



Global Monitoring

status of action against commercial
sexual exploitation of children

AUSTRALIA



2nd EDITION

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CONTENTS

Glossary	4
Foreword	5
Methodology	7
Australia: Introduction	9
National Plan of Action	15
Coordination and Cooperation	18
Prevention	23
Protection	31
Child and Youth Participation	48
Priority Actions Required	50
Annex	52
Endnotes	62

GLOSSARY OF TERMS AND ACRONYMS

- **ACMA:** Australian Communications and Media Authority
- **AFP:** Australian Federal Police
- **AIC:** Australian Institute of Criminology
- **ANCOR:** Australian National Child Offender Register
- **ANVIL:** Australian National Victim Image Library
- **ASEAN:** Association of Southeast Asian Nations
- **AusAID:** Australian Agency for International Development
- **CPO:** Child Protection Operations
- **CRC:** United Nations Convention on the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or third person or persons.
- **ECPAT:** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **Grooming:** Preparing a child for sexual abuse or exploitation
- **HTT:** Human Trafficking Teams
- **ISP:** Internet Service Provider
- **NIITF:** National Indigenous Violence and Child Abuse Intelligence Task Force
- **NGO:** Non-governmental organisation
- **NRPT:** National Roundtable on People Trafficking
- **OPSC:** Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- **TIP:** Trafficking in Persons
- **Trafficking Protocol:** Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- **UN:** United Nations
- **UNICEF:** United Nations Children's Fund

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform

to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of

international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report.

ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery,

Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient

information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



AUSTRALIA

INTRODUCTION

Australia is a federal parliamentary democracy and a Commonwealth realm with a population of approximately 22.7 million.¹ In spite of the slowing world market, Australia has transformed itself into an internationally competitive, advanced economy, owing to its abundant and diverse natural resources and robust tourism industry. Visitor arrivals and domestic tourism expenditures are on the rise, prompting the government to invest \$34 million over four years to meet the growing demand from Chinese tourists alone. On the other hand, a competitive global market and strong Australian dollar means more Australians are choosing to travel overseas.² In 2011, Australia was ranked second in the world on the Human Development Index.³

Australia is composed of six states and two territories: New South Wales, Queensland, South Australia, Tasmania, Victoria, Western Australia, the Australian Capital Territory and the Northern Territory. The Australian Constitution of 1901 established a federal system of government under which powers are distributed between the federal government and states/territories.⁴ In general, criminal law is administered by the individual states and territories. Child protection is also largely the responsibility of the state and territory governments, each having its own legislation, policies and practices.⁵ Over the past years, these governments have increased their spending on services for children who have experienced, or who are at risk of experiencing, abuse.⁶ Despite the high standard of living, a 2009

study by the Organisation for Economic Co-operation and Development (OECD) reported that Australian spending on children was still just below the OECD average. The study found that while Australia demonstrated good outcomes in both housing and environment and educational well-being for its children, material and health outcomes could be improved.⁷ Child protection issues particularly persist in Indigenous communities in Australia, with a disproportionate number of Indigenous children experiencing abuse and neglect.⁸

The last decade has seen a marked lack of empirical studies within Australia that have considered children involved in commercial sexual activities with detailed qualitative or quantitative data.⁹ Through recent policy and legislative initiatives, the government has nevertheless demonstrated a firm commitment to combating child exploitation at both local and international levels. Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Australia reaffirmed its commitments at the 2008 World Congress III against the Sexual Exploitation of Children and Adolescents in Brazil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

Child prostitution

Since the mid-1980s there has been a considerable amount of research undertaken in Australia examining children's involvement in commercial sexual activity; however, most recent research is still over a decade old and it is unclear whether figures remain the same. The Australian government has described challenges associated with estimating the extent of child prostitution within the country, such as the difficulty of distinguishing commercial sexual activities from consensual sexual relationships.

Sexual transactions may occur in an ad hoc manner as the opportunity presents itself as a means of survival or to finance a drug habit, or they may occur over a sustained period. Prostitution has been seen to inconspicuously take the form of a prolonged sexual relationship between a child and adult who furnishes him or her with material resources. Given the varying age of sexual consent across Australian states and territories (usually between 16 and 18 years), it is especially difficult to identify these types of relationships as exploitative.¹⁰

Despite the lack of quantitative information, there is enough evidence to show that child prostitution remains a pressing, perhaps even growing, phenomenon in many parts of Australia. Recent news reports have highlighted its persistence in urban centres in Western Australia¹¹ and New South Wales,¹² as well as outback towns in the Northern Territory.¹³ In contrast, in 2010 the Sex Crime Division of Western Australia Police prepared a profile titled 'Child prostitution in Western Australia' which highlighted an absence of substantiated evidence of organised child prostitution in the state.¹⁴

The link between homelessness and commercial sexual activity subsists as a common theme throughout the research

that has been undertaken in Australia. As is commonly the case in other countries, child prostitution is often the result of a combination of factors such as poverty, family breakdown and a shortage of alternative accommodation. The Australian government does not provide direct financial support to children under 16;¹⁵ often homeless and drug addicted, these children may see prostitution as a more attractive option than that of entering the state care system.

While child prostitution in Australia appears to be mostly an opportunistic activity engaged in by children who need food, shelter, drugs or other goods, some small child prostitution rings have been identified. In 2012, police in New South Wales uncovered two prostitution rings, one run by a 22-year-old woman and the other by young sisters. In both cases, homeless girls had been targeted and recruited into providing sexual services to men.¹⁶ Child prostitution rings have also emerged in the most remote areas of the country. A 2008 report stated that young Indigenous girls had been engaged in commercial sexual activity for a period of at least 15 years in a Northern Territory mining town, with police knowing about the allegations for a significant period. Non-Indigenous workers in the town had allegedly been exchanging cash, drugs, taxi rides and alcohol for sex with teenagers, some as young as 13. The Northern Territory government admitted that police officers were aware of this scheme for years, but the town's isolation and sparse organisation inhibited them from gathering sufficient proof to make any prosecutions.¹⁷ Such incidents reveal the urgency of improving monitoring and coordination between communities and law enforcement, particularly in isolated rural areas. In addition to child prostitution rings, there have been an alarming number

of occurrences of parents pimping out their children ranging from 12 to 16 years of age.¹⁸ Drug addiction and mental illness have driven parents to use the Internet to solicit clients, as many as hundreds, to have sex with their children for payment.

The involvement of boys in prostitution in Australia has never been thoroughly investigated nor analysed, but anecdotal evidence shows that male children may also be victimised, though to a much lesser extent than girls. For example, in 2007 Adelaide police disclosed details of a case in which a

man reportedly paid for sex with a 13-year-old boy.¹⁹ 'Speaking for Themselves', a research publication produced by Child Wise (ECPAT Australia), suggests that although boys turn to prostitution for survival, they may also engage in it as a means of exploring their sexuality.²⁰

Australia has also served as a focal point for debates on prostitution legalisation and its impact on child victimisation. Currently, the legal status of prostitution varies by state and territory, from decriminalised to legally regulated to criminal.²¹

Child pornography/abuse images

Recent reports indicate that child pornography is reaching epidemic proportions in Australia, with exploitation material being used as currency by paedophiles to access online groups. The Australian Federal Police (AFP) recently disclosed that where once there might have been hundreds of images on a suspect's computer, there are now hundreds of thousands, sometimes millions, of images of young children being sexually abused. Between 2010 and 2011 only, there was a 30 percent increase—from 136 to 180—in Australian arrests for child pornography offences.²² Similarly, the Commonwealth Director of Public Prosecutions has reported prosecuting a rising number of offences involving the online exploitation of children.²³ Recently, Australian law enforcement agencies have been at the apex of several large, coordinated 'sting operations' resulting in the arrest of hundreds of online offenders, seizure of over one million child exploitation images and rescue of dozens of children. For instance, in 2011 the Queensland Police and AFP led

the destruction of a global child pornography ring, in which at least 21 Australians were charged and 21 children rescued (among them five Australian children) during raids conducted in Australia, the U.S., U.K., Mexico and Russia.²⁴

Most child pornography in Australia is produced overseas, though some domestic production does occur. In 2010, a large inter-agency operation unearthed child sexual abuse images featuring images and videos of children as young as three years old. Police stated that it was clear some of the abuse featured in the material had originated in Australia.²⁵ Moreover, the Internet has been a powerful vehicle for the increase in the scope and extent of opportunities to produce and circulate child abuse material. Australian officials have acknowledged that child pornography offences are becoming increasingly sophisticated through the use of networks to distribute material and the protection of material by encryption.²⁶

‘Bespoke’ online sexual abuse of children

An established trend involves paedophiles using Internet live-streaming sites to order ‘bespoke’ child sex crimes for real-time viewing from countries such as the Philippines. In 2012, the AFP warned of the practice, explaining that online VOIP tools such as Skype were being used to arrange ‘made-to-order’ child abuse, in which sex offenders could tailor sex crimes to their own viewing preferences. After making payment, an offender could sit in the comfort of his or her own home and watch a live feed of a child being sexually assaulted in the way that the offender requested.²⁷ This form of child exploitation extends as far back as 2005 when UNICEF Philippines published a report describing ‘cybersex joints’, establishments that employ men, women and children to perform live sexual acts over webcam. Many of the joints were reportedly operated by Australian expatriates.²⁸ Additionally, ECPAT International has highlighted this growing problem, particularly with reference to children in the Philippines, in its publications and at numerous international forums (e.g. Viva Conference in Bangkok, 2008; expert meeting of Innocenti Research Centre in Florence, 2010; Council of Europe’s Octopus Interface Conference in Strasbourg, 2010).²⁹

One Australian man has already been convicted over one such arrangement based in the southern Philippines. The Victorian man allegedly transferred several thousand dollars to the Philippines to pay for ‘bespoke’ child abuse broadcasts over a nine-month period. He was sentenced to seven years imprisonment in 2011 but is appealing.³⁰

With its rising incidence, online child grooming¹ is also gaining national attention. The widespread use of social networking sites and other new information and communications technologies (ICT) by Australian children has increased the opportunities for adults with an inappropriate sexual interest in children to establish contact with them, develop relationships and groom them for sexual abuse. Although it is impossible to establish the real extent of online solicitation, official crime statistics

report increasing numbers of cases of online sexual abuse being recorded by police and coming before the courts, with a number involving grooming carried out on social networking sites.³¹ Australia’s push to understand this relatively modern crime is evidenced by recent research efforts, including studies on its legislative and non-legislative measures to combat child grooming,³² the use of social networking sites for grooming³³ and differences in online interactions between paedophiles and male and female children.³⁴

‘Sexting’: a new source of child pornography

The proliferation of mobile communication device usage among children has created numerous new ways for children to become vulnerable to those who seek to exploit them. As nearly all new mobile devices include cameras with video and sophisticated chat functionality, a new phenomenon sometimes called ‘sexting’ has arisen in which children take compromised images of themselves (often without clothing or presented in scantily clad poses) without realising that these images will be distributed broadly or be acquired by adult predators. According to an Australian survey on sexting, an alarmingly 40 percent of young people who participated in the online survey had engaged in this practice;³⁵ however, the exact prevalence of ‘sexting’ among young people in Australia is unknown.³⁶ So far, limited research and isolated measures have been developed to fully comprehend and tackle the specific issue of sexting.³⁷

¹ Grooming is the process by which an abuser befriends a child in order to lower the child’s reservations, and prepares him/her for sexual abuse or exploitation (ECPAT International: Strengthening Laws Addressing Child Sexual Exploitation).

Australia is regarded as a regional leader in combating human trafficking,³⁸ but there is little data to draw the same conclusion about child trafficking for sexual purposes specifically. According to the U.S. Department of State's *Trafficking in Persons Report*, Australia is considered primarily a destination country for children subjected to sex trafficking. It is also a source country for a small number of child victims of sex trafficking, primarily teenage girls, within the country.³⁹ In its last submission under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), the Australian government reported zero confirmed reports of children being trafficked into or within Australia and accordingly, no prosecutions for the offence of trafficking in children between 2004 and 2008.⁴⁰ Most available sources suggest that child trafficking is not a significant problem in Australia.

Still, Australia presents a high demand for young Asian sex workers, creating a market opportunity for traffickers in women and children from countries like Thailand, the Philippines, China and Cambodia. To date, the majority of victims have originated from Thailand, though the AFP recently reported a reduction in the number of allegations of suspected trafficking of Thai nationals since 2008 and a commensurate increase in the number of reports of suspected sex trafficking of South Koreans.⁴¹ In particular, two possible cases of children trafficked from Asia have come to light in recent years. In both cases, it was claimed that the women

(allegedly aged 12 and 13 when trafficked) had been sold by their parents to traffickers in Thailand and were forced to work in brothels upon arrival in Australia.⁴² Both cases arose following routine compliance inspections by immigration officials. Neither case led to a prosecution in Australia.

