 'official':

> '[W]hen I was dating with my boyfriend and we weren't officially together, it was like everybody knew but it was not official, and then they say yeah you should put it on Facebook then it's official. So it's official only when I put it on Facebook first.' (Female, USyd FG3)

As another participant explained:

> 'If it's on Facebook that means it's official… There are some people that I know that are going out but they don't necessarily post it on Facebook and make it official so that's on their privacy terms. And I think good on you for doing that, because you don't need everyone to know unless you want them to know what their relationship status is.' (Female, TAFE FG)

Minimising risks while online was considered an important task that many young people devoted much of their time towards. As noted by one participant, the online world is a 'memory in a digital format' that 'cannot be forgotten' (Female, UWS FG2), warranting such interventions. Indeed, according to participants, young people often engage in thorough self-censoring:

> 'I'm not going to put photos of me disgustingly off my face from last Saturday night on Facebook. That can stay private. You only put out what you feel comfortable people seeing and consider the consequences of where the photos end up.' (Male, UWS FG1)

In this way, a carefully managed social media presence was often motivated by the concern that a potential employer might be checking a young person's digital identity. In order to avoid the risk of being discredited, some young people changed their name/identity on Facebook, or avoided posting updates on their Facebook timeline. As one focus group participant noted, 'I just consider anything on Facebook is no longer private. If you want to message someone's Inbox, that's private. Anything else is not' (Male, TAFE FG).

The issues of surveillance and invasion of privacy in a cyber-world were also debated in focus groups[26]. While some participants agreed that an invasion of privacy might be necessary depending on the job you were applying for (Female, USyd FG3), surveillance by other agents (such as school teachers) was assessed as 'a bit much, it's really none of your business' (Female, USyd FG3). Similarly, cyber-stalking was not something that was taken lightly by participants. As one female commented:

> '… I get random notifications from people liking all the photos [on Instagram] and think okay they're stalking me. You can tell because

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[26] One notable testimony relates to requests to potential employees to log into their Facebook account during job interviews (Male, USyd FG3).

they're looking through all of them. A photo that has been there for two months or so, you think okay they're just looking at my profile now. You sense a bit of stalking happening.' (Female, TAFE FG)

When it came to sexting, participants were also cognisant of the role that technology and social media played in this space. Focus group responses indicated that young people predominantly defined sexting as 'nudes' (Male, TAFE FG), 'sexually explicit images over the phone or explicit texts' (Male, UWS FG2), 'inappropriate texting' (Female, USyd, FG2), 'makeshift porn' (Female, UWS FG2), 'attention whoring' (Female, UWS FG2) and 'dirty talk' (Female, USyd FG2).

Interestingly, the term sexting itself was rarely used by the young people to describe the practice; they were 'pretty much taught that it was called sexting' (Female, UWS FG2). Despite this, participants were familiar with the term 'sext' and used it in their interactions with peers (Male, UWS FG2). While young people who participated in focus groups conceptualised sexts as both visual and textual messages[27], they also acknowledged that the development in phone technology (especially in relation to high-resolution pictures and video capabilities) and affordability of photo sharing services was linked to the increase in sexting behaviours (Male, UWS FG2; Male, TAFE FG).

Focus groups also revealed that young people's understanding of, and knowledge about, sexting was heavily related to high school curriculums and educational campaigns about sexting, particularly those provided in schools by law enforcement and government agencies. The key message that participants took from these campaigns was 'generally not to do it, in the event that it does lead into someone else's hands, and in case it does get misconstrued. So basically be on your guard more or less' (Male, UWS FG2). Participants reported that such educational campaigns were typically based on 'extreme [case studies and examples], because we were at that age and [educators] didn't want us to get into the whole sexting thing' (Female, UWS FG2). Participants reported that in some schools 'teachers were really grilling students… you can get in serious trouble. … teachers were very adamant on [boys] not having any possession of pictures. It was pretty serious at my school' (Female, USyd FG3).

Unsurprisingly, news reporting and media content also impacted on participants' understandings and conceptualisations of sexting. The role of the tabloid and teenage-content media was seen as especially pivotal in emitting (often gendered) warnings about perils of sexting. As one participant explained:

> 'The first time I heard the term sexting was through a newspaper article about the rise in teenage girls taking part in sexting to their boyfriends. It was in the *Daily Telegraph*, so that was the first time I'd heard of it.' (Female, UWS FG2)

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[27] As one focus group participant indicated, sexting includes 'very descriptive texting' (Female, TAFE FG).

Similarly, this participant was alerted to sexting through popular forms of teen media:

> '[T]he first time I ever read the word sexting was in *Dolly* magazine and then in recent years I've just been reading lots of articles about it, online, about kids at high schools who have had to transfer because of bullying, that was initiated from sexting.' (Female, UWS, FG2)

While most of the focus group participants acknowledged that sexting was prevalent among their peers, they pinpointed the role of the media in creating the 'sexting problem' (Male, UWS FG2). For some, media focus on the issue of sexting was potentially a catalyst for some young people's engagement in the practice:

> '… I didn't hear about it occurring until it became something big in the media, and I felt like seeing it in the media gave people ideas. So instead of seeing it and being oh that's obviously really bad, it gave them the idea to go out and do it.' (Female, USyd, FG4)

Sexting Practices, Gender and Pressures

Young people's responses indicate their awareness of the complexities of sexting practices, and the impact sexting might have on participants, their families and society more broadly.

When discussing motivations for sexting behaviour, focus groups participants identified a wide range of incentives for sending sexts, ranging from boredom and naiveté, to attention seeking and explorations of sexuality. For some, sexting in a 'loving relationship' was considered desirable, as 'sex can be a very personal thing for most people' (Female, UWS FG2). Sexting was also seen to play a very important role in maintaining long-distance relationships (Male, UWS, FG3), and in that context sexting was viewed as an extension of a loving, committed relationship. For some young women, sexting their boyfriends was a way that they could 'visualise them, rather than I don't know, girls in Playboy or whatever' (Female, USyd FG3). Importantly, as one participant explained:

> '[F]or a woman it's this really personal thing to reveal herself to a man in this private setting and on that basis of that devotion, yes you can have it, it's like a gift.' (Female, USyd, FG2)

Another, relating a friends' story, stated:

> 'She thought it was this loving thing, like a gift, she was enabling his sexuality and making sure it was directed towards her.' (Female, USyd, FG2)

For focus group participants, sexting whilst in a relationship was clearly different from non-relationship sexting practices. Similarly, gender differences

were expressed as deriving from distinctive motivations for sexting. Experimenting with sexting was seen as peer acceptable behaviour for young men but not for women, as they were expected to protect their modesty. In other words there was seen to be a gendered double standard to acceptable sexting. As one focus group participant pointed out, sexting is 'a normal part of being young and growing up just to joke around in that kind of way. Especially for guys more so than girls' (Male, UWS FG2). When asked to elaborate on why male and female sexting practices might be seen differently, one respondent explained that young men often use sexts as a joke and send them to their male friends, 'saying I want to rape you or something really foul, but it's funny because it's so foul and wrong' (Male, UWS FG2). Focus group participants also claimed that men tended to send sexts for attention, especially gym and bathroom selfies (Male, TAFE FG). Young women, on the other hand, according to one participant 'are expected to be modest and not prancing around with their bare legs and cleavage popping out and whatnot' (Female, UWS FG2). Yet, young women do send sexts 'out of like courtesy pretty much' (Female, TAFE FG).

Peer pressure was also identified as an important incentive to be involved in the erotic digital economy. Some focus group participants acknowledged that such pressures apply to both girls and boys, as often 'they're too quick to trust the other partner' (Female, UWS FG2). A majority, however, agreed that peer pressure to sext applies more to young women. As one participant explained, '[g]irls do eventually get bullied for showing themselves to people on the Internet' (Female, UWS FG2). Such pressure was seen as especially pronounced if the young woman in question is dating 'an older guy':

> 'I think it's pressure from a partner, like if a girl is going out with an older guy and he says I want to see your titties, she'll think to herself – like if she's really young like 14 or something – she'll think oh well he's my first boyfriend and if I don't do it for him he's going to break up with me, so they get pressured into it.' (Female, UWS FG2)

The status of a relationship was seen as particularly important in terms of motivations for sexting. Participants saw non-relationship sexting as being linked to a lack of self-confidence, particularly among young women:

> 'I think it's self-confidence… Can I see your tits? Oh crap, my tits aren't that good. Should I do it, should I do it? And they go around asking, and their friends being silly, as they are, say you should show him your tits. If you're insecure while you're doing it, it's more likely to pop up in the future, and you become more and more pressured by people going wow you were such a slut.' (Female, UWS FG2)

As another participant explained:

> '[Girls are], especially at high school, at a vulnerable stage in their life, their self-esteem is very based on what other guys think of them, so I think a lot of the time it's that pretty much trying to impress them, trying to feel good about themselves.' (Female, USyd FG3)

While seen as more significant for girls, the link between a lack of self-confidence and sexting for boys was also reported in focus groups, with one respondent suggesting that boys often question 'how should a real man look, what's an ideal man. How do I get girls, am I good looking enough' (Female, UWS FG2).