Although research and public discussion on human trafficking has focused mainly on cross-border trafficking, Australia's large geographic area and low population density creates an environment of relative seclusion in which the movement of children for sexual exploitation, i.e. domestic trafficking, can occur unnoticed. For example, a 2006 investigation into child sexual abuse in the Northern Territory uncovered a non-Indigenous man operating an elaborate trafficking scheme in which young Indigenous girls from remote areas were moved to towns in order to trade sex for drugs.⁴³ Two years prior, parents of a 12-year-old girl from the Gold Coast were arrested for providing her sexual services to men in exchange for money. The victim testified that her parents would take her out of school and transport her to various clients who responded to online advertisements.⁴⁴ Although not documented as such by Australian authorities, this very activity may be considered as domestic child trafficking for sexual purposes. Despite this, Australia's anti-trafficking efforts remain primarily focused on transnational sex trafficking. The country has yet to see the identification or prosecution of a domestic sex trafficking offence committed against an Australian citizen or resident.⁴⁵

The U.S. Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different 'tiers' based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made 'significant efforts' to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2012 report, Australia was placed in **Tier 1**.⁴⁶

Child sex tourism

Australian sex tourists maintain a significant presence in countries throughout the world, particularly in the ASEAN region. The increasing prevalence of low-cost intercontinental flights between Australia and Asia, intra-Asian flights, as well as expanded tourism infrastructure in rural areas has facilitated access to a vast range of areas for sexual exploitation of children. Though this development usually brings economic benefit to communities, it also increases the vulnerability of poor children to exploitation by these tourists. A regional review of travelling child sex offenders in South East Asia conducted by Child Wise found that between 2007 and 2008, Australians represented 10 percent of arrested offenders in the ASEAN region.⁴⁷ Recent news reports suggest that Bali is an emerging hotspot for Australian child sex tourists, citing AFP statistics that show a quarter of travelling registered offenders going to that destination.⁴⁸ On the other hand, the actual volume of Australian offenders abroad is unclear. The AFP recently reported that between 2010 and 2011, 1,090 convicted sex offenders travelled overseas. Those who are registered only constitute a very small number of travelling sex offenders, however

(approximately 5 percent). Although not all registered offenders travel for the purpose of reoffending, this information suggests that the actual number of Australian sex tourists could be in the thousands.⁴⁹

The AFP has also reported that perpetrators are increasingly using the Internet and paedophile-friendly travel agencies to conduct research and orchestrate their travel for the purposes of offending.⁵⁰ During the National Roundtable series, which engaged a range of key stakeholders from all ASEAN countries, the AFP noted that offenders rarely act alone and described the extended networks supporting travelling child sex tourists. Furthermore, the AFP recognized that offenders are often developing new and innovative means by which to conceal their identities and activities, making child sex tourism an ever dynamic crime requiring advanced investigative techniques.⁵¹ Australian offenders in Bali, for instance, reportedly reside in remote mountainous areas and/or pay police and villagers for protection. There have been accounts of Australian men sexually abusing Indonesian girls between 14 and 15 under the guise of polygamous marriages.⁵²

Other factors contributing to CSEC

Despite Australia's high standard of living, Indigenous Australians experience elevated levels of poverty. Aboriginal and Torres Strait Islander Australians are affected by poor educational outcomes, very high unemployment and geographical isolation. Many of the children suffer from abuse at home. Statistics provided by the Australian government showed that although Indigenous children constitute only approximately 5 percent of Australian children, they

represented nearly 27 percent of all confirmed cases of child abuse and neglect in 2009-10.⁵³ In fact, the abuse in such communities tend to go underreported due to a number of factors, including mistrust in state institutions, isolation, community silence and denial, and communication barriers, suggesting that the proportion of Indigenous children being abused compared to the general population may be higher.⁵⁴

Inquiries into child abuse in Western Australia, New South Wales and the Northern Territory have concluded that the sexual abuse of Indigenous children is common, widespread and similarly, grossly under-reported.⁵⁵ As envisaged, children in these communities are especially vulnerable to engaging in commercial sexual activity. For example, a 2007 report described girls living in Indigenous communities in Queensland soliciting men for sex in return for money, alcohol and marijuana.⁵⁶ A 2008 news report claimed that the problem of Aboriginal girls having sex with truck drivers in several New South Wales towns for money and drugs had been around for years.⁵⁷ More recently, concerned citizens brought government attention to allegations of child prostitution in Indigenous communities in the Northern Territory. Critics attributed the problem to

the government's failure to curb substance abuse, implement solutions to persistent child abuse and improve living standards in remote communities.⁵⁸

The reasons that Indigenous children are more likely to be abused or neglected are multiple and complex. Past and ongoing dispossession, social exclusion and racism have contributed to high levels of unresolved trauma among Aboriginal and Torres Strait Islander people. This unresolved trauma can be expressed in ways that are destructive, such as substance abuse, and can negatively impact parenting capacity and family functioning.⁵⁹ Further, geographical isolation and a shortage of resources⁶⁰ means that interventions are not widely available to victims, who may resultantly perceive sexual abuse as a completely normal way of life.⁶¹

NATIONAL PLAN OF ACTION

While all of the undermentioned plans contain provisions that address contributing causes, or directly address specific manifestations of CSEC, Australia lacks an up-to-date and comprehensive national plan of action to combat all of child prostitution, pornography, trafficking for sexual purposes and sex tourism. In particular, none of the country's existing plans provide a multi-faceted approach to tackling child prostitution or the demand created by Australian citizens who travel with the intention to sexually exploit children abroad.

In 2000 the Australian government developed a national plan of action entitled *Tomorrow's Children: Australia's National Plan of Action against the Commercial Sexual Exploitation of Children*.⁶² The plan outlined activities that Australia had undertaken to combat the commercial sexual exploitation of children and described the development of a coordinated cross-sectoral and inter-governmental response to child prostitution, pornography, trafficking and sex tourism. The plan did not, however, identify an implementation period, indicators of success,

key activities and responsible organisations. It has thus served mainly as a lobbying and advocacy tool for civil society organisations. Aside from being over a decade old, there have been very limited concrete activities which have been undertaken for the plan's implementation at the federal and state levels. There is no information to suggest that the government intends to update the action plan or create a new, comparable one. Currently, strategies to prevent and combat certain aspects of CSEC are included in other national plans.

Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020

Through close collaboration with states, territories and the NGOs, the federal government recently led the development of a national child protection framework titled *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*.⁶³ This plan expresses a new approach which recognises that the protection of children is not simply a matter for statutory child protection services, and that protecting children is a shared responsibility within families and across communities, professions, services and government.⁶⁴ The plan identifies risk factors for child abuse and neglect and outlines six supporting outcomes through which progress will be measured. Although the framework runs until 2020, it identifies actions to be completed by different bodies within the initial three years.

Most notably, a section of the national framework is dedicated to the prevention

of child sexual abuse and exploitation and improvement of sexual abuse victim support services. Measures to be implemented by all states and territories in this area within the first three years include cyber-safety initiatives, interventions for young people who exhibit sexually abusive behaviour, strategies for addressing child sexual assault in Indigenous communities and the enhancement of detection, investigation and prosecution of online sexual exploitation.⁶⁵ However, the plan lacks specific measures targeted at other forms of commercial sexual exploitation. It does not envisage tailored actions to reduce child prostitution, child trafficking and child sex tourism, perhaps assuming their inclusion under other child abuse programmes. The first evaluation of the National Framework is scheduled to be completed by the end of 2012, coinciding with the conclusion of the first three-year action plan.⁶⁶

Action Plan to Eradicate Trafficking in Persons

In response to an increasing problem of trafficking in persons, the Australian government adopted an Action Plan to Eradicate Trafficking in Persons in 2004. The plan focuses on prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation. Under the plan, police, immigration and victim support services have worked collaboratively to interrupt the flow of trafficking victims and enforce anti-trafficking laws while providing support to survivors.

In 2007, the Australian government allocated a further \$38.3 million over four years to continue and build on the 2004 measures, bringing the total funding to approximately \$59 million.⁶⁷ However, the main focus of this national plan has been on human trafficking generally, with little attention devoted to the special needs of children. In particular, a 2009 performance audit of the plan's implementation highlighted that the government had inadequately considered the key issue of how to handle vulnerable victims, including mentally impaired and child

victims.⁶⁸

Coinciding with the conclusion of the *Action Plan to Eradicate Trafficking in Persons*, the AFP and all state and territory police forces recently endorsed the *Australian Policing Strategy to Combat Trafficking in Persons 2011–2013*. This strategy places obligations on Australian law enforcement agencies to promote awareness of human trafficking, partner with government and non-government organisations to develop prevention programmes and ensure all

suspected victims are referred to appropriate support services. The AFP is currently developing the implementation plan for this strategy from submissions provided by state and territory police.⁶⁹ It remains to be seen whether the plan will include programmes and policies to address the specific vulnerabilities of children. Overall, the lack of evidence of child trafficking to/from and within Australia has resulted in a national strategy that targets human trafficking and does not contemplate child-specific issues.

Cybersafety plan and NetAlert

There is no indication of a formal national plan of action to combat online sexual exploitation of children; rather, Australia's long-term strategy is captured in large-scale initiatives. In 2007 the federal government launched *NetAlert – Protecting Australian Families Online*, a \$189 million initiative that combines services and education, regulation and policing to reduce vulnerability of Australian children to harm online. Elements of the initiative include the implementation of Internet filtering technology in households and libraries across Australia; funding for a Consultative Working Group to address emerging issues surrounding social networking websites; increased regulation, including funding for the Australian Communications and Media Authority (ACMA) to deal with additional investigations into online content and expand its blacklist; and funding for specialised law enforcement groups, support programmes, education and awareness raising activities.⁷⁰

It appears that the Australian government complemented this programme one year later by committing an additional \$125.8 million over four years to a comprehensive cybersafety plan. The plan includes an expansion of law

enforcement capacity to detect and investigate online child sexual exploitation, funding for a range of cybersafety education activities, an online helpline and ongoing research, implementation of Internet Service Provider (ISP) filtering, expansion of the Consultative Working Group created by *NetAlert* and the formation of a Youth Advisory Group to provide input on cybersafety issues from a young person's perspective.⁷¹

Although of commendable scope, these initiatives would ideally be assimilated into a comprehensive plan of action that contains measurable targets and monitoring strategies. Further, Australia is lacking a plan of action that engages all key figures in the fight against online sexual exploitation of children, including NGOs and the private sector. This would ensure a far-reaching and strategic approach in which overlapping initiatives are cooperative, not redundant. In spite of the absence of such a national plan however, multi-stakeholder involvement in combating this form of CSEC does occur, and NGOs and other agencies are increasingly collaborating with the AFP to build capacity on the issue.

New South Wales Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011

Following a taskforce-led investigation into child sexual assault in Indigenous communities across New South Wales, the state government developed the *Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011*. The plan's development was prompted by concerns that child sexual abuse, including child prostitution, in New South Wales' Indigenous communities was widespread and widely underreported. The five-year strategy outlined 88 state-wide actions spanning four strategic areas: law enforcement, child protection, early intervention and prevention, and community leadership and support.⁷² Achievements to

date include the implementation of systems to improve school attendance and close the educational gap between Aboriginal and non-Aboriginal students, as well as a programme to treat youth who display sexually abusive behaviours.⁷³ The New South Wales Department of Aboriginal Affairs is currently funding a review of the plan.⁷⁴

Within the national child protection framework (*Protecting Children is Everyone's Business*), the federal government urges other states and territories to adopt similar strategies modelled after New South Wales' Interagency Plan.⁷⁵

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan,

implement and evaluate measures to combat CSEC. At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted approach is taken in eliminating CSEC.

Local and national level

Most of the existing national plans and strategies relevant to CSEC recognise the need to promote partnerships among actors responsible for child protection. For example, a multi-stakeholder approach in addressing child sexual abuse and exploitation is emphasised in the *National Framework for Protecting Australia's Children*, which calls for the enhancement of cooperation between governments, the private sector, NGOs, families and communities. Similarly, the *Action Plan to Eradicate Trafficking in Persons*

stresses the importance of multi-sectoral collaboration in the implementation of the plan.

In particular, as part of the implementation of the anti-trafficking plan, the National Roundtable on People Trafficking (NRPT) was first convened in 2008 marking a significant partnership between the Australian government and NGOs in the area of human trafficking. The NRPT functions as a consultative mechanism

between the government and NGOs and seeks to prevent trafficking, protect victims and prosecute offenders.⁷⁶ The Working Group established by the NRPT has made considerable progress, including publishing two editions of *Guidelines for NGOs Working with Trafficked People*, important resources for organisations that may encounter trafficked persons. The publications provide Australia-specific guidelines for children and refer to the UNICEF guidelines on the protection of child victims of trafficking. However, although maintaining the best interests of the child is punctuated, they do not offer concrete and detailed protocols for achieving a child-sensitive approach.⁷⁷ In 2011 the NRPT reassembled and focused on issues related to the sale of children (including the commercial sexual exploitation of children and children in labour trafficking situations) within Australia and the region.⁷⁸

2011 also saw the gathering of personnel from industry, government and non-government agencies at an AFP-hosted event titled People Trafficking: Achieving Collaborative Awareness Discussion Exercise. The meeting facilitated discussions on future legislative, administrative, service and socio-legal activities to help prevent, disrupt and prosecute criminal groups benefiting from human trafficking in all its forms. Armed with positive feedback and a schedule of similar stakeholder engagement activities for the 2011-12 period, the AFP is working to form a human trafficking community across Australia that will meet regularly.⁷⁹

The AFP's Online Child Sex Exploitation Team (now Child Protection Operations) performs an investigative and coordination role within Australia for multijurisdictional and international matters related to online child sexual exploitation. Case referrals to Child Protection Operations (CPO) are the result of cooperation with bodies ranging from Internet service providers to NGOs to Interpol.⁸⁰ CPO has also forged close working relationships with Australian state and territory police services to ensure that

local child protection matters receive a high level of attention and contribute to national efforts. For example, CPO members have co-located with Western Australia Police as well as Queensland Police to collaborate on both federal and state child exploitation investigations.⁸¹

With the support of all Australian police agencies, the AFP has responsibility for delivering the Australian National Victim Image Library (ANVIL). ANVIL was the result of a concerted effort between CPO, CrimTrac (Australia's national information-sharing service for police, law enforcement and national security agencies) and Queensland Police. Currently being deployed nation-wide to all Australian policing agencies, ANVIL's primary objective is to more efficiently identify child victims using a national database of previously seized child exploitation images and to minimize investigator exposure to such materials. The 2010-11 AFP annual report indicated that significant progress had been made with overcoming the complex technical, evidential and security requirements and integrating ANVIL into investigative processes for all Australian police services.⁸²

The AFP additionally collaborates with state and territorial law enforcement on Indigenous child protection matters. Operation Pleach began in 2007 after the Prime Minister pledged to provide a whole-of-government response, including 60 AFP officers, to the child abuse crisis in the Northern Territory. The majority of officers were deployed to remote Indigenous communities in central Australia where they would join local authorities in community policing activities,⁸³ such as patrolling and delivery of personal safety and crime prevention awareness campaigns.⁸⁴ In 2012 the number of AFP officers was drawn down, marking the conclusion of the operation.⁸⁵ Such activities are especially welcome additions to Australian efforts to address the persistent vulnerability of children in Indigenous and remote communities, and would ideally be duplicated

in other areas of the country.

In order to strengthen coordination on the issue of child sexual abuse and exploitation in Indigenous communities, the Australian government instituted a National Indigenous Violence and Child Abuse Intelligence Task Force (NIITF) in 2006. Participants of the Task Force include the Australian Institute of

Criminology, AFP, state and territory police forces and other agencies. The Task Force, which has been extended until June 2012,⁸⁶ has been working to improve the national coordination of information collecting and sharing between relevant stakeholders so that responses to abuse are informed and adequate.⁸⁷

Data collection

The NIITF is a commendable effort to improve data gathering; however, this feature is still significantly lacking in Australia. Despite recognition of the importance of comprehensive and accurate data in informing policies relating to children, youth and crime,⁸⁸ national coordination in the area of data collection appears to be missing. In regards to CSEC, information is mostly compiled and managed by individual jurisdictions, with different focus areas such as human trafficking or child pornography.

At the federal level, the AFP is coordinating the development of an Intelligence Collection Plan for the *Australian Policing Strategy to Combat Trafficking in Persons* (see National

Plan of Action). This will assist government stakeholders to better quantify human trafficking in Australia and provide a rationale for resourcing decisions. Meanwhile, individual states and territories maintain intelligence databases containing information on or solely dedicated to storing information on individuals or organised groups involved in child pornography and prostitution.⁸⁹ As such, there is neither a fixed nation-wide mechanism to collect data on CSEC (e.g. number of investigations, prosecutions, final convictions, compensation amounts, number of victims assisted/repatriated), nor a method to unify federal, state and territory crime statistics to produce a national narrative.

Commonwealth Commissioner for Children and Young People Bill 2010

Due to the decentralization of child protection policy-making in Australia, independent children's commissioners or guardians exist in every state and territory.⁹⁰ Their functions include monitoring and advocating (both publicly and to government) for the interests of children, particularly of vulnerable or at-risk groups such as Indigenous children. However, the Australian government has recognised the need for a national system that coordinates the varying state-based regulations and programmes.

Still under contemplation by the government, the Commonwealth Commissioner for Children and Young People Bill 2010 would implement an independent statutory body to operate as a national advocate for children's rights. According to the bill, the Commissioner will be responsible for advocating at a national level for the needs, views and rights of people below the age of 18, monitoring the development and application of laws affecting children and young people, coordinating related policies, programmes and funding which impact children and young people and proactively involving children and young people in the decisions that affect them.⁹¹ While the creation of this body will ensure a cohesive response to child rights issues, a number of agencies have expressed concerns on the present formulation of the bill. For example, it has been noted that in light of their high vulnerability to child abuse, the Commissioner should pay special attention to the needs and interests of Indigenous children.⁹²

Australia leads various regional and international fora to combat CSEC and a commendable number of significant efforts outside its borders in the areas of law enforcement, legal reform and prevention. The government has particularly taken a firm stance against people trafficking and child sexual exploitation in the Asia-Pacific region. Australia currently serves as co-chair (along with Indonesia) and founder of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). The Bali Process involves 44 country members and many international agencies, and brings participants together to work on practical measures to help combat people trafficking and related transnational crime in the Asia-Pacific region.⁹³ Through the Bali Process, Australia has devised model legislation on people trafficking which has subsequently been used by many regional countries in the development of their own legislation.⁹⁴

A number of notable joint initiatives have also been undertaken to prevent and counteract trafficking in persons, though with limited focus on child trafficking. The Asia Regional Trafficking in Persons Project (ARTIP) was a \$21 million initiative between 2006 and 2011 that aimed to strengthen the criminal justice system response to trafficking and improve cross-border cooperation in South East Asia. Funded by AusAID (Australian Agency for International Development, the Commonwealth agency administering Australian overseas aid), ARTIP provided training and capacity building for several thousand law enforcement officers, judges and prosecutors, as well as improved anti-people trafficking policy, legal, research and outreach capability in partner countries: Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand and Vietnam. In collaboration with the United Nations Office on Drugs and Crime, ARTIP also achieved the creation of the first ever *ASEAN Trafficking in Persons Handbook*

in International Legal Cooperation.⁹⁵ It is anticipated that by the end of 2012 the Australian government will initiate a new phase of work on trafficking in persons. In the meantime, it has committed to supporting a Transition Phase, which involves ongoing technical support to key regional structures and dialogue on the issue.⁹⁶

AusAID supports a range of other NGO projects that aim to prevent trafficking, assist victims and improve child protection in South East Asia, including World Vision's Assistance, Support and Protection for Migrant and Trafficked Women and Children project in Burma-Thailand border areas and the Mekong Delta Regional Trafficking Strategy (Phase II).⁹⁷ In particular, AusAID is funding Project Childhood, a five-year programme targeting child sex tourism in South East Asia which commenced in 2010. Prevention and protection are primary components of Project Childhood, with an NGO and the United Nations Office on Drugs and Crime being responsible for leading each, respectively.⁹⁸ Under its prevention pillar, Project Childhood is carrying out a survey in Cambodia, Laos, Thailand and Vietnam in order to understand the use of ICTs among children in these countries and lobby for suitable interventions for their online exploitation.⁹⁹

As Australia's national law enforcement agency, the AFP also works in close concert with international figures to combat human trafficking. In 2009, the AFP hosted its first Trafficking in Persons International Conference in Sydney, which garnered the attendance of law enforcement agency counterparts from source and destination countries including China, Vietnam, Indonesia, Korea, Thailand and Malaysia. Participants discussed strategies for combating trafficking in each country and barriers and opportunities for more effective international cooperation and information exchange.¹⁰⁰ In the same year, the AFP helped

the Jakarta Centre for Law Enforcement Cooperation host a conference in Indonesia on human trafficking and people smuggling, which saw participants from all over Asia. As part of its role in the Bali Process, the AFP provides training and capacity building to law enforcement agencies within the Asia-Pacific region to combat people trafficking, child sex tourism and related offences,¹⁰¹ though its focus also extends beyond Asia. In 2010 the agency, in cooperation with Interpol, provided overseas training on human trafficking to law enforcement officers from a range of African countries.¹⁰²

In light of the large number of trafficking victims in Australia originating from South Korea and Thailand (see Introduction), the AFP maintains an especially close relationship with law enforcement and social welfare agencies in those countries. The AFP cooperates with the Thai Department of Social Development and Welfare to support victims and witnesses who assist the AFP and Thai Police with human trafficking investigations.¹⁰³ Additionally, an AFP liaison officer oversees the operations of a transnational crime prevention network in Thailand.¹⁰⁴ The AFP also works closely with South Korean law enforcement agencies, primarily the Korean National Police and the Supreme Prosecutors Office, to investigate the suspected trafficking of South Korean sex workers.¹⁰⁵

In the area of child sex tourism, Australia has also adopted significant roles in the international community. Most notably is the country's involvement in the ASEAN Regional Taskforce to Prevent Child-Sex Tourism (created by Child Wise). Members of this body, including representatives from the ten ASEAN countries, meet annually to share developments and current practices as well as formulate regional strategies for combating child sex tourism. Australia made particularly significant contributions to the ASEAN Regional Public Education Campaign. Launched in 2005, this initiative was jointly carried out between ASEAN

governments under the coordination of Child Wise. The objectives of the campaign were to mobilise responsible travellers and local citizens to report suspicious behaviour, deter child sex offenders and create a culture of intolerance to child sexual abuse.¹⁰⁶ In June 2008, the Australian government made a funding commitment toward the region-wide roll-out of Phase II of the ASEAN Regional Education Campaign. Phase II intends to reach an extended audience with the same message of intolerance.¹⁰⁷

Australian NGOs have also participated in collaborations to prevent child sex tourism. For example, through various projects, Child Wise has worked with Cambodian schools to equip both children and adults in vulnerable school communities with the skills and resources to protect children from sexual exploitation. Ensuring that key community members are not overlooked, Child Wise has also collaborated with ECPAT Cambodia to train tuk tuk drivers on CSEC through the Prevention of Child Sex Tourism Tuk Tuk Project.¹⁰⁸ In addition, as part of the ASEAN Regional Public Education Campaign, Save the Children Australia has cooperated with the Laotian government to produce posters and a radio programme on child sex tourism.¹⁰⁹

In recognition of the fact that the Internet is now a global vehicle for perpetrating CSEC crimes, Australia plays an active role in the development and operations of the Virtual Global Taskforce (VGT), an alliance of international law enforcement agencies and NGOs working to eliminate online sexual exploitation of children. The AFP is currently the chair of the VGT.¹¹⁰ Through elaborate operations, the group effort has so far achieved the rescue of thousands of children and identification of hundreds of child sex offenders worldwide.¹¹¹ The fourth biennial international VGT conference (Sydney, 2010)—supported by key Australian agencies and gathering international experts on fighting online exploitation of children—served as a venue for forging

future collaborations and bidding for the participation of civil society actors and other stakeholders in prevention efforts.¹¹²

The AFP is also part of the U.S.-led Innocent Images International Task Force, which comprises law enforcement officers from Europol and 18 countries in Europe, America

and Asia. The Task Force allows real-time transfer of information between the FBI and other members, and has resulted in a number of successful enforcement operations against online sexual exploitation of children.¹¹³

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while also addressing the root causes of CSEC such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising

campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, particularly in awareness raising activities. Furthermore, information, education and outreach programmes should be directed at those participating in the commercial sexual exploitation of children (e.g. users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for child victims.

Awareness raising

The Australian government has yet to invest adequate time and resources into raising public awareness of CSEC issues. The persistence of child sex tourism committed by Australian citizens suggests that a more robust public education campaign is needed to ensure that offenders are aware of Australia's extraterritorial laws and understand that misconceptions about cultural acceptability do not excuse such conduct. Additionally, public campaigns that encourage community monitoring should be promoted to eliminate the perception of some would-be sex tourists that travelling to a foreign

venue will insulate them from recognition by others in their communities. Currently, the Australian government includes the 'Travel Smart: Hints for Australian Travellers' brochure with all passport issuances, which describes Australian trafficking and child sex crime laws and provides instructions for reporting possible violations to the AFP.¹¹⁴ However, disseminating this information more broadly would better educate travellers about their legal obligations as well as the warning signs of possible violations. Further collaboration with airlines or other parties involved in tourism to create channels for

such dissemination would greatly improve public awareness.

As part of its anti-trafficking plan, Australia implemented a Communication Awareness Strategy to increase awareness about people trafficking within the sex industry. The programme educated people involved in prostitution and others who may interact with victims of trafficking on how to report suspected cases of trafficking. Other audiences included clients and service providers. To ensure broad access, the government produced materials in six languages: English, Chinese, Thai, Tagalog, Korean and Vietnamese. Public advertisements, such as newspaper ads and pamphlets, were also created to reach a broader community audience. From 2007–10, the campaign performed better than expected, receiving more than 16,000 requests for materials (brochures, address books and information cards).¹¹⁵ In light of the lack of evidence of child sex trafficking cases, the campaign was geared towards adult victims of trafficking and did not highlight child

trafficking as a specific concern.¹¹⁶

In addition to the efforts of the federal government, local governments have also undertaken awareness raising initiatives in the context of sexual servitude generally. For example, in 2009 a local council in Melbourne introduced an ‘Anti Slavery and Sexual Servitude Local Law’ requiring brothels to display signs in English, Thai, Korean, Chinese and Russian providing information on the crime of slavery and sexual servitude, and on how to seek help for those involved in sex slavery.¹¹⁷

Generally, actions to inform the public and other key target groups on child prostitution are lacking, resulting in a very low level of awareness of this phenomenon. On the other hand, mandatory reporting legislation (see Protection) and the publicity associated with its introduction has been found to increase awareness of child abuse, including sexual exploitation, both within mandated professional groups and the public.¹¹⁸

Training and education

Australia has not yet introduced mandatory education on CSEC in the school curriculum. CSEC education is mostly delivered by NGOs and law enforcement agencies; however, efforts are generally scattered and limited to single initiatives and projects. Current initiatives focus primarily on online child sexual exploitation. Awareness raising for students is an essential prevention tool and should cover other issues such as child sex tourism, prevention of child sexual abuse (also through new technologies), sexuality, healthy sexual development, diversity and respectful relationships. Most importantly, its institutionalisation would ensure consistent delivery across the country.