Trusting a person not to circulate or abuse sexts was seen in focus groups as the foundation that underpins much of the sexting behavior engaged in by young people:

> 'I probably just have a bit more faith in the youth today than I should be having. It's more some of them know that if you send an image, that image is there forever. It doesn't matter if you're sending it phone to phone or phone to internet, if you send it and you break up, and the other person wants petty revenge, all it takes is one click and they're done.' (Female, UWS FG2)

Occasionally, however, this trust is breached and sexts are distributed, often for revenge. As one participant explained:

> 'I'm thinking of more relationship problems when you got dumped… and you are thinking why are you doing this to me, even though I'm being a horrible person to you. I'll get you back even worse. I'll post up all your private information, your personal stories that were meant for me only and have everyone laugh at you. So it's kind of petty revenge, but it can end in something very serious. The other person committing suicide, or you get sent to gaol.' (Female, UWS FG2)

Beyond this, however, focus group participants reported that distributing sexts could also have a different purpose, including for popularity and gaining attention among young men's mates (Male and Female, USyd FG3) - a 'look how hot my girlfriend is' type of behaviour (Female, USyd FG3). Regardless of motivation, focus group participants were acutely aware that the consequences of sexting were many and serious.

Impact and Consequences of Sexting

The focus groups findings confirmed the notion that sexting practices are considered to be more harmful when they involve minors and are held to a higher account than sexting involving adults. While focus group participants reinforced the notion that sexting among adults was perceived as safe and acceptable behaviour (Weisskirch & Delevi 2011), they reported that alarm bells amongst policy makers and in general public start to ring when teenagers engage in sexting practice. In this context, disparities between sexting in adult relationships, sexting among teenagers of approximately same age and sexting *between* adults and teens was emphasised by many of the young people who participated in the focus groups.

Differences too were distinguished between the types of exchanges that occurred. Text messages, for example, were seen as less harmful than photo messages. Focus group participants were quick to identify the potential for ongoing, permanent harm as a consequence of image-based sexting:

> '[Sexting] can add to insecurities. Sure if you don't get caught then fine, whatever [is] good for you. But you'd be thinking pretty much every day, what if we break up tomorrow, is he going to post it on Facebook or something like that.' (Female, UWS FG2)

> 'I think it can be humiliating because a girl sent a picture of herself naked to her boyfriend and then he uploaded it onto Facebook when they broke up, 'cause it kind of sticks around forever once you send a text or an image.' (Female, USyd FG3)

While focus groups participants argued that there were some platforms that could be identified as potentially 'more safe' for exploring sexuality than others, they admitted that there was no such thing as safe sexting practice, echoing many of the educational campaigns against the practice:

> 'I think regardless of what media they use, I think they forget that anything can be – like even Skype they can record any chats that you have just for monitoring the quality of stuff and it might come up as some kids flashing and stuff.' (Female, UWS FG2)

> 'You should just be aware when you take those photos that there's a possibility of everyone in the world seeing them, and if you're not willing to accept that then you should never do them.' (Female, USyd, FG2)

The negative repercussions of sexting were the reason why some (mostly female) focus group participants decided not to engage in phone-sexting behaviour. As one explained:

> 'I think it's a really bad idea to do it because you don't know who they're showing it to and you don't know who's going to see it these days, they could show it to whoever they want.' (Female, USyd, FG2)

Such concerns were seen as the driving motivation behind young peoples' decision to use alternative social network websites (Grahl 2014) for sexting (such as Reddit or Skype) under the (typically incorrect) assumption that anonymity and privacy would be assured.

Sexting practices, thus, were seen by focus group participants as not simply limited to mobile phones (phone-to-phone) or traditional social networking websites (phone-to-internet; Facebook and Instagram). As explained by one focus group participant, alternative platforms were 'non-relative because typically those photos would be shared around way too many times for normal people to go back to the source of it' (Female, UWS FG2). At the same time, participants reported that Facebook and other traditional social networking websites were increasingly being avoided and/or not used for sexually explicit

purposes. Innovative opportunities for sexting practices instead flourished through platforms such as 'Deviant Art', a site 'where artists and art lovers can meet up and artists can post their artworks and then people can comment on it' (Female, UWS FG2). However, young people who participated in focus groups were also familiar with the risks associated these and other new online file-sharing forums[28], arguing that such websites have 'a lot of implied paedophilia … and child pornography' (Female, UWS FG2) due to the open nature of access.

Focus groups participants were also familiar with instances when sexting practices resulted in expulsions from school, missing out on a job, criminal justice implications and suicide. Here too, gender was also reported to play an important role:

> 'I don't know why it's always girls that gets looked down on. If a girl sends a nude picture of herself, of say her breasts to her boyfriend, with both parties consenting and they break up and the boyfriend releases that picture online or something along the lines, the girl is seen as attention whoring, as in she's begging for attention, when she's saying no I don't want this, this is between me and my ex not online, kind of thing.' (Female, UWS FG2)

> 'I think even for me like I hate it, but what I think about it is gosh, you know Jessie took a picture of herself and she sent it to him, she was willing to take naked pictures of herself and give it to this guy, gosh, how could she do that. But what I should be thinking is oh my gosh, so this guy got broken up with, and he decided to ruin this girl's life by sending these around.' (Female, USyd, FG2)

However, some participants pointed out that hierarchy in terms of popularity of young girls and boys at school plays an important role when it comes to sexting consequences:

> '[I]t depends on who you are. If it was me that sent it in high school I'd probably have the shit kicked out of me by someone. But because this guy was also up there, nothing happened to him, it was just like oh yeah sick man!' (Male, TAFE FG)

While most of the cases focus group participants described resulted in consequences relevant to young people's education (such as expulsion from or moving schools), suicide[29] and punishment through the criminal justice system were also identified as the most damaging potential consequences of sexting.

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[28] Such as R-Creepshots, a sub-forum of Reddit 'where redditors share suggestive photos of women taken publicly and without their consent' (Alfonso 2014).

[29] Some focus groups participants argue that incidents of suicide are more prevalent in LGBT teens (Female, USyd, FG1).

On Crimes – Inciting Sexting and the Distribution of Sexts

One element of the focus group sessions involved participants being asked to reflect on particular sexting case studies, in order to draw out their perspectives on the link between sexting, age and gender. The first case study related to the case of Damien Eades in which Eades – a 20 year old male – sent a nude photo of himself to a 13 year old girl he had just met; he then invited her to do the same, which she eventually did, after several text message exchanges. After her parents found out about this, they reported Eades to police. He was charged with incitement of a person under 16 to commit an act of indecency and possession of child pornography. Focus groups participants stressed two important starting points in the debate: firstly, that one of the participants was under age of consent, and secondly, that there was also a significant age gap between the two parties. As Temple et al. (2012, p. 6) have argued:

> 'while juvenile-to-juvenile sexting may come to be understood as part of adolescents' repertoire of sexual behaviors, this understanding should not be applied to sexting between teens and adults'.

The views of focus group participants echoed this notion. The majority of focus groups participants identified the age gap as too excessive; they had trouble understanding 'why an 18 year old would be texting a 13 year old' (Female, USyd, FG2). As one participant reflected:

> '[T]hinking an 18 year old approaching a 13 year old, you're thinking – you would say why do you think – like do you not have a life, you have your own age friends, why would you go for a 13 year old sort of thing' (Female, TAFE FG).

Moral transgressions of adult-to-teen sexting were emphasised along the lines that young adults should not engage in (real-life or virtual) sexual exchanges with prepubescent or pubescent teenagers. The power imbalance generated by the age difference, according to focus group participants, makes these cases similar to child sexual abuse. According to focus group participants, such transgressions in sexting should invoke strong moral condemnation, similar to the condemnation child sexual abuse evokes. Furthermore, participants also believed there should be social and criminal accountability. As an adult, Eades was expected to act maturely; his request for nude photos was a negation of that, for which he was perceived as solely responsible, according to those in the focus groups.