To assist teachers in informing children and parents about online safety, the ACMA

currently offers Cybersmart Outreach, a professional development programme available in metropolitan and regional centres throughout Australia. Delivered through free presentations and workshops facilitated by educational specialists, this training programme provides information on the risks confronting children online and offers appropriate tools and strategies to help make their experiences safe and positive.¹¹⁹ In 2009 the ACMA rolled out an accredited Cybersafety Outreach Professional Development for Educators programme. The programme covers topics including how children use technology, digital literacy, cyberbullying, identity protection and the legal responsibility of schools to minimise risk. Resources are provided to participating teachers to help establish effective cybersafety

programmes in their schools.¹²⁰

In collaboration with other stakeholders, the AFP has produced a range of publications to educate various audiences about Internet safety.¹²¹ Every year, the AFP delivers Internet safety presentations to schools and sports institutions and participates in conferences and community events. In addition to participating in the National Cyber-Security Awareness Week in 2010-2011, the AFP delivered over 70 presentations on Internet safety at schools, reaching approximately 11,300 students.¹²² State police forces such as the specially trained New South Wales Police Force Child Protection and Sex Crimes Squad have also delivered training packages on Internet safety to children, parents, school principals and professionals working with children, and used the Internet and magazines aimed at children and young people to further disseminate online safety messages.¹²³

By way of key international partnerships, the AFP recently launched the successful United Kingdom Child Exploitation and Online Protection Centre's cybersafety programme ThinkUKnow across Australia. ThinkUKnow is a joint partnership between the AFP and Microsoft Australia. Through a network of accredited trainers offering interactive training programmes, the programme is

designed to help teachers, carers and parents across Australia educate children about online safety.¹²⁴ At the 2010 AusCERT Asia-Pacific Information Security Conference, the ThinkUKnow programme received the Innovation Award from Secure Computing.¹²⁵ Throughout 2010-11 the ThinkUKnow programme delivered 210 presentations to nearly 7,300 people across Australia.¹²⁶

Child Wise also offers a number of training packages and consultancies to inform parents and carers on CSEC issues. In particular, Child Wise continues to deliver child protection training to child care professionals, teachers and members of the public through the Wise Child – Personal Safety Training Program. Learning outcomes of the programme include the ability of adults to talk to children about healthy sexual development, an understanding of the grooming process and sex offender cycle, sexting laws and other Internet concerns.¹²⁷ Teachers in particular receive training on how to integrate child protection into schools and identify and respond to signs of abuse and grooming.¹²⁸ Moreover, as recognised experts in the field of child-safe organisations, Child Wise offers training on child protection strategies (e.g. child-safe recruitment and abuse reporting procedures) to staff of international development organisations.¹²⁹

Addressing “sexting”

Educating children about the dangers of distributing pornographic images of themselves via mobile communication devices is an emerging topic of public awareness campaigns. For example, ThinkUKnow has launched a video on its website explaining the risks associated with the increasingly common practice. This video and associated discussion questions for teachers is the first in a suite of resources on sexting. Additional videos are in production, including ones focused on males and the longer term social and legal implications of engaging in this type of behaviour.¹³⁰ In addition, Cybersmart, a national cybersafety education programme with a dedicated website managed by the ACMA, has developed lesson plans about sexting for students. The lesson plans are available for schools to use and encourage young people to explore the potential legal and social consequences of sexting. Cybersmart also provides brochures to parents on the issue of sexting and how to approach it with their children (available in English, Arabic, Chinese, Greek, Italian and Vietnamese).¹³¹

Private sector involvement

The Australian government has pursued several notable partnerships with the private sector and other concerned stakeholders in the area of CSEC. Collaboration between the industry, government and non-governmental child protection groups should be further strengthened as part of a holistic approach to combating child sexual exploitation. Examples of Australian partnerships with the private sector include those with Microsoft in the ThinkUKnow programme (see Training and education) and with the Australian Bankers' Association in developing the "Protect your kids online" guide, a fact sheet designed to help parents talk to their children about online safety and take measures to secure their computers.¹³² In 2010, AusAID partnered with USAID to support MTV's End Trafficking and Exploitation (EXIT) Campaign in Vietnam and Indonesia through funding for concerts, television and online documentaries, and public relations activities aimed at informing young people of people trafficking.¹³³

There is also collaboration between law enforcement agencies and other actors to counteract online sexual exploitation of children. For example, the partnership between computer science researchers from the University of South Australia's Enterprise Security Management Laboratory and officers from South Australia Police's Electronic Crime Section has resulted in the development of several tools designed to assist South Australia Police in their online child pornography and grooming investigations. At the national level, the AFP is an active partner in the Internet Commerce Security Laboratory. This joint venture involving the University of Ballarat, Westpac Banking Corporation, IBM Australia and the Victorian government aims to develop technologies to combat online child exploitation among other crimes.¹³⁴ In addition, the AFP has cooperated with other organisations such as Girl Guides and the National Rugby League to provide community and sporting groups with cybersafety information.¹³⁵

ISP filtering of illegal Internet content

Internet service provider (ISP) filtering is a key component of Australia's cybersafety plan. The federal government has committed to introducing legislative amendments to require all ISPs in Australia to block material on the ACMA's Refused Classification (RC) Content list, including child pornography. A 2009 pilot project to examine the effectiveness and efficiency of ISP-level filtering demonstrated that such filters would indeed be very successful at blocking online access to child abuse material. Introduction of the mandatory filtering legislation is pending the government's review of the RC category to ensure that it adequately reflects community standards. In the meantime, major Australian ISPs such as Telstra, Optus and Primus have taken measures to voluntarily block websites containing such imagery.¹³⁶

In 2009, the AFP's National Marketing and Communications team forged a partnership with Qantas for the placement of print advertisements in the airline's in-flight magazine.¹³⁷ The ads, which appeared for six months, targeted Australian travellers unaware of child sex tourism and potential travelling sex offenders in an attempt to

prevent them from engaging in, facilitating or benefitting from the sexual exploitation of children while overseas.¹³⁸

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) is an internationally recognised multi-stakeholder initiative led

by the tourism industry to promote child protection through responsible tourism. Tourism companies that sign The Code agree to establish ethical policies against child sexual exploitation, train personnel in countries of origin and travel destinations, supply information to travellers and local

key personnel at destinations and provide annual progress reports. Recently, Child Wise became the 'Local Code Representative' in Australia. In this role, Child Wise assists signatories and engages Australian tourism companies to sign The Code.¹³⁹



STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system. ECPAT and The Body Shop have created this system to assess the progress of state action on specific commitments and promises to uphold the rights of the child, particularly to protect children from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' actions to combat child trafficking, specifically towards the campaign's three goals:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Australia: Summary of Progress Card ⁱⁱ			
Goal 1: Community-based Prevention Programmes			
Prevention	Collaboration	Awareness raising	Teacher training
		★	
Goal 2: Legal framework			
<i>Optional Protocol</i>	<i>Trafficking Protocol</i>	National legislation	Special police units
Goal 3: Specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling

Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work undertaken by NGOs

As shown by a global assessment of the progress cards, Australia is among the 53% of countries reviewed which have made some progress to stop sexual trafficking of children and young people. Australia has taken significant steps to combat human trafficking, especially in terms of its legal framework and victim assistance programme. However, due to the lack of identified cases of child trafficking for sexual purposes and the absence of research on child trafficking within/into Australia, the government has not yet developed specific preventive measures to address this criminal activity and to handle potential child victims. Furthermore, while Australia has made some efforts to address child sex tourism in ASEAN countries and has supported projects to reduce children's vulnerability to sex trafficking in destination countries, more needs to be done to prevent and counteract the phenomenon of travelling sex offenders.

ⁱⁱ The Australia Progress Card is available at www.ecpat.net

Vulnerability reduction

Although the Australian government has undertaken a number of large expenditures to decrease child vulnerability, measures implemented to date—particularly those aiming to reduce the exposure of children to CSEC—are limited. In the context of child protection generally, while all Australian jurisdictions consistently emphasise the significance of early intervention services, approaches in the delivery of such child protection services vary by state and territory.¹⁴⁰

The Australian government recognises the impact of family breakdown on children, and has committed to introducing bold family law reforms and funding services such as Family Relationship Centres for families experiencing relationship difficulties.¹⁴¹ Australia also continues to increase its budget for children in particularly vulnerable situations, including Indigenous children. For instance, the budget for the Families, Housing, Community Services and Indigenous Affairs portfolio provides for a number of services for young people. ‘Reconnect’ provides early intervention support for children between 12 and 18 years old who are homeless or at risk of homelessness. Reconnect’s services comprise counselling, group work, family mediation and practical support to both young people and their families. In addition, Newly Arrived Youth Support Services support newly arrived young people aged 12 to 21 years from culturally and linguistically diverse backgrounds who are homeless or at risk of homelessness.¹⁴²

Focused attention on children living in Indigenous communities include the Northern Territory Emergency Response (NTER), a set of measures designed to protect children, make communities safe and build a better future for people living in Indigenous communities in the Northern Territory. The NTER was announced

by the Australian government in 2007 following an inquiry into child sexual abuse in the Northern Territory’s Indigenous communities. A 2011 evaluation report of the NTER indicated improvement; communities received more policing resources, more than 2,000 jobs were created and more children had access to health checks. However, although outcomes for health, education, employment, housing and safety showed some improvement since 2007, they were still well below those for non-Indigenous people. In particular, the report stated that new measures to improve enrolment and attendance at schools were needed if the NTER were to fulfil its objectives.¹⁴³

The NTER measures, which included emergency bans on alcohol and pornography sales and linkage of support payments to school attendance and medical examinations for Indigenous children under the age of 16, were also criticised by the public and the UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, for being racially discriminatory.¹⁴⁴ More significantly, although the initial impetus for the NTER related to concerns over the sexual abuse of Indigenous children in the region, the focus has shifted to the problem of neglect. Child sexual assault continues to be underreported with only a small proportion of perpetrators being charged with offences. Even fewer are convicted.¹⁴⁵ Generally, although the federal government and states/territories have invested in improving health care, education and community programmes for Indigenous children, there do not appear to be any programmes specifically targeted at reducing the vulnerability of these children to sexual abuse.

Efforts to reduce vulnerability to CSEC in particular include Australia’s National Filter Scheme. As part of *NetAlert – Protecting Australian Families Online* (see National

Plan of Action), the National Filter Scheme provides every Australian household and public library with access to a free Internet content filter to help block unwanted content. A website and national helpline to provide advice about protecting children online has also been launched. Furthermore, the Australian government supports the recent initiative of the Australian Association of National Advertisers, the peak body representing advertising and marketing communications, to amend its Advertising to Children Code. The amendments include the direct prohibition of the sexualisation of children or the use of sexual imagery in marketing communications to children.¹⁴⁶ In addition to encouraging sexual behaviour in children at earlier ages and paedophilic behaviour in adults, studies suggest that the sexualisation of children could play a role in

‘grooming’ children for paedophiles.¹⁴⁷

Even though there is a lack of information indicating the existence of child trafficking in Australia, the government continues to ardently address the perceived vulnerability of children in source countries to trafficking. The government funds a number of related programmes, including UNICEF’s ‘Children in Need of Special Protection’ programme in the Philippines (completed in 2009), World Vision’s ‘Assistance, Support and Protection for Migrant and Trafficked Women and Children’ project and World Vision’s ‘Mekong Delta Regional Trafficking Strategy 2’. These initiatives aim to reduce the vulnerability of local communities in source countries to trafficking and increase protection and support for victims.¹⁴⁸

Deterrence measures

Australian legislation ensures that police may monitor persons convicted of sex offences and other serious offences against children once they have served their sentences (registrable offences vary between jurisdictions).

Accordingly, the government has implemented the Australian National Child Offender Register (ANCOR). ANCOR is used by all Australian police jurisdictions and assists agencies in registering, managing and sharing mandatory information on cases related to sexual offences against children. In particular, the register generates alerts when listed persons notify that they are planning to travel across states or overseas. It is unclear whether such alerts are conveyed to law enforcement agencies at the destination countries. The AFP has publicly conceded that the whereabouts of holidaying offenders from Australia are not being properly tracked once they reach their destinations.¹⁴⁹ For example, of the 1,090 travelling sex offenders between 2010 and 2011, only 17 percent were ‘tagged’ and identified to overseas liaison officers.¹⁵⁰ The effectiveness of ANCOR

with state legislation has also been recently questioned. In 2011, a ministerial taskforce established by the Victorian government found that more than 700 children had previously had unsupervised contact with 376 registered sex offenders in the last six years because of government mismanagement. This included at least one known case of child abuse resulting from a failure by police to report unsupervised contact.¹⁵¹

Recently, amidst public debate, legislation to create a public sex offender register in Western Australia was passed. The laws enable anyone to access information on sex offenders through a public website. Parents and guardians may also make inquiries to police about any person who has access to their children.¹⁵²

In 2007, to deter perpetrators who use the Internet to solicit and exploit children, the social networking website MySpace proposed to the Australian government that the email addresses of convicted child sex offenders be compulsorily registered for the purpose

of removing such persons from the site. The federal government did not endorse this proposal, indicating that there were 'practical limitations' that would need to be addressed before it could be further considered.¹⁵³ There are no indications that the government plans to endorse MySpace's proposal. Facebook expressed a similar interest in 2010. Australian lawmakers, though seemingly open to the idea, have been slow to adopt the relevant measures. In contrast, the U.S. and parts of Canada have allowed Facebook access to data on their sex offender registers.¹⁵⁴

In terms of measures to reduce the demand for sex with children, Australia has treatment programmes available for adult, adolescent

and Indigenous sex offenders; however, little information is available on their scope and efficacy. A prison-based programme for adult sex offenders operates in every state and territory of Australia. With the exception of Tasmania and the Northern Territory, there is at least one community-based treatment programme for adult sex offenders operating in every jurisdiction. Most notably, there is a lack of programmes which focus predominantly on child sex offenders. There is also a shortage of skilled Indigenous and non-Indigenous staff willing to work in more remote areas, where the education level amongst residents is lower than in major cities, and programmes should be especially culturally sensitive.¹⁵⁵

Research on CSEC

The lack of sound, especially recent, research on CSEC in Australia remains a pressing problem. Nearly all relevant studies are over a decade old. Effective policy solutions require good data, and the current lack of reliable information about the extent, kind and distribution of various CSEC manifestations undermines Australia's significant commitment to ending these violations. In 2006 the Australian Bureau of Statistics produced 'Improving Statistics on Children and Youth: An Information Development Plan'. This publication expressed an agreement among key stakeholders on statistical work required in the field of children and youth to support policy, planning and accountability. It expressed the Australian government's commitment to improving its empirical understanding of the situation of Australia's children. The plan outlined a number of target areas for information development, including data on populations of children vulnerable to CSEC, e.g. Indigenous and/or homeless; however, it did not identify research into the prevalence or types of CSEC in Australia as a priority area.¹⁵⁶