The issue of consent in sexting, or more precisely – one's capacity to give consent – was identified as central to the moral and social appropriateness of sexting behaviour. Focus group participants acknowledged that in the case of Damien Eades there was no possibility for an underage person to actually give consent. Yet, while the majority of participants in focus groups argued that consent was impossible and that Eades was 'an idiot' who 'should have known she was underage' (Female, UWS FG3), they later acknowledged the

potential difficulties in establishing a person's age, especially in this case, where their acquaintance was recent.

Harmful consequences of sexting were especially highlighted in the context of non-consensual distribution of sexts (Walker et al. 2011; McLaughlin 2010). The second case study examined in focus groups related to two 17 year olds in a relationship who took several pictures while having sex. After the break-up the male distributed the pictures to his friends. The girl found out and reported the case to police. Although the pictures had been deleted, the male was charged with making and transmitting child pornography. The key observation that emerged from focus groups debating this second case study was that the sexting participants demonstrated a lack of understanding of the complexities sexting practices between consenting teens bring to both the legal and social milieu. As one participant pointed out:

> 'I don't get why children are charged for child pornography. I thought the whole idea of child pornography was like children being exploited in this power play with an adult and maybe it was a teacher or an employer or something, but when it's like oh we were both 17, it was a pretty stupid thing to do it's not like he's exploiting a child, he was a child.' (Female, USyd, FG2)

While Eades' case was immediately linked to narratives around sexual predation and exploitation, the language participants in focus groups used to describe offenders in the second case study was dramatically different; they mostly talked about 'immature' (Male, TAFE FG) and 'intrusive' behaviour (Female, TAFE FG), not criminality. The age of those involved in sexting was again identified as an important starting point in the debate. As one focus group participant noted, in this case both actors 'were legally allowed to have sex' (Male, USyd FG4), thus removing many of the moral transgressions identified in Damien Eades' case.

Privacy violations when sexts go 'viral', and the breaking of trust that is supposed to be the basis of intimate relationships are comprehensively explored in sexting literature (see, for example, Arcabascio 2010; Walker et al. 2011). Focus groups participants confirmed such violations have to be considered when debating the moral and social wrongdoings of sexters. Participants argued that, while in the second case study the sex was indeed consensual, the girl did not consent to pictures of that act being sent to others. Although they called the offender 'a creep' (Male, USyd FG2), focus group participants acknowledged the importance of the fact that he tried to get rid of images and that the young woman was not identifiable in the photos. This led participants to conclude that the harm caused by the distribution of the photos in this case was minimal, and that the wrongdoer redeemed himself by trying to rectify the consequences of his actions. In line with the Damien Eades' case, and parallel to feminist debates on pornography (Hayward 2012), the young woman's willing participation in creating the sex tapes/sexts was scrutinised; as one male participant commented, it did not 'speak very highly of her character' (Male, USyd FG4).

On Punishment – Morals, Age and Gender in the Production and Distribution of Sexts

The age disparity between sexting parties and the power imbalance generated by such disparities guided focus group participants' thinking on the appropriate punishment in the case of Damien Eades. An extreme response came from a small group of young people in two focus groups who argued that Eades was a paedophile who 'could grow into... something [more sinister]' (Male, TAFE FG). This group of focus groups participants perceived Eades as a sexual 'predator' (Female, USyd FG2), regardless of the fact that the photo in question was not obtained by force or deception, and had not been distributed. Given this, focus group participants felt the criminal justice response needed to be severe.

A majority of participants acknowledged that, while some form of punishment was needed, Eades' behaviour did not warrant a prison sentence. Punishment was perceived as necessary in order to eliminate the risk of future transgressions and to send a message to other potential offenders - to achieve both general and specific deterrence. Yet, similar to educational campaigns that aim to deter young people from sexting, the outcome of such interventions is dubious. As Day (2010, p. 8) points out, '[a]lthough the threat of criminal sanctions is considered a strong deterrent, its deterrent effect on kids is minimal, if nil'. Similarly, some focus groups participants maintained that appropriate punishment should relate to the notion of harm – the detrimental consequences the sexting had on the female victim (Female, UWS FG3). Arguing that harm caused by Eades is negligible, majority of participants called for application of non-custodial sentences. By claiming that 'if he gets some help hopefully he'll get straightened out' (Male, TAFE FG), they identified 'counselling or something [similar]' (Male, TAFE FG), community service (Male, USyd FG3; Female, UWS FG2) or restorative justice as more appropriate interventions in such cases.

Many sexters find themselves on a sex offenders' register (see also Ostrager 2010; Richards & Calvert 2009). This issue polarised the participants in discussing this case; some argued that participants should be put on sex offenders' registers if they distribute or unwillingly take images of someone else, or when the age difference is too excessive. The age difference was, yet again, identified as a key ingredient that needs to be taken into consideration when debating penalty for sexting. When asked whether the punishment would be different in a scenario where participants are teenagers of a similar age, focus groups participants indicated that if distribution of images does not occur neither side should be punished (Female, UWS FG3). At the same time, while Eades was predominantly identified as a sole wrongdoer, several focus groups participants indicated that a young girl in the case study should also bear some responsibility as she 'was edging him on… she was reciprocating it… not trying to avoid him at all costs, even though of course she was under 16' (Male, UWS FG2).

Similar to findings by Ringrose et al. (2013), the inherent responsibility for sexting is located within the body in the image, rather than in the act of pressure to sext. The consequences for violation of 'age appropriate' sexual expression (Ringrose et al. 2013) in the case of Damien Eades, as suggested by one female focus groups participant, could be criminal charges against young woman in question. A more common standpoint, however, was that she ought to participate in education programs that would teach her that girls of her age should not engage in sexting with adults. Young woman's age was, nevertheless, a mitigating factor as she 'might not have known that it's illegal because she's so young. It might have just been the fact that she wanted to be cool' (Female, UWS FG3). In this context some female participants identified the notion of young girls exploring their sexuality via sexting as important when discussing the case. Sexual awakening and a changing notion of privacy for Generation Y are identified as potential drivers behind sexting behaviour, especially for young girls.

Media analysis

Over 2000 articles relating to sexting were identified for the study period of 2002-2013[30]. As Table 25 and Figure 1 below demonstrate, sexting-related articles were first published in the Australian and New Zealand media in 2002, with a rapid increase in the number of articles being published from 2009 onwards, when concerns over young peoples' sexting practices began to take hold in media discourse.

Media interest in sexting was shown as been primarily confined to the print media, with the number of articles published in newspapers far outweighing other media formats identified by the ProQuest database.

**Table 25 Number of Sexting Articles By Year and Media Source**

Media Type and Year	Newspapers	Wire Feeds	Other Sources	TOTAL
2002	2	0	0	2
2003	4	0	0	4
2004	13	0	0	13
2005	35	0	0	35
2006	12	0	1	13
2007	25	1	0	26

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[30] The research time from of 2002-2013 was established after Proquest data searches determined no relevant term matches before 2002

2008	10	1	0	11
2009	171	21	2	194
2010	198	22	1	221
2011	406	26	3	435
2012	433	27	1	461
2013	579	45	9	633
Total	1888	143	17	2048

Figure 1 Number of Sexting Related Articles by Year
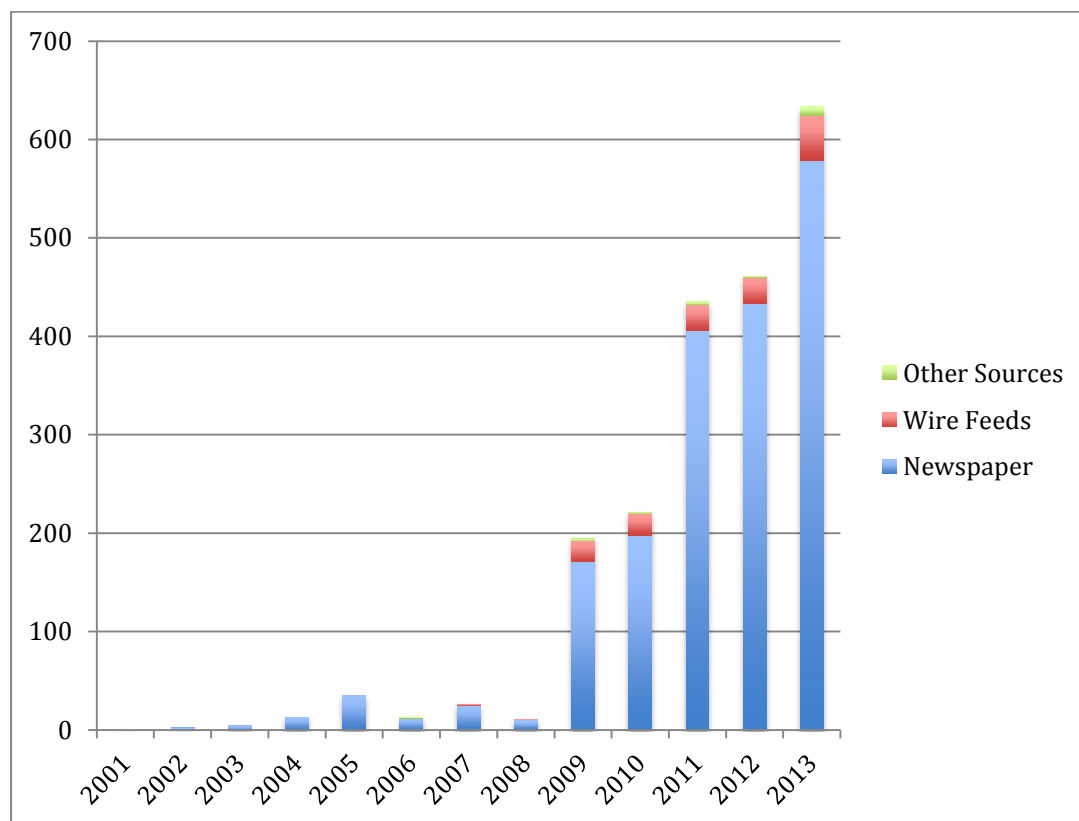
The Emergence of Sexting