The Australian Institute of Criminology

(AIC), Australia's national research and knowledge centre on crime and justice, has conducted research into a broad range of online criminal activity involving children, child pornography sentencing and the online behaviour of sex offenders. Research on treatment for child sex offenders has also been conducted. Still, a 2009 review of existing Australian cybersafety research revealed major gaps in most areas of online safety research. The review revealed significant omissions in Australian research in several areas above and beyond what is observed in other countries. For example, only very preliminary research had been conducted on the effects of exposure to pornography; other topics (cyber staking, online grooming and promotion of inappropriate social and health behaviours) had received only cursory examination.¹⁵⁷ Recent publications by the AIC on online victimisation display an effort to fill these gaps. Moreover, the Australian government has acknowledged that social networking and rapid changes in online technology are new and emerging risks requiring further investigation.¹⁵⁸

As part of its anti-trafficking strategy,

the Australian government has funded AIC-led research on regional trafficking activities.¹⁵⁹ Various studies of sex trafficking have been undertaken, including a study on trafficking of children in the Asia-Pacific; however, to date, there have been no plans for a comprehensive assessment of sexual exploitation and trafficking with respect to children entering and residing in Australia. According to the AIC, as it is a relatively new crime type, information on the nature and extent of trafficking in persons to and within the country is still emerging.¹⁶⁰ During its last consideration of Australia's report submitted under Article 44 of the Convention on the Rights of the Child, the CRC recommended that Australia conduct more research on the nature and magnitude of the problem, especially with respect to children.¹⁶¹

Despite the efforts described above, the latest

available research from the AIC specifically devoted to the issue of commercial sexual exploitation of children was published in 1999,¹⁶² and research on types of CSEC, such as child sex tourism, trafficking of children and child prostitution is either outdated or lacking. Individual states have made preliminary efforts to enhance data collection and research on child sexual abuse. For example, New South Wales has developed the Victims of Crime Clearinghouse, an online database of journal articles, reports, papers, books and other publications focusing on victims of crime. The Clearinghouse also consists of a research fund for people interested in researching victims of crime issues, including the sale of children, child prostitution and child pornography. However, research on these issues does not appear to have yet been conducted.¹⁶³

PROTECTION

Children's rights instruments related to CSEC

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or accessing and viewing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

There are a number of important international mechanisms for protecting

children's rights related to CSEC, and the Australian government has a strong record of participation in and ratification of these mechanisms. Australia ratified the Convention on the Rights of the Child in 1990, though it expressed reservation to article 37(c), which requires all parties to detain children in facilities separate from the adult population. The government stated that because of the country's population distribution, it would sometimes be necessary to detain children with adults in order to keep the children near their families.¹⁶⁴ Australia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) in 2005. It finally ratified the Optional Protocol to the Convention on the Rights

of the Child on the sale of children, child prostitution and child pornography (OPSC) in 2007, and the ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2006. Australian law is adequately harmonised with these international instruments.

Australia has also announced its intention to accede to the Council of Europe Convention

on Cybercrime. The Convention is the only binding international treaty on cybercrime, and encourages signatory countries to develop and maintain comprehensive national legislation on cybercrime and cooperate with each other. Australia currently meets several of the Convention's requirements including specific criminal offences directed at the sexual exploitation of children using the Internet.¹⁶⁵

International and Regional Children's Rights Legal Standards

International Instruments		
Human rights bodies and instruments related to child rights	Comments	
Charter-based bodies		
Working Group on the Universal Periodic Review (UPR)– Human Rights Council	Last review 10th Session (2011)	
Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	Last visit October 1992	
Special Rapporteur on Trafficking in Persons, Especially Women and Children	Last visit November 2011	
Treaty-based bodies		
Committee on the Rights of the Child	2012 – main conclusions related to CRC: <ul style="list-style-type: none">• withdraw reservation to article 37(c);• strengthen efforts to bring inconsistent state/territorial laws to conformity with Convention principles; and• develop a comprehensive national plan of action for implementing the Convention and improve coordination among states and territories.	
CSEC Children’s rights instruments	Date of ratification	Date of last submitted report
Convention on the Rights of the Child – 1989	17 December 1990	25 June 2009
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – 2000	8 January 2007	25 June 2009
Optional Protocol to the Convention on the Rights of the Child on a communications procedure (not yet in force)	Has not been signed or ratified	

CSEC Children's rights instruments	Date of ratification	Date of last submitted report
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	19 December 2006	N/A
UN Convention against Transnational Organized Crime – 2000	27 May 2004	N/A
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	14 September 2005	N/A
Regional Instruments		
Council of Europe Convention on Cybercrime	Has not signed or ratified	

Legislation

Australia's governing structure divides legislative power between a single Commonwealth federal government and six state governments. Australia's two territories are largely self-governed. Responsibility for enacting and enforcing child sex offences is shared between the Commonwealth and the states and territories. Under the Australian Constitution, the federal government can create offences that criminalise child exploitation where there is an international element to the crime, or where the offences are committed online. The states and territories have wider legislative powers for offences related to the sexual exploitation of children.¹⁶⁶ This complex governance structure renders a comprehensive analysis of the adequacy of the Australian legal response to CSEC especially difficult. The OPSC has largely been incorporated into Australian law

through a framework of federal, state and territory legislation.

The Commonwealth government has attempted to promote greater legislative uniformity throughout Australia by creating a Model Criminal Code for many areas of the criminal law. However, the Model Criminal Code pertaining to sexual offences against the person was published in 1999;¹⁶⁷ even Commonwealth legislation has been revised since then. There has yet to be standardisation across Australian jurisdictions on laws pertaining to CSEC and resultantly, children remain insufficiently protected in many parts of the country. The government should continue to pressure individual states to meet certain uniform standards for child protection.

Age of consent

The legal age for consensual sex varies across Australian state and territorial jurisdictions. It may differ according to the context of the act, including the type of sexual activity, the presence or absence of a commercial aspect and the existence of a relationship of care or guardianship.¹⁶⁸ In the Australian Capital Territory, New South Wales, Northern Territory, Victoria and Western Australia, the age of consent is 16 years of age. In Tasmania and South Australia the age of consent is 17

years of age. Queensland is the only state that makes a distinction between types of sexual activity. In this state, the age of consent for anal sex is 18 years of age, while the age of consent for all other sexual behaviour is 16 years of age.¹⁶⁹ Sexual intercourse with children below the age of consent is punished through various provisions in each jurisdiction. For instance, Section 49 (Unlawful sexual intercourse) of South Australia's *Criminal Law Consolidation Act* subjects a person who has sexual intercourse with a person under the age of 17 years to a maximum of 10 years' imprisonment.¹⁷⁰

In all states and territories of Australia, certain groups of people (e.g. health care professionals, teachers, employees/volunteers in a government department) are required by law to report any suspicion of sexual abuse of a child. The groups of people mandated to notify their concerns or beliefs that a child is being sexually abused to the appropriate child protection authority range from a limited number of specified persons in specified contexts (Queensland) to every adult (Northern Territory). All jurisdictions with

the exception of New South Wales require mandatory reporting in relation to children up to the age of 18. In New South Wales, the legislative grounds for intervention cover children up to 18 years of age; however, it is not mandatory to report suspicions of harm to children aged 16 and 17. In addition to state and territory legislation, there are provisions within Commonwealth legislation, e.g. in the *Family Law Act 1975* (Cth), that relate to mandatory reporting.¹⁷¹

CHILD PROSTITUTION

Child prostitution as defined by article 2(b) in the OPSC is the use of a child in sexual activities for remuneration or any other form of consideration. Under article 3(1)(b), child prostitution covers all acts of offering, obtaining, procuring or providing a child for this purpose.¹⁷²

In Australia, legislation on prostitution is controlled by state and territorial governments. The Commonwealth *Criminal Code Act* does criminalise sexual servitude (i.e. forced prostitution). Section 270.6 prohibits conduct that causes another person to enter into or remain in sexual servitude; age (under 18) is considered an aggravating factor.¹⁷³

Otherwise, provisions defining and pertaining to child prostitution are found in all states and territories in the following acts:

- Prostitution Act 1992 (ACT)
- Crimes Act 1900 (NSW)
- Prostitution Regulation Act 1992 (NT)
- Criminal Code Act 1899 (Qld)
- Criminal Law Consolidation Act 1935 (SA)
- Sex Industry Offences Act 2005 (Tas)

- Prostitution Control Act 1994 (Vic)
- Prostitution Act 2000 (WA)

A state-by-state analysis of child prostitution laws shows that Australia generally does an adequate job of defining and criminalising the act of engaging children in commercial sexual activity, including regions where adult prostitution has been decriminalised; however, there are still a number of gaps and inconsistencies.

All states and territories prohibit engaging children under 18 in prostitution; in many jurisdictions, a victim of an even lower age is considered as an aggravating factor in regards to sentencing. However, while most states define child prostitution broadly to include any sexual conduct with a child involving any form of consideration, whether monetary or not, Queensland, Tasmania and Western Australia limits this conduct to direct physical contact. For example, Queensland's *Criminal Code* defines sexual activity in the context of prostitution as sexual intercourse, masturbation, oral sex or

any other activity that involves the use of one person by another for his or her sexual satisfaction involving physical contact.¹⁷⁴

These states should consider including non-contact acts, such as sexual posing, in order to better protect children from exploitation. New South Wales has enacted ideal legislation in its *Crimes Act*: child prostitution is defined as any sexual service, whether or not involving an indecent act, that is provided by a child for the payment of money or the provision of any other material thing (whether or not it is in fact paid or provided to the child or to any other person), and that can reasonably be considered to be aimed at the sexual arousal or sexual gratification of a person/persons other than the child.¹⁷⁵

Most states/territories have provisions dealing with the prostitution of children which are broad enough to encompass the full range of acts contemplated by the OPSC, including offering, obtaining, procuring and providing child prostitution.¹⁷⁶ The majority of jurisdictions do this by having a wide provision which would cover most of the aforementioned acts. For instance, South Australia's *Criminal Law Consolidation Act* states that a person must not employ, engage, cause or permit a child to provide, or to continue to provide, commercial sexual services, with a maximum penalty of imprisonment for 9 years if the child is 14 or older, and for life if the child is under 14.¹⁷⁷ This ensures that the client is also subject to criminal liability, in so doing combating the demand for child prostitution. It seems ambiguous, however, whether this broad language would cover the act of offering or advertising the availability of children as sexual partners. Offers may occur in a range of ways, including verbally or via newspapers, internet, mobile phone or any other form of communication. In fact, only the Northern Territory, Victoria and Western Australia explicitly forbid a person from offering to enter into an agreement under which a child is to provide sexual services for remuneration.¹⁷⁸ Thus, there may be a gap in this regard; the act of asking someone if they

would like a child for sex or advertising the availability of children as sexual partners may not be criminalised in all states/territories.

As a means of further protection, most jurisdictions also prohibit the act of permitting child prostitution on premises, thereby punishing owners, occupiers and managers of such premises, with some going even further as to penalising people who permit children to be in a place used for prostitution.¹⁷⁹ The Queensland *Criminal Code* subjects a person who knowingly causes or permits a child to be at a place used for the purposes of prostitution by two or more prostitutes to a maximum penalty of 14 years imprisonment, a sentence commensurate to those imposed on clients and suppliers.¹⁸⁰ It does not appear that any states or territories have imposed a legal duty on owners and occupiers to report such activities as soon as they become aware of the sexual exploitation of children.

Alarmingly, the Northern Territory Prostitution Regulation Act provides that an infant who offers to provide or who provides prostitution services is guilty of an offence, and is subject to a maximum of two years imprisonment.¹⁸¹ The Northern Territory government needs to abolish this provision resulting in the punishment of the child engaged in prostitution and to prevent other forms of stigmatisation of the victim. Where children fear being arrested, they are unlikely to reach out for assistance. Further, criminalising young people engaged in prostitution provides their exploiter with the opportunity to use the threat of prosecution to coerce the child.

Grooming laws are unfortunately lacking in Australia. At the federal level, there are laws on grooming and procuring children to engage in sexual activity; however, they are only applicable when a carriage or postal service is used and when the victim is under 16 years of age.¹⁸² Also, although it would fall under the jurisdiction of the states and territories, most do not have legislation

on contact grooming. Australia's federal legislation ought to make the age threshold 18 throughout all CSEC-related provisions in accordance with the CRC. In addition, it must continue to pressure individual states

and territories to meet uniform standards for combating child prostitution as set out in the OPSC, particularly relating to its definition and the conduct that should be criminalised.