Analysis of media items found that while the issue of sexting, initially termed sex texting, first came to media attention in 2002 and 2003, specifically in relation to Australian cricketer Shane Warne, the term sexting itself did not enter media lexicon until 2005. Cited in an article published in *The Daily Telegraph*, Sydney, on July 2nd (James 2005, p. 87), Shane Warne's alleged mobile phone activities were the focus of attention and served to provide the

first example of the use of the term sexting in the Australian media. Reflecting on Warne's actions, James' (2005, p. 87) article stated:

> A telling aspect of his sexual farragos is the use of his mobile for sexting (texting).

> Although "kiss and sell" newspaper accounts must always be treated with caution, there is a suspiciously similar theme to the sexts.

> Three women, from different continents, have accused him of harassing them with unwanted calls or sexts. In one case, he was alleged to have performed a sex act during a call to her answerphone. Another claimed the sexts "made my flesh creep".

Despite use of the term sexting, the article did not refer to the use of images in relation to the practice. This contrasts with current day understandings of the term sexting, which primarily refer to nude or semi nude, sexual images. By 2007, however, media reports painted a different picture on the practice of 'sex texts', or 'sexts', with increasing numbers of articles referring to the sending and receiving of nude and sexual images and photographs via mobile phone. Interestingly, one of the first articles to connect sexting with the sending of nude or semi nude images related to a Northern Territory police officer, who was demoted after:

> …he was caught sending a nude picture of himself -- via mobile phone -- to a junior female colleague in December. The woman lodged an official complaint against the Darwin-based officer (Anonymous, *Sunday Territorian*, September 2 2007, p. 2).

By 2008, the term sexting was being used to describe such sexual images and their dissemination, resurrecting the term that was first used in 2005 to describe Shane Warne's alleged text-based 'sexts'.

Defining Sexting

As well as introducing the term sexting into everyday vernacular, the media have also played an important role in shaping definitions of the term sexting. By 2008 the tone and focus of articles on sexting shifted significantly. While, for the most part, articles between 2002 and 2007 tended to report on the alleged celebrity sexting scandals of high profile sportsmen, from 2008 onwards an increasing number of stories linked sexting with cases of workplace harassment (Cann 2008: 32) and young peoples' sexting practices. Findings from a Western Australian survey in 2008 on cyberbullying in particular appeared to prompt a surge in reporting on young people and sexting, conflating the practice with broader concerns around cyberbullying that were taking hold at the time (Pritchard 2008). As sexting moved from the focus of salacious celebrity gossip pieces to an increasingly 'mainstream' issue that could affect the broader population, the media made a more active attempt at defining the practice for audiences. Early media definitions of sexting included:

The new trend of "sexting" - in which explicit photos of oneself are forwarded to friends or potential partners (Porter 2008: 18)

Sexting involves taking or sending an explicit photo of oneself and forwarding it to friends or potential suitors (Battersby 2008: 3).

As the media focus on sexting increased, so too did attempts at defining the practice, and those engaging in the practice. Gender and age began to feature prominently in media definitions, and it is here where the media made explicit the narrative of the young female protagonist and the male (ex-boyfriend, ex-partner) antagonist; that is, young women were defined as the producers and senders of sexts, while (young) men were portrayed as the recipients of sexts. For example:

…"sexting", [is a practice] in which a girl records her sexual activities on a mobile phone and sends it to her boyfriend, who then sends it to his friends… (Pritchard 2008)

Last year, a year 10 girl from a private school in Mentone texted nude photos of herself to her boyfriend that quickly spread to his friends and beyond. The practice, which police say is becoming more prevalent among adolescent girls, has been dubbed "sexting" (Farrer 2008: 11).

In this way, over the space of just a few years, the media framed the issue of sexting as one in which young girls were the central players; that is, girls were engaging in sexting at the request of boys and men. While initially framed as a practice engaged in by adults, shifting concerns about the involvement of young people in sexting saw definitions increasingly refer to the age – either explicitly or implicitly – of those engaging in the practice.

Framing Sexting

A number of themes emerged in the media analysis in relation to sexting and the way in which the practice was framed. These included defining the practice as harmful, establishing causes or reasons for its occurrence, primary definers (experts pronouncing on the topic), and the responses to or recommendations on what to do about the sexting 'problem'. These are addressed below.

Harm

Overwhelmingly, when harm was discussed in the media in relation to young people sexting, the most common harm identified was the risk of prosecution or criminal charges, accompanied frequently by reference to the risk of being placed on a sex offender's register. For example:

… children risk being stuck on the sex offenders register if found with a naked or overtly sexual image of a person under 18.

> Australian Federal Police agent James Braithwaite said the images were considered child pornography.
>
> He said the law was developed to target serial paedophiles but "it can also capture young people -- like a boyfriend and girlfriend -- sending images to each other. (Turner 2012: 5)

Other common harms cited across the sample were reputation, future career prospects and future relationship prospects, as well as the amorphous warnings that the image is permanent and out of the individuals control once it goes online:

> …"Obviously, things that are posted on the internet are there forever," [Senior Sergeant Wilson] said. "We don't really put much thought into it now, but this can affect people's lives, their reputations, their careers." (*Hobsons Bay Weekly* 2012: 6)

The risk of the image ending up in the hands of paedophiles was also increasingly cited as harm:

> Tens of thousands of explicit self-portraits taken by teenagers are finishing up on websites looked at by pedophiles.
>
> The naked or sexual pictures are often taken by girls at the request of boys in their classes and sent by mobile phone, in a practice known as "sexting".
>
> But unbeknown to the girls, these photographs may end up being passed around the school and even shared on social networking sites such as Facebook - then stolen and published on websites used by pedophiles (*The Courier Mail* 2013).

Overall, sexting was framed as a harmful practice, with long lasting consequences that may impact on young people well into their future, with disastrous outcomes.

Causes

The vast majority of articles that depicted the harms of sexting as being the risk of prosecution tended to cite ignorance of the law as the cause of, or at least an excuse for, the practice. Such articles suggested that if adolescents knew the law they would cease to sext. An increasing number of the sample also cited legal ambiguities or inconsistencies around legal responses to sexting, particularly with regards to the age of consent, as being a concern around the issue.

Of the articles that portrayed sexting as more generally harmful, the most common explanation given was technology itself, the pornification of society and raunch culture, and the psychological immaturity of young people. The

introduction of mobile phone apps such as Snapchat, for example, were overwhelmingly discussed in negative terms, with media reports citing concerns that such applications may lead young people to think they can sext without consequences. For example:

> Police say social media apps and websites such as Facebook, Instagram and Snapchat are of particular concern, with many young people wrongly believing they could permanently delete their racy pictures (Pearson 2013: 1)

Some commentators linked young peoples' sexting to a more general pornification of society; that is, "little girls being too sexy too soon, children being pressured to look and act much older than they actually were" (Tankard- Reist cited in Hills 2012: 12). Integral to such arguments were claims that young people were not mature enough to understand the long-term impacts of sexting. As child psychologist Michael Carr-Greg, a key commentator on children and technology in the media, wrote:

> …technology also brings challenges in the form of cyberbullying, sexting, malware and scams. We have created the perfect digital storm. We have brought together an immature teenage brain and a technology that is in the moment and of the moment (Carr-Gregg, 2012: 11).