Challenges in prosecuting child prostitution

A 2010 case from Hobart, Tasmania illustrates a complex legal problem surrounding the burden of proof in cases of child sexual exploitation. A mother of a 12-year-old girl and another man were convicted for selling the girl for sex to over 100 people. However, prosecutors were unable to bring charges against the clients, because in Tasmania, the prosecutor bears the burden of proving that an accused knew that the prostitute was under 18. In this case, prosecutors lacked sufficient admissible evidence to meet this burden of proof. The difficulty of meeting this burden can often be an insurmountable obstacle to enforcing laws protecting children and leave child abusers free to continue pursuing children without consequences.¹⁸³ Following public outcry about ineffectual enforcement, the Tasmanian government agreed to investigate the adequacy of Tasmanian child prostitution law. In 2012, as commissioned by the state's Attorney General, the Tasmanian Law Reform Institute released a paper entitled "Sexual Offences Against Young People", which contains a variety of options for reform and is currently under review.¹⁸⁴

CHILD PORNOGRAPHY ABUSE IMAGES

The relevant international standards with regards to child pornography are found in articles 2(c) and 3(1)(c) of the OPSC. Article 2(c) defines child pornography as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.¹⁸⁵

Child pornography is primarily addressed at the state/territorial level in Australia. However, Commonwealth legislation does apply under limited circumstances. A person may be charged under the *Criminal Code Act* for a child pornography offence that the person allegedly committed outside Australia if at the time of the offence the person was an Australian citizen or resident,¹⁸⁶ the incident involved a child pornography offence relating to the use of a postal or similar service¹⁸⁷ or a child pornography offence relating to the use of a carriage service (service for carrying communications by means of guided and/

or unguided electromagnetic energy).¹⁸⁸ Penalties range from 15 years imprisonment to 25 years for an aggravated offence.¹⁸⁹

In this context, Commonwealth legislation conforms to the OPSC definition and constitutive elements of the international offence of child pornography. The *Criminal Code Act* adopts a wide interpretation of 'child pornography material'; the term encompasses material in any form or combination of forms capable of constituting a communication that depicts or describes a child who is, or appears to be, under 18 years of age engaged in sexual activities or any representation of the sexual parts of a child for sexual purposes, in a manner that would offend a reasonable adult. This includes material which shows a child witnessing any sexual activity by any person(s).¹⁹⁰ That the material need to be offensive to a reasonable adult potentially poses a difficulty, as this is left up to the discretion of authorities. The production of child abuse materials by figures generally

respected in the community or those working in art, literature or education may rely on this

nuance to evade prosecution.

The complexity of enforcing pornography laws in the context of artistic works is highlighted in the 2011 case against a Tasmanian council member. The accused was convicted of possessing child-exploitation material after downloading a copy of *The Pearl* from a website. The Victorian-era book, which was also available in some Australian shops, contains explicit accounts of sex between grown men and girls as young as 12. At the time of its print the age of consent in England was 12.¹⁹¹ Although this case resulted in a conviction, it underscores how the 'reasonable person' test cannot always be applied with ease.

All activities related to child abuse images/child pornography required to be criminalised by the OPSC are included in Australia's Commonwealth *Criminal Code Act*. Production, offering, distribution/ dissemination and possession of child pornography are all prohibited ('offering' is presumed to be covered under 'supplying',¹⁹² 'advertising or promoting'¹⁹³ and 'facilitating the distribution of').¹⁹⁴ The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse establishes the offences of 'knowingly obtaining access, through information and communication technology, to child pornography' and 'procuring child pornography for oneself or for another person'.¹⁹⁵ By also criminalising the acts of accessing and obtaining child pornography, Australia's federal government has enacted laudably inclusive child pornography laws.¹⁹⁶

Unfortunately, variations in state/territorial laws result in insufficient legal protections for children overall. Legislation pertaining to child pornography is found in the following acts:

- Crimes Act 1900 (ACT)
- Crimes Act 1900 (NSW)
- Criminal Code Act 1983 (NT)
- Criminal Code Act 1899 (Qld)
- Criminal Law Consolidation Act 1935 (SA)
- Criminal Code Act 1924 (Tas)
- Crimes Act 1958 (Vic); Classification (Publications, Film and Computer

Games) (Enforcement) Act 1995 (Vic)

- Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010 (WA)

As a consequence of Australia's federal system of government, offences pertaining to child pornography vary by state. Overall, the majority of jurisdictions have established comprehensive legal definitions relating to child pornography, though the federal government should urge a more unified approach. Most concerning is the fact that several states do not afford protection to children up to the age of 18. Australia needs to harmonise its state and territorial laws in order to curb 'forum shopping'. In other words, uniform laws will thwart offenders who choose particular jurisdictions because the prevailing laws are more lenient or advantageous to a particular claim or defence.

As mentioned, the legal definition of 'child' in the context of child pornography varies between jurisdictions. Child pornography legislation in some jurisdictions defines 'child' as a person under, or who appears to be under 16 (New South Wales, Queensland, Western Australia) and in others as a person under 17 (South Australia). The remaining jurisdictions conform to CRC requirements and consider a person under 18 to be a child. A further example of ambiguity is that while most states and territories indicate that child pornography may embody persons who are children or who appear to be children, the

Australian Capital Territory has forgone this language and defined child pornography as anything that represents the sexual parts of a child, a child engaged in an activity of a sexual nature or someone else engaged in an activity of a sexual nature in the presence of a child substantially for the sexual arousal or sexual gratification of someone other than the child.¹⁹⁷ The Australian Capital Territory needs to amend this provision to include persons who appear to be children, as child pornography (whether or not involving actual

children in its production) serves as a way to legitimise behaviours that victimise vulnerable children and fuels the demand for sexual exploitation of real children.

On the same subject, throughout Australia no distinction is made in law between virtual and actual child pornography pictures. Offence provisions do not require a real person to be described or depicted, and they include fictional characters in text or digitally created images of fictional characters.¹⁹⁸

In a landmark case in 2008 a Supreme Court judge ruled that an Internet cartoon, in which child characters resembling those from *The Simpsons* were engaged in sexual acts, was child pornography. The judge stated that the purpose of the legislation was to stop sexual exploitation and child abuse where images of 'real' children are depicted. However, it was also to deter the production of other material, including cartoons, which could 'fuel demand for material that does involve the abuse of children.' This case has attracted international attention.¹⁹⁹

A further complicating factor in Australia's child pornography legislation is the differences in the types of prohibited materials and activities in each jurisdiction. The OPSC has stipulated a broad scope of prohibited materials through the expression 'by whatever means'.²⁰⁰ However, Victoria has a limited definition which may exclude various media which still involve depictions of a child or children in a manner that is intended to aid sexual arousal and gratification. The Victoria *Crimes Act* defines child pornography 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 (publication means any written or pictorial matter, not including a film, computer game or advertisement for publication, film or computer game).²⁰¹ This definition is not broad enough to anticipate all possible kinds of child pornography materials. More on point is New South Wales' definition: 'material' includes any film, printed matter, data or any other thing of any kind.²⁰² Child pornography legislation in the state of Victoria is also problematic in that only

descriptions or depictions of a child engaging in sexual activity, or in an indecent sexual manner or context, are prohibited.²⁰³ The provision should be improved to include the body parts of a child.

Regarding criminalised conduct, all states and territories criminalise the possession, production and distribution of child pornography, as required by the OPSC. A strong feature of the Australian legal framework against child pornography is that mere possession is illegal in all jurisdictions, exceeding the requirement set out in the OPSC. Maximum penalties for these offences range all the way up to 15 years' imprisonment. It is worth noting that Victoria only criminalises the distribution of child pornography using an online information service through its *Classification Act*,²⁰⁴ thus, it is possible distribution through other means could go unpunished.

The OPSC also creates an offence of offering child pornography.²⁰⁵ Offering may be done through a range of different means and it should not matter whether a subsequent transaction actually takes

place. The Australian Capital Territory, Northern Territory and Western Australia explicitly prohibit the act of offering child pornography,²⁰⁶ though other jurisdictions may cover this conduct using language such as ‘facilitates the distribution of’, ‘supplies’ or ‘makes available for access by another’. The defence of artistic merit also prevails in many jurisdictions in Australia.²⁰⁷ The New South Wales government removed the defence in 2010, adopting the Commonwealth approach which relies on the discretion of officials.²⁰⁸

In addition to Australian mandatory reporting laws discussed above (see Legislation), the Commonwealth *Criminal Code Act* establishes an offence relating to obligations of ISPs and Internet content hosts. An ISP or Internet content host commits an offence if he or she is aware that the service provided can be used to access child pornography material and fails to refer details of the material to the AFP within a reasonable time after becoming aware of the existence of the material.²⁰⁹

Although Australia has made robust efforts to enforce child pornography legislation, Parliament has been criticised for creating lenient penalties for child pornography offences compared with those imposed in other countries, including the U.S.²¹⁰ Concerns were particularly raised in 2008 when the first person convicted under a massive online child pornography sting received a mere 18 month imprisonment sentence despite being previously jailed for child sex offences.²¹¹ In another case around the same time, an Australian offender was sentenced to six years in jail for his role as a co-founder in an international Internet paedophile ring, while American members were jailed for life.²¹² The average length of sentences for other Commonwealth child pornography offences may indicate a trend towards harsher penalties;²¹³ however, more recent data is unavailable. A 2012 case in which a man was given a nine-month suspended prison sentence for producing and possessing child exploitation over the course of several years could suggest otherwise.²¹⁴

Online solicitation of children (grooming) for sexual purposes

Many child predators use the anonymity of the Internet as a vehicle for locating and grooming children for sexual exploitation. This process often begins with ‘innocent’ chatting or gaming, later escalating to sexually explicit chatting and the exchange of child abuse images and finally, the offender travelling or arranging for the child to travel to a location where the sexual abuse occurs. Due to the relative privacy of the Internet, grooming often goes undetected and many of these predators are only apprehended after such abuse or exploitation has already been perpetrated. Australian legislation against online grooming is found both in the Commonwealth *Criminal Code* and most state/territorial acts, although children 16 years old and older are not afforded protection in all jurisdictions.²¹⁵ Grooming measures can be applied not only to cases of child pornography, but all manifestations of CSEC in which the offender befriends the child and prepares him or her for subsequent abuse.

In order to enforce grooming laws, law enforcement officers are increasingly using the tactic of posing as children in online environments in order to discover child predators before they have the opportunity to abuse real children. While this method has proven to be effective, it has faced criticism from those who perceive it as a form of entrapment, or believe that an act in which there was no real victim should not be criminalised. This policing practice also presents difficulties when defendants claim they knew they were not communicating with a real child. In response, the Commonwealth has modelled its grooming provisions after state legislation to specify that its grooming provisions apply regardless of whether a real or fictitious child was involved.²¹⁶ In addition, to overcome the defence of entrapment, which can be used to dismiss entire cases or pieces of evidence in countries

such as the U.S. and Canada, Australian courts use a case-by-case balancing approach. There is no common law defence of entrapment; rather, the court must be satisfied that the public interest in admitting evidence from 'sting operations' outweighs the public interest in not legitimating the particular conduct through which the evidence was obtained. Factors such as probative value and the seriousness of the offence are taken into account.²¹⁷ This common law rule enables Australian courts to address the urgency of combating online sexual exploitation of children without having to analyse the acceptability of these protection measures in other contexts.

CHILD TRAFFICKING FOR SEXUAL PURPOSES

Under article 3(a) of the Trafficking Protocol, trafficking in persons is the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, fraud, deception, the abuse of power, or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.²¹⁸

In accordance with Australia's clear commitment to combating trafficking in persons, the federal government has enacted broad anti-trafficking laws which cover both internal and cross-border trafficking. Laws on international trafficking in children comply with the standards set out in the Trafficking Protocol. The Commonwealth *Criminal Code Act* provides that a person commits the specific offence of trafficking in children if he or she organises or facilitates the entry into, receipt in or exit from Australia of a child under the age of 18 years, for the purpose of providing sexual services or any other form of exploitation after that entry, receipt or exit.²¹⁹ This language covers the spectrum of activities anticipated in the Trafficking Protocol: recruitment, transportation, transfer, harbouring and receipt. Further, the consent of a child, or the means used to obtain such consent, is irrelevant. Employers who

exploit migrants through sexual servitude may also be penalised under the *Migration Amendment (Employer Sanctions) Act 2007*, which prescribes penalties of up to five years imprisonment or various fines.²²⁰

The Commonwealth *Criminal Code Act* also covers domestic trafficking of children for sexual purposes, with the same punishment as international trafficking of 25 years imprisonment;²²¹ however, the provision's application is limited to, among other things, conduct involving transportation across state borders, occurring within a territory, or involving transportation to or from a territory.²²² This appears to leave a peculiar gap in which trafficking within a state is not penalised under federal law. Demonstrating the extensiveness of both international and domestic trafficking laws under the federal regime, trafficking in children is a crime not only if the offender specifically intends that the victim will be used to provide sexual services or will otherwise be exploited, but also if the offender is reckless as to whether such exploitation will take place.

Even with Commonwealth legislation in place, because most domestic criminal prosecutions occur at the state and territorial level, the successful eradication of domestic trafficking relies heavily on comprehensive state and territorial laws. Some states have laws criminalising conduct that could be regarded as domestic trafficking. For example, the New South Wales *Crimes Act* prohibits the act of procuring, enticing or leading away of any person (not being

a prostitute), whether or not with that person's consent for purposes of prostitution, either within or without New South Wales, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales.²²³ Similarly, Queensland has a wide-ranging provision that prohibits the act of procuring a person to leave Queensland for the purpose of engaging in prostitution elsewhere; or to come to Queensland for the purpose of engaging in prostitution; or to leave the person's usual place of residence in Queensland for the purpose of engaging in prostitution, either in Queensland or elsewhere, with a higher sentence if the person is a child.²²⁴ Western Australia goes as far as specifying that consent is irrelevant for people under the age of 21 years and prohibits the act of procuring such a person to leave his/her usual place of abode in Western Australia with the intent that he/

she may become an inmate of a brothel either in that state or elsewhere.²²⁵ Yet in addition to not explicitly defining the offence as trafficking, these kinds of legislation do not criminalise all actions in the chain of the movement of a child, such as transportation or harbouring. This omission means that most cases of domestic trafficking in children for sexual purposes in Australia are likely prosecuted under child prostitution or other related legal provisions such as deceptive recruitment for commercial sexual services. Some offenders in the chain of trafficking may go unprosecuted altogether, given that federal laws do not appear to cover intra-state trafficking. It is imperative that laws in all states and territories be harmonised with the Commonwealth approach, in turn reflecting the standards set out in the Trafficking Protocol and ensuring consistent enforcement throughout the country.