These themes were reasonably consistent across the period of analysis and correlated with more general (moral) panics about the vulnerability of young people to the risks of sexting. The overwhelming message being communicated in media discourses was that young people do not understand that sexting is harmful and that they need protection from themselves as much as they need protection from others when it comes to cybersafety.

Key Stakeholders, Experts and Primary Definers in the Media

The analysis of media reports indicated that there was a clear process of issue-claiming around sexting during the period of analysis. While early media reports of sexting provided little in-depth analysis of the issue, presumably due to a focus on celebrity sexters, once young people entered the picture experts were sought out by the media to provide comment on the issue, becoming primary definers of the subject (Hall et al 1978).

The most commonly cited experts in the sample analysed were the police, who not only provided expert opinion on sexting, particularly from a legal context, but were also often referred to with regards to their involvement in school education campaigns around sexting. After the police, the next most referenced definers in the media were the developers of government programs and curricula designed for schools.

While these two groups were often held up as experts, teachers and parents themselves were often depicted as lost and unable to respond to the 'problem'. As such, police and education experts were often positioned as advisers in such media pieces, providing information and guidance to parents

about how they should approach and deal with the issue of sexting, specifically, and cyberbullying more generally. This was evident in a number of articles that provided handy 'tips' for parents in dealing with their teens, such as the following example, which advised parents to:

- Discuss any changes in mood or behaviour with your child as it may relate to cyber bullying - are they quieter than normal or more aggressive?
- Notify police immediately if you have serious concerns for your child's safety.
- Work with your child to save evidence of cyber bullying behaviour. It may need to be followed up by the child's school, internet service provider (ISP), mobile phone carrier or the police.
- Speak to your child's school (Nelligan and Etheridge 2011: 5).

The media analysis also indicated a class of expert entrepreneurs – Maggie Hamilton (author on pornification), Susan McLean (ex-police officer who runs cyber-safety training, author), Michael Carr-Greg (child psychologist), Kath Albury (academic) and Nina Funnell (victim advocate, freelance opinion writer and researcher) – who commented regularly in the media as experts on sexting-related matters, providing definitions of the problem as well as their own authoritative solutions. The panopoly of voices were, however, also polyvocal, undermining a simple moral panic scenario.

Teenagers themselves were almost never quoted in media articles about young people and sexting. Moreover, when their voices were heard they were almost always framed by the expert opinion provided by these primary definers. In this way, experts often quoted a teenager in order to evidence their point on the harm or lack of harm of sexting. As a result, teens and young people themselves have been, for the most part, been excluded from debates on sexting, and their voices and opinions silenced in the media discourse that has developed around sexting.

Responses

There were a number of responses or recommendations to the sexting 'problem' that emerged from the period of analysis. While these recommendations varied depending on the aim and intent of the article, they tended to fit into one of three broad categories: legal/legislative responses, educational/programmatic and parental responses, or technological responses.

A number of articles discussed the use of charges or referred to police discretion options related to young peoples' sexting practices. While initially these articles focused on criminal sanctions/responses to the practice, from 2011 onwards reports began to emerge that discussed efforts to reform legislation, culminating in the 2013 Victorian Inquiry into Sexting, which focused on exactly this matter. Much of this discussion emerged from the realisation that legal responses to young peoples' sexting might be inadequate, leading to concerns over the criminalisation of young people. Of

the articles that presented views on what should be done about sexting, law reform formed an increasingly large proportion of the sample from 2011 onwards, and from 2012 law reform was by far the most prominent discourse in the media in relation to sexting responses.

In addition to the legislative discourse, official governmental responses were also a key discourse in the media. Government programs, curriculum and teacher training were all referred to as possible measures to deal with young peoples' sexting consistently across the sample period. Such discourses were often accompanied by more general recommendations around the education of youth about sexual ethics, healthy relationships and sexual citizenship – again these were most frequently an exhortation to parents and secondarily a call for school programs. When it came to parental responses, the most common recommendations made were for parents to educate their children on the dangers of sexting. A smaller number of articles also called for increasing education in schools or for forums to be run by police.

Technologically, a range of suggested responses were raised in media discourse. The banning or regulation of mobile phones and portable devices, particularly in schools, was one response often discussed. In addition, several commercial mobile phone apps were introduced from 2009 onwards that would enable parents to monitor their children's phones. These apps were raised in the media as possible approaches parents or schools could consider to monitor children's online activities. Most experts, however, were fairly disapproving of these measures, advocating instead for parental or educative measures for more effective results.

Legal Analysis

The media analysis revealed that a major theme in how the media framed the harm associated with sexting was the danger of prosecution of young people for child pornography offences and the harms that could follow, including placement on the sex offender register. Some media reports claimed that hundreds of young people were being prosecuted for child pornography offences (e.g. Herald Sun 2011). Our legal analysis therefore focused on child pornography/child abuse/child exploitation material offences.[31]

The analysis of the legal response to sexting showed that there has been much concern in Australia and internationally about the impact that new technologies have had on child pornography. As a report by the Criminal Justice Division of the Commonwealth Attorney-General's Department noted (2009: 10–11):

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[31] The terms used to cover the offences relating to child pornography differ throughout Australia. Some jurisdictions distinguish between child pornography material and child abuse material (see e.g. *Criminal Code Act 1995* (Cth), s 473.1), some use the term child abuse material to cover both child abuse material and child pornography material (see e.g. Crimes Act 1900 (NSW), s 91FB, *Criminal Code* (NT), s125A(1)), some use the term child exploitation material to incorporate child pornography and child abuse material (see e.g. *Criminal Code* (WA), s 217A). In the following the term child pornography will generally be used.

While previously child pornography was relatively hard to find, internet technologies such as newsgroups and chat rooms have resulted in the move of child pornography onto the internet in a major way. The internet is rapidly becoming the most important exchange medium for child pornography and allows paedophiles and other child pornography exploiters the opportunity to make contacts worldwide.

These concerns have led to Australian jurisdictions significantly strengthening child pornography legislation in the past decade. The Commonwealth Government has taken the lead in this realm and incorporated a range of changes into the *Commonwealth Criminal Code* through the *Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No 2) 2004* (Cth) and the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* (Cth). Child pornography now has a relatively expansive definition in s 473.1 of the Commonwealth *Criminal Code Act 1995*:

> ***child pornography material*** means:
>
>> (a) material that depicts a person, or a representation of a person, who is, or appears to be, under 18 years of age and who:
>>
>>> (i) is engaged in, or appears to be engaged in, a sexual pose or sexual activity (whether or not in the presence of other persons); or
>>>
>>> (ii) is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or sexual activity;
>>
>> and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or
>>
>> (b) material the dominant characteristic of which is the depiction, for a sexual purpose, of:
>>
>>> (i) a sexual organ or the anal region of a person who is, or appears to be, under 18 years of age; or
>>>
>>> (ii) a representation of such a sexual organ or anal region; or
>>>
>>> (iii) the breasts, or a representation of the breasts, of a female person who is, or appears to be, under 18 years of age;
>>
>> in a way that reasonable persons would regard as being, in all the circumstances, offensive; or
>>
>> (c) material that describes a person who is, or is implied to be, under 18 years of age and who:
>>
>>> (i) is engaged in, or is implied to be engaged in, a sexual pose or sexual activity (whether or not in the presence of other persons); or
>>>
>>> (ii) is in the presence of a person who is engaged in, or is implied to be engaged in, a sexual pose or sexual activity;

and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

   (d) material that describes:

      (i) a sexual organ or the anal region of a person who is, or is implied to be, under 18 years of age; or

      (ii) the breasts of a female person who is, or is implied to be, under 18 years of age;

   and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive.

It is noteworthy that this definition sets the age at which a child is deemed a child for child pornography at 18, which is two years higher than the age of consent under Commonwealth law. The definition extends not only to where the person depicted or described in the material is under 18, but also where they appear to be under 18. Moreover, the definition includes behaviours actually engaged in or impliedly engaged in. It also covers depictions of the sexual organ or anal region or the breasts of a female. This definition could lead to child pornography offences also having a wide application. For example, it could potentially apply to family photographs of a naked child. To ensure that such images are captured by law in 'appropriate' circumstances but not in others, such as where the images are family 'snaps', there is a requirement that the depiction or description must be such a that 'reasonable persons' would find offensive in all the circumstances.

Commonwealth offences regarding child pornography are in line with the Commonwealth's power to make criminal law. The Commonwealth *Criminal Code Act 1995*, s 474.19, prohibits the use of a carriage service (that is, telephone, mobile telephone, internet etc) to access, transmit or make child pornography available. Alongside criminalising the use of the communication technology for these purposes, the Commonwealth *Criminal Code Act 1995*, ss 474.20, includes the preparatory offences of possessing, controlling, producing, supplying or obtaining such material with the intent to place it on the internet or distribute it through a mobile network. The Commonwealth Government viewed the reforms undertaken to the *Criminal Code Act 1995* (Cth) as a model for the other jurisdictions to follow.