CHILD SEX TOURISM

In 1994, Australia became one of the first countries to pass child sex tourism laws. While the laws defined and penalised the increasingly recognised form of CSEC, there were still a number of significant gaps that hindered effective enforcement. In 2010, Parliament passed the *Crimes Legislation Amendment for Sexual Offences Against Children Bill*, which added new and amended existing provisions related to child sex tourism in the Commonwealth *Criminal Code Act*. These new measures reflect the latest progress in the international legal practice; in some areas, they exceed international norms. Also, that the Commonwealth *Criminal Code Act* deals with both online sexual exploitation and sex tourism demonstrates Australia's commitment to disrupting the increasing convergence of the two crimes.

Sex tourism laws are captured in Division 272 of the Commonwealth *Criminal Code Act*. It is a crime for Australian citizens or

permanent residents to engage in sexual activity with a child or cause a child to engage in sexual activity in their presence outside Australia.²²⁶ 'Sexual activity' is defined broadly as sexual intercourse or any other activity of a sexual or indecent nature that involves the human body, or bodily actions or functions (whether or not that activity involves physical contact between people). Penalties range from 15 to 25 years imprisonment. In particular, where the defendant is in a position of trust or authority, the victim is mentally impaired or the abuse is prolonged, the maximum sentence is imposed. It is important to note, however, that 'child' in this context is defined as a person under 16 years old.

The *Criminal Code Act* does contain similar provisions applicable to 'young persons', i.e. at least 16 but under 18, but the conduct is criminalised only when the defendant is in a position of trust or authority. Moreover, sentences for these offences are lower,

ranging from 7 to 10 years imprisonment.²²⁷ Previously, Australia only criminalised offences against persons under than 16 years of age. The amendments have therefore extended the application of its extraterritorial legislation to protect children under the age of 18 from commercial exploitation, but only to a limited extent.²²⁸ Ideally, this aspect of Australia's extraterritorial laws would be in full conformity with the CRC.

On the other hand, Australia has set a relatively high bar by criminalising even the acts preceding the actual commission of sexual offences with children abroad. Sections 272.18, 272.19 and 272.20 of the *Criminal Code Act* punish persons who benefit from, encourage or prepare for sexual offences against both children and young persons outside Australia with up to 20 years imprisonment. These provisions apply whether or not an offence is in fact committed. By criminalising both the acts of travelling with intent to commit a sexual offence against children and the actual commission of sexual offences against children abroad, the law targets both predatory and situational/opportunistic offenders. Further, the offences are broad enough to impose liability on actors in the tourism industry. Because Australia's sex tourism laws also apply to corporate bodies,²²⁹ liability should be able to extend to the advertising or promoting of child sex tours, the organising/making of travel arrangements for a person for the purpose of engaging in sexual activity with a child at the destination and the transporting of a person for the said purpose.

As a further protection measure, the *Australian Passports Act 2005* gives Australian police forces the power to request that the passports of registered sex offenders who are likely to commit child sex offences overseas be cancelled or refused.²³⁰

Australia does not require double criminality in order to prosecute its nationals of child sex tourism offences.²³¹ In light of the

significant discrepancies in legal protections for children worldwide, this removes a significant obstacle to the prosecution of child sex tourists and discourages 'forum shopping' among offenders. Australia is also able to make extradition requests under the *Extradition Act 1988* (Cth) for offences under the OPSC where no extradition treaty exists between Australia and another country if that country is a State Party to the Protocol. The *Extradition (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) Regulations 2006* entered into force in 2007. The regulations enable Australia to receive requests from State Parties or other countries where an extradition relationship exists between Australia and that country for the extradition of a person where the offence is committed outside Australia.²³² The 2009–10 annual report from the Attorney General's Department reported the first extradition of a person to Australia in accordance with the OPSC for prosecution for child pornography offences.²³³ The Attorney General's Department has also reported a recent increase in the number of mutual assistance requests made and received by Australia to obtain evidential material for use in prosecutions for child exploitation offences.²³⁴ It is worth noting that in the context of extradition, however, the criterion of double criminality applies; the alleged misconduct must constitute an offence under both the laws of the extradition country and Australia. For example, it may therefore be impossible to request the extradition of an offender involved in child grooming from countries with no child grooming laws.²³⁵

Despite Australia being a leader in passing strong extraterritorial laws to combat Australians travelling abroad to sexually exploit children, challenges associated with extraterritorial investigations continue to hamper enforcement efforts. In its initial report on the implementation of the OPSC, the government reported that between the enactment of the *Criminal Code Act* amendments in 1994 and the end of 2008, the

AFP investigated more than 150 allegations of child sex tourism offences and brought charges against a total of 29 Australians, with the result of 20 convictions.²³⁶ This record makes Australia a relatively successful country at obtaining convictions for child sex tourism offences compared to other countries. However, at approximately two cases per year, prosecutions clearly represent a small fraction of actual offences.²³⁷ For instance, during the 2009-10 period, the AFP's Transnational Sexual Exploitation and Trafficking Teams (now known as Human Trafficking Teams) reportedly investigated 372 allegations of child sex tourism offences which resulted in one prosecution.²³⁸ The next reporting period saw the conviction of five Australian offenders out of an unknown number of investigations.²³⁹ In fact, a 2012 news report describes a recent outcry to ban paedophiles from travelling overseas altogether, given that only one offender had been charged since the 2010 law reforms.²⁴⁰ The seemingly low ratio of prosecutions illustrates the difficulty of extraterritorial investigations and suggests that despite comprehensive laws, there is

room for improvement in international coordination in areas such as evidence gathering.

In particular, the government's step in amending its child sex tourism laws has been criticised for not being accompanied with a plan to expand policing resources. There was no suggestion at the introduction of the bill that funding for such resources would be expanded commensurately with the increased scope of activity to be prosecuted.²⁴¹ The capacity of law enforcement to pursue a crime type with as many investigative complexities as extraterritorial sexual offences inevitably depends on the availability of resources.²⁴² Also, although the penalties for all child sex offences committed outside Australia have generally increased with the introduction of Division 272, the way in which the increased penalties will manifest in actual sentencing remains to be seen. Nonetheless, the legislation is still regarded as one of the more comprehensive responses to child sex tourism in the world.²⁴³

Child protection units

In recognition of the complex and growing problem of commercial sexual exploitation of children and the need for a simultaneously focused and collaborative response, the AFP has dedicated teams for investigating various crimes. Child sex tourism and pornography offences are investigated by Child Protection Operations (CPO). The team of 60 investigators provides capacity across a range of functions, including intelligence targeting and infiltration, investigation and computer forensics, prevention and education. CPO brings together international law enforcement agencies and organisations to collaboratively pursue and combat online child exploitation. In the first four years following its inception in 2005, CPO had referred more than 800 'persons of interest' to state and territory police and charged 271 people with online child sex offences.²⁴⁴

The AFP's Human Trafficking Teams (HTT) are dedicated to combating slavery and sexual servitude and lead investigations into human trafficking syndicates in Australia. HTT consist of a National Coordinator based in Canberra and teams located in Sydney, Melbourne and Brisbane.²⁴⁵ This group has seen an increase in its number of investigations, the majority related to trafficking for sexual exploitation.²⁴⁶

In addition to federal initiatives, there is specialisation at the state/territorial level. The New South Wales Police Force has a dedicated Sex Crimes Squad, which includes a Child Exploitation Internet Unit and Child Wellbeing Unit. These teams conduct investigations relating to online sexual exploitation of children and connect at-risk children and families to

community-based agencies, respectively.²⁴⁷ Similarly, law enforcement agencies in most other jurisdictions have highly specialised branches responsible for investigating child abuse, particularly in the area of online sexual offences. Most recently, Victoria Police announced the establishment of a specialist taskforce (Taskforce Astraea) in 2012. The unit is charged with leading a crackdown on sexual and family violence and working closely with other state and national organisations to disrupt the growing emergence of online child exploitation.²⁴⁸ To the extent that there is cross-jurisdictional collaboration and information-sharing, Australia's combination of federal and state/territorial specialist teams serves as a formidable national force against online sexual exploitation of children.

While there are no law enforcement agencies

in Australia that deal solely with child prostitution, Queensland specifically has a Prostitution Enforcement Task Force which is responsible for enforcing laws related to illegal prostitution in that state.²⁴⁹ The federal government has also responded to claims of widespread commercial sexual activity involving children in remote areas. For instance, the AFP has provided the Northern Territory Child Abuse Taskforce with personnel to investigate abuse claims and reports of sexualised behaviour by children in that region.²⁵⁰ Rather than employing a reactive approach, the Australian government should dedicate resources to identify children at risk of becoming victims of prostitution, whether in urban or rural areas. The country's dearth of research on the extent and causes of child prostitution in spite of evidence of its current prevalence will make it difficult to formulate targeted policing measures.

Support services for children

Generally, most of Australia's support services for children who have been abused or are at risk of being abused target sexual abuse broadly; there are few services specifically designed to address commercial sexual exploitation. Strategies for the recovery and reintegration of victims of CSEC should include both immediate and long term policies. Immediate support should include medical and psychological care, provision of shelter and legal assistance, while long term assistance may include reintegration into school, return to the family or community when possible and personalised plans for social and economic rehabilitation and reintegration. Young victims of commercial sexual activity have expressed fears of being forced into the state care system after accessing support services, as well as identified barriers such as restrictive and inappropriate opening times for such facilities;²⁵¹ these kinds of concerns need to be reflected in Commonwealth, state and territorial strategies.

All states and territories in Australia offer victim support services which would cover CSEC crimes, either through dedicated government units or community-based not-for-profit organisations.²⁵² In New South Wales, for example, crime victims are able to access counselling through an Approved Counselling Scheme administered by the Department of Attorney General and Justice if the crime occurred in the state; other states have similar frameworks. The Northern

Territory Sexual Assault Referral Centre is more specialised. As part of the Department of Health and Families, the centre offers medical and counselling services to victims of sexual abuse, including child prostitution and pornography.²⁵³ Compensation schemes are also part of the victim support framework in all jurisdictions.²⁵⁴

In addition to support services for victims who have engaged the criminal justice system,

all jurisdictions have crisis support centres for people experiencing or at risk of sexual assault, which offer individual counselling and support groups.²⁵⁵ Whether services are also available to children varies by region. There are generally few specialist centres that are dedicated to sexually exploited children, and those which do offer such services often set the minimum age of eligibility at 15 or 16. On the other hand, Western Australia's Department for Child Protection funds 15 child sexual abuse therapeutic services located in both metropolitan and regional areas. These services provide counselling and referrals specifically to children who have been affected by sexual abuse and/or display inappropriate sexual behaviours.²⁵⁶ A proliferation of similar targeted and inclusive resources throughout all of Australia is vital to the successful recovery and reintegration of CSEC victims. Fortunately, Australia has acknowledged the need for such improvement in its national child protection framework. State and territorial governments are currently undertaking a review of service delivery options for survivors of sexual abuse to align with best practice such as Western Australia's expanded network of services.²⁵⁷

As part of Australia's 2009 National Partnership Agreement on Homelessness, all states/territories have implemented programmes and policies to respond to young people aged 12 to 18 years who are homeless

or at risk of homelessness. These programmes aim to assist young people in re-engaging with their family where it is safe to do so, maintaining sustainable accommodation and obtaining education and employment.²⁵⁸ For instance, CSEC victims who are at risk of homelessness may be referred to Queensland's Youth Housing and Reintegration Service (YHARS). YHARS supports young people who may be transitioning from the care of the state or have been living in unstable, temporary or inadequate housing arrangements by helping them develop independent living skills and linking them to employment, training and education services.²⁵⁹ Likewise, the Australian Capital Territory's Youth Integrated Education and Accommodation Program offers opportunities for young people to participate in mentoring and life skills activities while living in high quality and affordable housing. As of August 2011, this programme had engaged all participants in full time employment, education or training.²⁶⁰ In the context of CSEC, this nation-wide movement ensures long term assistance to children who have often been alienated from their families and communities. As long as state/territorial governments make concerted efforts to connect victims to these reintegration programmes, they will be less likely to be revictimised once they have left their exploitative situations.