Several jurisdictions have closely followed this definition, although not always adopting the same age level or terminology. For instance, in NSW sending sexually explicit material may be prosecuted as the 'production, dissemination or possession of child abuse material' if the person depicted is under 16 (*Crimes Act 1900* (NSW), s 91H(2)). 'Child abuse material' includes 'material that depicts or describes, in a way that a reasonable person would regard as being, in all the circumstances, offensive' a child engaged in a sexual pose or sexual activity, or in the presence of a such activity or the private parts of a child (*Crimes Act 1900* (NSW), s 91FB(1)). This definition also covers implying that the person is a child or is engaged in a sexual pose or activity. Importantly, for the purposes of determining that the material is offensive the

standard to be applied is 'the standards of morality, decency and propriety generally accepted by reasonable adults' (*Crimes Act 1900* (NSW), s 91FB(2)(a)). Similar offences and definitions can be found in the Northern Territory, Queensland, Tasmania and Western Australia.

The definitions are slightly different in the Australian Capital Territory, South Australia and Victoria. In the Australian Capital Territory and South Australia rather than requiring a determination that the material is offensive to the ordinary or reasonable person, the material depicting or describing a child engaged in sexual activity or a body part of the child must be such that it is intended, or apparently intended, to excite or gratify sexual interest (South Australia) or substantially for the sexual arousal or sexual gratification of someone other than the child (Australian Capital Territory) (*Crimes Act 1900* (ACT) s 64(5); *Criminal Law Consolidation Act 1935* (SA) s 62). In Victoria, child pornography is defined as 'a film, photograph, publication or computer game that describes or depicts a person who is, or appears to be, a minor engaging in sexual activity or depicted in an indecent sexual manner or context' (*Crimes Act 1958* (Vic) s 67A).

Table 26 (below) shows that the age levels for child pornography differ across Australia and are not always in line with age of consent (which also differs across Australia).

Table 26 Age levels in Australia

Jurisdiction	Age for child pornography	Age of consent
Commonwealth	18	16
Australian Capital Territory	18	16
New South Wales	16	16
Northern Territory	18	16
Queensland	16	16 (18)
South Australia	17	17
Tasmania	18	17
Victoria	18	16

| Western Australia | 16 | 16 |

What is clear from the review of child pornography offences is that there is little that legally prevents young people from being prosecuted under these laws for sexting. Only two jurisdictions provide defences to child pornography offences for young people. Victoria originally had a limited defence in relation only to the offence of possession of child pornography if the person who made the film or took the photograph or was given the film or photograph by the minor was not more than 2 years older than the minor was or appeared to be, or if the person is the minor or one of the minors depicted in material (*Crimes Act 1958* (Vic), s70(2)(d),(e)). New defences were introduced through the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014* (Vic) following the recommendations made by the Victorian Law Reform Committee (discussed below). The defences were broadly based on, but go further than, the Tasmanian approach where a defence applies if the material which is the subject of the charge depicts sexual activity between the accused person and a person under the age of 18 years that is not an unlawful sexual act (*Criminal Code* (Tas), s130E(2)).

A barrier to prosecution also exists under the Commonwealth *Criminal Code Act 1995* in that the Attorney-General's permission is required before a person under 18 can be charged with a child pornography offence.[32] This was an amendment made to the Code following debate on changes to be made through the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 (Cth). This was one of the first times that the issue of the appropriateness of young people being prosecuted under child pornography offences was debated in Parliament. Clarke and Svantesson, representing the Australian Privacy Foundation, gave evidence before the Senate Legal and Constitutional Affairs Legislation Committee inquiry, drawing on examples of children being prosecuted for pornography offences in the US for sexting and expressed concern over the possibility of children being prosecuted in Australia (2010: 2–5). They noted the need for legislative means to generally protect young people from prosecution for child pornography offences while at the same time allowing prosecution in serious cases (2010: 2).

The Liberal member for Cowan, Luke Simpkins, picked up on this issue, stating (2010: 2046):

> I agree that sexting is not in its original sending intentionally child pornography, yet it may be the next time it is transmitted or the time after that. I think that, when you look at the intention involved, there could be an offence. I would, however, say that it is not healthy behaviour of teenagers to win favour with their friends by sending

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[32] See Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 (Cth); Commonwealth, *Parliamentary Debates*, House of Representatives, 18 March 2010, 3017 (Anthony Albanese). Sections 273.2A and 474.24C were inserted into the *Criminal Code 1995* (Cth).

them fully or partially naked photos, nor is it right for so-called friends to pressure other young persons to have their photo taken and send it to others. … I think there is a need for some penalties in these cases in order to discourage this unhealthy behaviour. I would, however, say that, given that the intention was not originally to be child pornography, the distinction can be made.

Brendan O'Connor, Federal Minister for Home Affairs, also noted these concerns but was not in favour of completely excluding young people from the reach of child pornography laws (2010: 2051):

Excluding the sending of child pornography or child abuse material by young people from the proposed offences would be inappropriate, as it might reduce protections for young people. For example, instances of young people sending sexually explicit images of themselves or other young people may in some cases be malicious or exploitative. Although the child pornography offences could potentially apply to young people, there is scope for law enforcement and prosecution agencies to take the circumstances of a particular case into account before proceeding to investigate or proceeding to prosecute.

A further legal barrier to prosecution is the general provision concerning criminal responsibility that applies to children aged between 10 and 14 in all jurisdictions (sometimes called the presumption of *doli incapax*). A child in this age group can only be held criminally responsible and convicted of an offence if, alongside proof of all the elements of an offence, it is also proven that the child understood the wrongfulness of the behaviour according to the standards of ordinary people (*R v M* (1977) 16 SASR 589). It is possible that this requirement means there would be very few prosecutions of children of this age group because such understanding may well be lacking. From the age of 14 there is no special assessment of the child's understanding or level of development and a child is assumed to be as criminally responsible as an adult.

Aside from these legal barriers to prosecution it seems that discretion is commonly used to prevent the prosecution of young people. Research in the US suggests that police use discretion not to prosecute children for child pornography offences in relation to sexting unless there are other factors that are less readily assigned to childish misbehaviour or normal childhood experimentation with sexuality (Wolak et al 2012: 4). This approach has also been confirmed by comments from Neil Paterson, the Acting Commander of Victoria Police's Intelligence and Covert Support Department, who in evidence before the Victorian Law Reform Committee's Inquiry into Sexting noted that (2012, 12-13):

We have gone back over the data in particular to look at the number of juveniles who have ever been investigated for the offences that I

outlined earlier on, and through a manual search of the data we can certainly identify that there are six juveniles who have been investigated in the context of a 57A offence — that is, the transmission of child pornography — which best fits the sexting scenario. Only one matter proceeded to the Children's Court, but that matter was also complicated by the young person downloading child pornography from the internet, completely separate to the sexting-type offence. Of the remaining five juveniles, one was cautioned and four were subject to no further police action, which means that the matter was dealt with by police but no charges were laid and no caution was given for the young person. So from what we are seeing, whilst we understand the concept of sexting out there, there are not too many matters that are coming to police attention, and certainly of any of the juvenile matters that are coming to our attention, they are not being charged. We are exercising our discretion of the office of constable and dealing with the matters outside of the court process.'

Legal analysis for this research has determined that legally it is possible for young people to be prosecuted and convicted of child pornography offences for sexting behaviours. It was also found that there are few formal legal barriers to prosecution (aside from the exceptions noted in Victoria, Tasmania and under Commonwealth law). The main barrier to prosecution, therefore, seems to be police exercising discretion not to prosecute young people unless there are aggravating factors.

The findings of this analysis led to further investigation of whether legal change is necessary and desirable in the Australian context. The question here was whether the laws that apply to adult offenders ought to apply equally to the young, or whether these laws initially designed to protect the young potentially cause more harm to young people than good. While the focus of the research was on child pornography laws, it should also be noted that alongside child pornography there are other criminal offences that may be applied to sexting behaviours, including prohibitions against encouraging indecent acts or publishing indecent material. For instance in *DPP v Eades* [2009] NSWSC 1352, (discussed in focus groups) the accused was charged with possessing child pornography and also inciting an act of indecency under the *Crimes Act 1900* (NSW), s61N(1) after he persuaded a 13-year-old girl to send him photos of herself naked. Furthermore, civil law, particularly actions for defamation and breach of confidence, may be used to provide redress in certain instances of sexting.

So far in Australia the only state government to order an investigation of sexting is Victoria, which commissioned its Law Reform Committee in September 2011 to investigate:

(1) the incidence, prevalence and nature of sexting in Victoria;
(2) the extent and effectiveness of existing awareness and education about the social and legal effects and ramifications of sexting;
(3) the appropriateness and adequacy of existing laws …

The Committee recommended a number of reforms including a defence to child pornography offences based on the Tasmanian provision (noted above), a new offence of non-consensual sexting, review of civil law and a rethinking of educational campaigns. Victoria has now introduced defences which apply to child pornography offences where a minor who is depicted in the image with an adult or with another minor if he or she is not more than two years older than the youngest minor or believes on reasonable grounds that he or she is not more than two years older and the image does not depict a criminal offence (for example, both are consenting to the act). There is also a defence if the young person is not depicted and the image does not depict an offence punishable by imprisonment or the young person believes on reasonable grounds that it does not and the young person is not more than two years older or reasonably believes this to be the case.

The VLRC favoured the introduction of such defence based on a closeness in age between the minor and any minor depicted because it formed the opinion that where the age gap between the sexting parties is significant, this could be an indication of exploitation and that the sexting behaviour should be seen as criminal behaviour on the part of the older person. It was also felt that this would bring the defence in line with the defences to other sexual offences against children. A further advantage was that it would make clear to young people who they can legally engage in sexually intimate behaviour with, including sexting (VLRC 141).

The VLRC also recommended that a new offence be created to cover sexting where a person intentionally distributes or threatens to distribute an intimate image of a person (VLRC 2013: 152). Such new offences have been adopted through the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014* (Vic). It is now an offence to intentionally distribute or threaten to distribute an intimate image in a manner that is 'contrary to community standards of acceptable conduct' (*Summary Offences Act 1966 (Vic)*, ss40, 41DA, 41DB). It is a defence to this offence if the subject of the image expressly or impliedly consented to its distribution or could reasonably have been considered to consent, however, this defence does not apply to minors.

Discussion and Conclusion

Two decades ago Catharine MacKinnon (1993: 36) argued that 'sex pictures [should be] legally considered as sex acts' that harm the children in the pictures. Actual intervention in sexting cases, however, can be equally if not more harmful for young people than the production and distribution of images. As Hayward (2012: 12) reminds us, '[b]efore society embarks on a crusade to rid the nation from the supposed evil of sexting, it would be prudent to pause and ask some important societal and legal questions'.

While legal scholars and criminologists alike have been debating criminal justice responses to sexting for quite some time (see McLaughlin 2010 for key points in the debate), there has been a notable absence of young people's voices in the debate. As a protected object of legal interventions, they are absent from the parliament floor and other decision-making spaces in Australia and beyond. As Leigh Goldstein (2009: 1) suggests, 'it is virtually impossible to hear a child's voice on the subject of sexuality'.

This absence was confirmed by the media analysis, which found that young people themselves were rarely cited in sexting related articles. Indeed, the media analysis highlights how many of the primary definers in debates about sexting in Australia have had a stake in producing anxiety about young people's sexuality, technology, and sexting. The media has played an important role in generating, locating and guiding the debate around the issues of sexting in Australia, particularly in relation to young people. Whilst parents, teachers, academics, police and government officials discuss the issues around sexting and the possible solutions, young people themselves rarely feature in such discussions. This research indicates that media discourses contextualise legal and social consequences in a familiar milieu of risk, while identifying young people as naive, vulnerable, prone to risky behaviour and in a need of protection. More education about sexting (by parents, schools and in the social context more broadly), legal reforms and other measures aim at minimising harm were predominant recommendations suggested by experts in the media reports, but at no stage were young people asked to provide recommendations. As Heath et al. (2009) noted understanding sexting from the perspective of young people is essential if we wish to develop criminal justice and other strategies for preventing potential harm generated by sexting practices.

As noted in the literature review, the prevalence data on sexting and young people is vexed. Recorded rates of prevalence vary from around 2% upwards to the almost 50% we have reported for 16-18 year olds, and 38% for 13-15 year olds in this data. That is, almost 50% of our sample have either sent or received sexually explicit images or videos. Rates of recorded prevalence appear to be closely related to the methodologies, definitions, and samples of specific research projects. Online surveys record higher rates of prevalence than stratified random samples for example. However, we also believe that attempts at representative sampling through phone recruitment – as has been

used in a number of surveys which find much lower prevalence rates – would likely see prevalence under-reported. For example, having to gain consent from both parent and participant before the survey is administered would seem to us to inevitably lead to under-reporting or non-participation from the very individuals who involve themselves in the activity. This project used an online survey to recruit participants. And while the sample size is excellent, and various demographics well represented, it is likely that active participants in online cultures will have been over represented. Thus, while we would urge caution with these overall prevalence data we also believe that it indicates that sexting amongst young people is not a marginal activity. This is reinforced by statements from our focus group interview data where participants talk about sexting being relatively normal amongst many peer groups.

However, our data also indicates that most of those who do engage in sexting generally do so 'consensually' and with few sexting partners. That is, a majority of 13-15 year olds (58%) and 16-18 year olds (63%) who *had ever* sent an image had sent to either nobody or one person in the past 12 month period. And while a significant number of respondents had sent images to 2-5 people (31% and 25% respectively), few had sent to more than 5 people (11% and 12% respectively). The data thus suggests a small proportion of very active participants, with these participants increasing their risk of negative outcomes.

Evidence from existing research (Ringrose et al. 2013) reinforced by the focus group data discussed above indicates young males may engage in exercises of fishing for girls images; that is sending images in the hope of collecting return images by girls that feel compelled or pressured into responding. Indeed, young women who did send more that 5 images in the past 12 months were also over represented compared to their adult female counterparts. There were no significant differences in the frequencies of sending images between young males and young females. However, given the gendered double standards at play, as discussed in the focus groups – boys being less likely shamed or humiliated by their photo being circulated (also see Albury et al 2013; Ringrose et al. 2013) - it is the small cohort of girls who send to multiple partners who are likely most at risk of negative outcomes from their actions.

Returning to the majority of the cohort again, the partner frequency data indicates that most actively sexing respondents are sexting with only one partner or no partner (in the last 12 months). This is reinforced by the fact that those not in a relationship were much more likely to send to more than five people (13%). The focus groups talk of 'trust' built up between participants. Indeed, our data seems to reinforce findings from the US (Mitchell et al. 2012) that suggests that most young people who engage in sexting do so with a 'trusted' partner. This would seem at odds to much of the media and popular rhetoric which often constructs sexting amongst young people in terms of a

moral panic. On the contrary, policy makers might be heartened somewhat by the fact that most young people appear to be aware of the risks and take measures to minimise these rather than being 'out-of-control' compulsive sexters. One caveat here would be that we could not conclusively say that those in a relationship are actually sending the pictures to their partner in that relationship. Nor can we establish with certainty that the respondent was in a relationship when they sent or received an image or video.

However, if there is one cohort who are highly over-represented in a culture of sexting it is those respondents who identified as gay or bisexual. More analysis is needed here, but gay online cultures that have proliferated around on-line applications such as Grindr, Scruff and GROWLr appear to be normalising the exchange of sexual digital images for these groups. Indeed, if our respondents are representative, sexting is a normal behaviour for these groups.

This data on relationships also makes sense in terms of the types of motivations our respondents experienced and expressed. Most young people who sent images reported they did so to be 'fun and flirty'. And while girls also said it was often about 'a sexy present' for a romantic partner, or to 'feel sexy and confident', boys reported that is was 'because I received one'.

These motivations appear consistent with a system of mutual exchange where particular expectations are constructed in a digital economy of images and videos. The inherent risk of the activity, while obviously being something to be managed by most participants, is also part of the attraction.

However, our general cohort had very different perceptions of sexting than the self reported motivations we have just discussed. When asked why girls sent images/videos for example, respondents suggested it was; to 'get attention'; 'because of pressure from the receiver'; or – according to the perceptions of males – as a 'sexy present'; or – according to females – 'to get a girl or guy to like them'. In short there was a general perception that girls might be pressured or feel compelled to send an image. Such perceptions tend to construct girls as either willing 'sluts' or sad 'dupes' with little space for teenage desire. This tends to speak to both the gendered double standard acknowledged in the literature (Albury et al 2013; Ringrose et al. 2013), and the silencing of young women's narratives of desire (Karaian 2012). It is also reinforced by our focus groups.