HOTLINES AND COUNSELLING SERVICES

Most of Australia's hotlines pertinent to CSEC are devoted to online child abuse material or sexual abuse generally. Both nation-wide and regional telephone hotlines exist for reporting crimes as well as providing counselling services for issues ranging from male sexual assault to emergency accommodation. 1800RESPECT is Australia's national sexual assault, family and domestic violence counselling line for people who have experienced or are at risk of physical or sexual violence. This service is designed to meet diverse needs, including

those of Indigenous Australians and children. In 2011, Australia's National Child Protection Clearinghouse published an extensive resource sheet containing information on telephone counselling services for children, young people and parents by region.²⁶¹

Australia's National Child Abuse Prevention Helpline is the only hotline that expressly targets commercial sexual exploitation matters. Implemented by Child Wise, this service provides citizens with access to expert advice by counsellors trained in trauma and

child protection. In addition to serving as a forum for reporting instances of abuse, the helpline acts as an impartial intermediary for people who have enquiries or are fearful of contacting authorities directly. Child Wise's 2010-2011 annual report noted an increased number of people using the service; callers have reported incidences of child pornography and travelling child sex offenders, as well as sought advice on child-safe travel facilities.²⁶² Also at the national level, the ACMA Hotline investigates

complaints about potential illegal online content, with priority given to complaints about child pornography. The ACMA is a member of the International Association of Internet Hotlines (INHOPE), a worldwide network of hotlines used to report online child abuse images.²⁶³ In addition to the ACMA Hotline, the AFP may receive reports from the public through an online form which was developed as part of VGT operations.²⁶⁴

REPATRIATION OF VICTIMS

Australia's Action Plan to Eradicate Trafficking in Persons has resulted in a comprehensive range of services for suspected trafficking victims; however, existing support structures are not specialised enough to meet the special requirements of child survivors. As part of its anti-trafficking strategy, the Australian government currently funds and administers the Support Program for Victims of Trafficking, which is managed by the Australian Red Cross. The programme provides assistance, including access to accommodation, financial assistance, legal and migration advice, training and social support to trafficking victims.²⁶⁵ However, while the programme recognises that clients are vulnerable and have individualised and varied needs, children are a particularly vulnerable group and require specialised services. The Support Program for Victims of Trafficking is a generalist service and does not have the necessary resources and expertise to handle child-specific issues such as guardianship and access to education.²⁶⁶ In 2011, the UN Special Rapporteur on trafficking in persons expressed concern regarding Australia's trafficking victim support scheme, particularly with respect to child victims. The rapporteur recommended that Australia provide specialist services for child victims

to take into account their needs in such areas as education, protective care and housing, and emphasised the importance of helping children reintegrate with their families or repatriate back into their home countries if it is safe for them to do so.²⁶⁷ Similarly, the Australia Human Rights Commission has recommended that the government implement child-specific support measures in accordance with the best interests of the child principle and the UNICEF 'Guidelines on the Protection for Child Victims of Trafficking'.²⁶⁸

Australia's support programme has also been criticised for its emphasis on trafficking victims who are willing to participate in law enforcement. In particular, victim support and visa support were previously strongly linked to a person's willingness to aid investigations.²⁶⁹ In 2009, the government announced changes to its Support Program for Victims of Trafficking in light of these criticisms. Victim support has been de-linked from the Department of Immigration and Citizenship's People Trafficking Visa Framework, and victims are now provided an initial period of 45 days intensive support, irrespective of their willingness to assist law enforcement authorities with prosecutions.²⁷⁰

More importantly, the government has introduced trafficking-specific visas that allow child victims to remain lawfully in Australia throughout the criminal investigation and prosecution processes. Child victims who may not wish to participate in the process may still be eligible to meet the refugee criteria for a

protection visa.²⁷¹ Such amendments allow victims to benefit from Australian support services as they recuperate. In addition, by removing the risk of deportation, victims will be more likely to report crimes against them and cooperate with law enforcement efforts.

Training law enforcement personnel

There is limited evidence available, mostly anecdotal, to indicate the extent of the trafficking of children and young people to or from Australia. Therefore, the lack of knowledge about the actual extent to which it actually occurs may mean government and non-government agencies that come into contact with young sex workers have difficulty in identifying and appropriately responding to possible cases of trafficking when they do occur.²⁷² Since 2004, investigators working in Australia's Human Trafficking Teams have been required to undertake the AFP's specialist training course, the Transnational Sexual Exploitation Investigation Program.²⁷³ This intensive three-week residential training programme reinforces the complex skill-set required to successfully complete human trafficking and sexual exploitation investigations in multijurisdictional contexts. It focuses on several learning outcomes, including the identification of relevant legislation and understanding of cultural issues that impact a victim's participation in a trafficking investigation. There is no explicit emphasis on the unique needs of children, however, likely because Australia has seen such a low incidence of trafficking in children. The programme is also open to investigators from other law enforcement agencies, Australian or foreign. Further, under the curriculum of the College of Immigration, the AFP collaborates with the Department

of Immigration and Citizenship (DIAC) to provide training to immigration compliance officers on indicators of people trafficking.²⁷⁴

To ensure prosecutors are equipped to deal with the unique issues surrounding trafficking cases, the Commonwealth Director of Public Prosecutions conducts training sessions centred on treatment of victims. Prosecutors are trained on cross-cultural issues associated with human trafficking, as well as child eyewitness testimonies and interviewing.²⁷⁵ Although all jurisdictions have adopted some form of child-sensitive court procedures for such cases, the government has recognised that there still are insufficient procedures for assisting particularly vulnerable victims of trafficking in the prosecution process, such as children and people with mental impairments.²⁷⁶

Law enforcement officers who are posted overseas must be rehearsed in enforcing Australia's extraterritorial laws. As such, they are trained by the Department of Foreign Affairs and Trade on how to investigate child sex tourism offences and other CSEC crimes committed by Australian nationals overseas.²⁷⁷ As part of the Bali Process, The AFP also provides training and capacity building to law enforcement agencies within the Asia-Pacific region to combat child sex tourism offences (see Coordination and Cooperation).²⁷⁸

CHILD AND YOUTH PARTICIPATION

Australia demonstrates a firm commitment to child and youth participation in accordance with article 12 of the CRC. In 2008, the National Youth Affairs Research Scheme published a research paper—the first of its kind in Australia—which provided government and community organisations with a framework for effective youth participation. The research examined existing opportunities for young people from diverse backgrounds to contribute to decision-making and barriers to participation, including those of Indigenous youth.²⁷⁹

Following the general distribution of policy-making activity, most child and youth participation initiatives in Australia occur at the state and territorial level. While all states and territories have a youth consultation body connected to their governments, some states, notably New South Wales, have made strong efforts to establish channels for more meaningful child participation. New South Wales is the only state or territory to provide a statutory basis for its youth advisory structure. Its Youth Advisory Council (YAC) was established under the *Youth Advisory Council Act 1989* and functions to, *inter alia*, consult with young people on issues and policies concerning them, monitor and evaluate legislation and government programmes and recommend changes if required. Half of YAC members must be under the age of 25 years at the time of their appointment.²⁸⁰ Though the YAC has not devoted significant attention to CSEC, it has focused on other problems that can render children vulnerable to sexual exploitation. For example, in 2009 the council hosted a forum on homelessness that brought together young people aged 13 to 23 years old, all with different experiences of homelessness. Participants analysed the causes of youth homelessness and formulated prevention strategies. The resultant report also informed

Australia's national framework for child protection, *Protecting Children is Everyone's Business* (see National Plan of Action).²⁸¹

At the federal level, the Australian Youth Forum (AYF) facilitates ongoing public discussions and uses input from young people (15 to 24) in the development of public policy. Young people are able to have direct communication with the government through a number of mechanisms, including a website, forums, outreach visits by the Minister and a Youth Engagement Steering Committee comprising 11 young people.²⁸² Past AYF topics include cyber bullying and the disparity between Indigenous and Non-Indigenous Australians; there has not yet been a focus on CSEC issues.²⁸³

In addition to government initiatives, there are a number of NGO programmes, such as the New South Wales Youth Action & Policy Association, Australian Youth Affairs Coalition and YMCA Youth Parliaments that reinforce Australia's framework for ensuring child and youth involvement. These organisations have broad objectives relating to the promotion of young people's interests and advancement of their community participation. YMCA Youth Parliaments, for instance, are found in every state and territory (with the exception of the Australian Capital Territory) and provide opportunities for youth to speak up and influence government policy-making in an apolitical environment.²⁸⁴

The Australian government has also pursued youth involvement in relation to Internet safety issues, specifically Australia's Youth Advisory Group (YAG) on cybersafety was established under the federal government's cybersafety plan and as part of the proposal for all VGT members to adopt youth advisory models in their own countries. It was created following the successful implementation of

the United Kingdom Child Exploitation and Online Protection Centre's Youth Advisory Panel.²⁸⁵ The YAG is a group of Australians aged 8 to 17 who provide advice to the government on a range of cybersafety topics including cyberbullying, mobile phone safety, privacy and social networking sites. Recommendations from YAG members have informed a range of government cybersafety initiatives to date. For example, the YAG expressed the need for a 'one-stop shop' for cybersafety advice and assistance, which subsequently resulted in the development of a Cybersafety Help Button now available for downloading. After the YAG also expressed an interest in knowing more about how to safely socialise online, the government procured their assistance in developing a guide which contains information and advice on 26 different social networking sites, search engines and online games. The AFP

also engages the YAG in the context of the Virtual Global Taskforce (see Coordination and Cooperation). It is anticipated that by 2012, the YAG will consist of approximately 3,000 members from up to 400 schools nationwide.²⁸⁶

Australia evidently values the input of its youth population. However, CSEC issues are not gaining the coverage that is needed in government consultations with young people. Although consultation themes have usually revolved around systemic issues which contribute to sexual exploitation, such as youth homelessness and drug abuse, discussions need to explicitly link up to topics of child prostitution or trafficking for sexual purposes. Such child and youth participation will especially be important if Australia is to develop a national plan of action dedicated to combating CSEC.



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT International and launched in 2009, this three year campaign seeks to provide immediate relief to child victims with raised funds and create long-term

changes through public engagement and lobbying of decision-makers to strengthen concerted action against child trafficking for sexual purposes. On March 2, 2011, Child Wise and The Body Shop presented 256,173 petitions to the Greens MP for Melbourne, Mr. Adam Brandt. The petitions represented an appeal to the government for prioritisation of actions including the creation of legislation against CSEC and child trafficking. The event was widely covered by the media and the press. Unfortunately, the government largely ignored these petitions representing the demands of over a quarter of a million

Australians.²⁸⁷

In addition to petitioning and public advocacy, Child Wise has used funds raised from the campaign to implement several prevention initiatives in Cambodia for at-risk children. For instance, two community centres in Phnom Penh created by Child Wise provide 40 poor children with one meal per day and a safe place to rest. Awareness raising programmes and training sessions targeting child protection within the community have also been conducted.

PRIORITY ACTIONS REQUIRED



National plans of action

- Develop a new comprehensive national plan and policy addressing all forms of commercial sexual exploitation of children, apportion resources for its immediate implementation and ensure regular monitoring and evaluation. The plan should devote special attention to Indigenous children who are disproportionately vulnerable to sexual abuse.
- In accordance with the Rio Declaration and Call for Action, child participation ought to be emphasised in the new national plan. Children should also be involved in designing the plan.
- Ensure the implementation plan for the *Australian Policing Strategy to Combat Trafficking in Persons* includes programmes and policies to address the specific vulnerabilities of children.

Coordination and cooperation

- Enhance regional coordination, currently focused primarily on human trafficking and online sexual exploitation of children, to also address child prostitution.
- Develop a nation-wide system for ongoing collection of data pertaining to all CSEC offences, not just human trafficking. The system should involve collaboration between federal and state/territorial governments; disaggregate data by race, age, sex, ethnicity, region and nationality and indicate trends; and, liaise with civil society organisations, law enforcement, NGOs, homeless shelters, detention centres and all institutions in a position to identify child victims.
- Duplicate previous collaborations between national and local law enforcement agencies on Indigenous child protection matters, e.g. Operation Pleach, in other remote areas of Australia where children are especially vulnerable to sexual exploitation.

Prevention

- Disseminate information contained in 'Travel Smart: Hints for Australian Travelers' beyond passport issuances. Initiate a national education campaign to educate Australians about travelling child sex offenders and the new preparatory laws.
- Collaborate with airlines or other tourism companies to facilitate public awareness of child sex tourism, and encourage private actors to sign The Code.
- Ensure activities to improve public awareness of people trafficking within the sex industry highlights child-specific concerns. Extend the focus to include the broader problem and prevalence of child prostitution in Australia.
- Include awareness initiatives in school curricula to promote mainstream knowledge of CSEC among children, teachers and parents.
- Improve the sex offender registry system to be able to facilitate the tracking of potential perpetrators throughout their travels.
- Initiate research into the nature and prevalence of CSEC in Australia. Institute a sustained research programme to ensure the scope of the problem is traced and policy responses are adequately informed.

Protection

- Develop an updated Model Criminal Code pertaining to sexual offences against the person, with an emphasis on child sex offences, and urge states and territories to adopt uniform child protection legislation.
- Ensure prohibition of the full range of acts related to child prostitution contemplated by the OPSC (offering, obtaining, procuring and providing) as well as contact grooming in all jurisdictions.
- Abolish provisions resulting in the punishment of children engaged in prostitution.
- Standardise the legal definition of 'child' in the context of child pornography across all states and territories. The CRC considers a person under 18 to be a child. Amend Commonwealth grooming and sex tourism legislation to increase the age of protection from 16 to 18.
- Ensure child pornography provisions adequately capture all types of media and pornography that portrays persons who appear to be children, not just actual children.
- As a further deterrence measure, increase penalties for child pornography offences to be commensurate with those in other countries.
- Amend state and territorial trafficking legislation to reflect the standards set out in the Trafficking Protocol and ensure that intra-state trafficking is criminalised. In particular, all offenders in the chain of trafficking should be prosecuted, including those who transfer, harbour or receive victims.
- Increase resources to law enforcement agencies to investigate and manage cases of child sex tourism. A national law enforcement agency mandated to pro-actively enforce sex tourism offences and provide advice on issues such as mutual legal assistance and extradition should be created.

Recovery and reintegration

- Existing funding should be reconfigured to ensure that comprehensive care and support to all CSEC victims are uniform throughout the country. In particular, networks of sexual abuse therapeutic services, similar to that in Western Australia, should be implemented in all states and territories.
- Improve the Support Program for Victims of Trafficking to be more child-friendly. Services for young trafficking victims should be able to handle child-specific issues such as guardianship and access to education.
- Invest more resources into understanding and meeting the needs of victims of Internet-facilitated child sexual exploitation. Ensure policies related to victim assistance and remuneration are easy to navigate and are child-friendly.

Child and youth participation

- Support public awareness campaigns that facilitate youth participation in matters specifically related to CSEC.
- Collaborate with NGOs and the private sector to ensure that child participation initiatives are mainstreamed and institutionalised throughout all levels of policy-making.
- Encourage dialogue among Indigenous youth regarding social norms and practices that make them particularly vulnerable to sexual exploitation. Widely implement support programmes that help children in Indigenous communities better understand their rights and options for addressing abuse.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-

up on the implementation of the recommendations made.

- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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