By contrast, when respondents were asked to select their top three reasons why they perceived that guys send sexual images/videos, responses were quite different, perhaps reflecting the stereotypical notion that boys predominantly pressure girls to send images and are active agents 'doing what boys do'. This gendered double standard was indeed a key theme of the focus groups with many respondents (male and female) even somewhat sheepishly admitting they judge girls who sext differently from boys.

Moreover, many admitted that they hold girls more responsible for negative outcomes they somehow bring on themselves. In short, they responsibilised girls.

Also clear from the survey data was the most respondents knew the severe negative legal outcomes that could result from producing and sending sexual digital images of themselves or others. Yet the rates of participation suggest that such laws are not stopping young people from taking these risks. Indeed, in the focus groups young people indicated the importance of understanding shades of grey in sexting practices, prevention, appropriate criminal justice interventions and changing the social context around sexting. What emerged from the focus groups was that young people rejected a 'one size fits all' approach in sexting, and called for more nuanced understandings of sexting practices.

They also drew our attention to the importance of participants' age and issues around consent, outlining that adult-teen sexting (dependent on age difference) requires both moral and social condemnation, an accountability of adults in question, and appropriate criminal justice or other interventions. Focus groups participants also called for more refined interpretations of gender in sexting, in terms of (mostly female) victims and (mostly male) offenders, a focus on the over responsibilisation of female victim, and the role sexting plays in exploring female sexuality. At the same time, they argued that '[i]nstead of threatening you they should educate you' (Female, USyd, FG1); this final point also extends to challenging gender stereotypes and roles, especially for young men (Male, USyd, FG1).

The age of participants engaged in sexting behaviour was yet again perceived as an important element when considering the form of regulation by our focus group participants. While the objective of policy makers and legislators is to protect minors from sexual abuse, in this research and elsewhere (Salter et al. 2013; Crofts & Lee 2013; Lee et al 2013) we demonstrate how criminal justice intervention in this area that includes overcriminalisation of young people can ultimately be harmful for those we ought to protect. While policy makers argue the rationale for criminal sanctions in sexting is in the best interests of young people and society (Angelides 2013), charging young people under child pornography laws were seen as especially unwarranted where young peoples ages were closely alligned. A "ticking the boxes" approach that does not acknowledge the context in which sexting practices occur, or the impact of placing an offender on sex offender registry, was heavily criticised by focus groups participants. As Corbett (cited in McLaughlin 2010, p. 169) argues, a balance between punishment and sensibility needs to be attained. The impact of placing an offender on sex offenders' registry was assessed as both disproportionate and permanent (Richards & Calvert 2009).

Young people we talked to believe the law is trailing the technological advancements in communication with old laws applying poorly to new 'crimes'. Similar to findings from Podlas (2011), focus groups participants also linked media hype about teenage sexuality and/or vulnerability and

'legislative outbreaks' to sexting (also see Lee et al 2013). The harm (or lack of it) caused to sexting participants was identified as a key point in administering criminal justice interventions (see also Richards & Calvert 2009).

The key themes to emerge from the focus groups were:

- There is a need to acknowledge the crucial role of information technologies and managing digital identity in young peoples' lives;
- The definition of sexting includes pictures, texts and alternative platforms;
- Knowledge about sexting is mostly generated from schools and media;
- Sexting among focus groups participants' peers is prevalent;
- There is a range of motivations for sexting behaviour;
- Sexting is treated differently if occurs in or out of a relationship;
- Sexting is perceived to be a highly gendered practice;
- Peer pressure is perceived as a cause for sexting (especially for young women);
- There are many gendered double-standards in the perception and social construction sexting;
- Commodification and sexualisation of young women should be an important part of the sexting debate;
- The notion of trust and its abuse between sexting partners/participants is important in the sexting debate;
- Young people are aware of harm sexting practices can have for participants;
- Age of participants (as well as age difference), consent and extent of harm are crucial when debating criminalisation of sexting;
- There is a need to rethink punishment in sexting cases.

For the young people we sampled, being 'on-line' was a normal part of their lived experience. As such, practices around sexting need to be understood in this context.

Our research confirms that the motivations and practices around sexting by young people rarely fit the rationales behind child pornography offences and that prosecuting children for child pornography offences for sexting alone would cause more harm than good. This confirms that it is appropriate that police are generally not prosecuting young people for child pornography offences and are using discretion to divert young people for sexting unless there are aggravating factors. Given the range of different scenarios that have been labelled sexting it would be desirable for prosecutorial guidelines to be developed specifically for sexting behaviours indicating when prosecution might be warranted and what factors should be considered in determining whether to prosecute. This could also involve a review of existing prosecutorial guidelines which may mean that police see child pornography as the most fitting offence for sexting scenarios (see VLRC 2013: 115) which in turn may hinder police considering other perhaps more appropriate alternative existing offences.

Given that sexting rarely fits the rationale behind the criminalisation of child pornography it would be desirable for all jurisdictions to develop a defence that indicates when a young person should be not liable for a child pornography offence. The defences developed in Victoria are therefore commendable. However, it may be overly restrictive to require that there is such a close age level (not more than two years) between the parties as is the case in Victoria. This is because it is well established that young people develop at very different and inconsistent rates (see for example, Crofts, 2002, Steinberg & Scott, 2003). The biological age of a child may not necessarily reflect their level of intellectual and social development. It should not simply be assumed that the biologically older child is exploiting the younger. It is possible that a biologically older child may have the same, or even lower level of maturity than a biologically younger child.

The issue of whether to create a new offence to cover non-consensual sexting behaviours is a complex one. On the one hand, it would generally be a preferable option to prosecution for a child pornography offence. Such an offence could provide a middle ground where prosecution for child pornography is thought to be too severe a response but some criminal resppnse is deemed necessary. The advantage is that it addresses where the main harm lies in sexting – where images are distributed without consent – and appropriately labels the wrongdoing. On the other hand, it could lead to net-widening in the case of young people because of police prosecuting for an offence that they see as designed specifically for sexting, rather than diverting young people. In many instances even where the sexting is not consensual the question remains as to whether a conviction for this offence is the appropriate response unless there are aggravating factors. A preferable approach would be to explore restorative programmes that could be specifically designed to foster ethical practices. Our research also shows that non-criminal and non-legal avenues for addressing sexting behaviours by young people should also be explored.

Many education campaigns have been based on abstinence or responsibilisation messages (see Salter et al 2013). That is, they seek to present sexting as either always a danger to young participants outweighing any pleasurable benefits, or seeking to make participants (young women in particular) responsible for their own negative outcomes – much in the way early sexual assault prevention literature did. However, our data suggests that these messages do not equate with the lived experiences of young people engaged in these activities. Rather, a more realistic and effective approach to regulating such behaviour might be more aligned with 'harm minimisation'. That is, to recognise that young people who live lives on-line will almost inevitably experiment with sexting at some point, but that there is a need to attempt to minimise the potentially negative outcomes of the behaviour. Apps such as SnapChat move us closer to this, but are certainly not a panacea, as romantic partners will no doubt also want to 'collect' images of each other – a practice apps such as SnapChat make more difficult but not impossible. More effective may be education that seeks to prepare young people with a 'sexual ethics' (Carmody 2014). Such ethics may allow participants to understand the

context of their behaviour and to be able to identify when they are exploiting others or being exploited. It could also be effective in ensuring that when young people enter this exchange economy they are aware of the parameters and mutual expectations of their practice.

Appendix 1

See survey document attached.

Appendix 2

Focus Group questions:

History of using online technology and social media
1. When was the first time you started using mobile phones?
2. What are the kinds of situations in which you use your mobile phone camera? What do you do with photos you take?
3. How do your friends and family respond?
4. What about text messages? How many you send a day?
5. When did you start using the Internet?
6. What did you mainly use the Internet for?
7. Do you have a presence at Social Networking Sites? What do you think about them? What role do they have in your life?
8. When did you join Facebook? Twitter? Other?
9. What do you use SNS for? How much time you spend on SNS? How often do you check them?
10. Do you use technology to keep in touch with friends/family/partners?
11. Did you have any negative experience using the Internet, mobile phones or social networking sites? What happened?

Experiences of 'sexting' and views about the frequency of 'sexting' amongst teenagers
12. Has there been a situation in the past where someone has sent you/you have sent someone 'private' messages or photos, either online or through a mobile?
13. Can you describe what happened?
14. How did you feel at the time?
15. What was your response? Your family, friends?
16. Did you ask for an advice?
17. Were the incidents reported to the police?
18. What was the outcome of it?
19. What do you think about it now?
20. Was that common when you went to school?
21. How common do you think these incidents are among teenagers?
22. Do you think that the outcome of your case is something that happens to others too?
23. Anything else you would like to add?

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