



Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

AUSTRALIA



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(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

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Glossary of terms and acronyms

ABA: Australian Broadcasting Authority

AFP: Australian Federal Police

AHTCC: Australian High Tech Crime Centre

AIDS: Acquired Immune Deficiency Syndrome

ANCOR: Australian National Child Offender Register

AusAID: Australian Agency for International Development

CIS: Commonwealth of Independent States

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CMC: Crime and Misconduct Commission

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

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 a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

DIMIA: Department of Immigration and Multicultural and Indigenous Affairs

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

FaCSIA: Federal Department of Family and Community Services
Grooming: Preparing a child for sexual abuse and exploitation
HIV: Human immunodeficiency virus
ICH: Internet content hosts
ICT: Information and communication technologies
ICTSD: International Centre for Trade and Sustainable Development
ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
IRC: Internet Relay Chat
ISP: Internet service provider
IT: Information technology
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
NSW: New South Wales
OCSET: Online Child Sex Exploitation Team
ODHIR: Office for Democratic Institutions and Human Rights
STIs: Sexually transmitted infections
UN: United Nations
UNDP: United Nations Development Programme
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
VGT: Virtual Global Taskforce
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

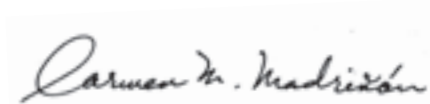
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madrián
Executive Director, ECPAT International

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 of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. 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 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.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. 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 would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, 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 through teleconferences, 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 reports feature: (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); and (vi) priority actions required.



AUSTRALIA

Although Australia has a high standard of living, high numbers of children and young people are homeless, which in some cases leads to commercial sexual exploitation. According to the census of 2001, 46 per cent of the 99,900 homeless people at that time were below 25 years of age, with those aged between 12-18 years a prominent group (26 per cent of all homeless people)¹. Factors that push young people to live on the street include poverty, domestic violence, and sexual abuse at home, which results in the disintegration of family relationships.² 'Speaking for Themselves', a research publication produced by Child Wise (the ECPAT group in Australia) in 2004 confirms significant links between commercial sexual activity of children and those who have experienced abusive backgrounds, exposure to violence, homelessness, and/or drug addiction.³ Once children live on the street, they become more vulnerable to cycles of drug abuse, sexual abuse and petty theft and may fall into commercial sex as a means of survival. As underage sex work is illegal, they therefore work on the street rather than in a legal brothel, which leads to further risks of violence and increased vulnerability; they are sought out by exploiters because of this.⁴

A significant number of indigenous children, in particular, have been victimised by sexual abuse as a result of inadequate policies for their protection, which also makes them vulnerable to commercial sexual exploitation.⁵

Sexual abuse and exploitation of children in Aboriginal communities

In June 2006, the Northern Territory Government launched an inquiry amid reports that child sexual abuse was rampant and going unreported in remote areas of central Australia. Among the allegations were that children as young as five had contracted sexually transmitted diseases and young girls were being prostituted for petrol in Mutitjulu, near Uluru.⁶

Although more than 50 meetings have been held with government agencies, service delivery organisations and Aboriginal communities (including those in Alice Springs, Mutitjulu, Katherine and Timber Creek)⁷ only one case was referred to police and to date, no one has been charged over the matter.⁸

In early October 2006, the inquiry into child sex abuse was again in the spotlight after it was revealed that the NT Chief Minister had known about the child abuse allegations 18 months before a formal investigation was ordered.⁹

A survey conducted in 2001 among 238 students in grades 7-10 in the Australian Capital Territory suggested that of the 66 per cent of those who regularly chatted online, 27 per cent believed they had been approached by a sexual predator while using a chatroom. Only one-quarter of the children who had been sexually solicited had told a parent and no reports were made to the police (NAPCAN 2001).¹⁰ There have also been cases where overseas sex offenders have met and groomed children in online chatrooms and have travelled to Australia to abuse the child.¹¹

Online grooming as a new manifestation of sexual exploitation of children

Investigations completed in June 2003 and September 2004 by Queensland Police into online grooming under the code name, "Task Force Argos", revealed that all of the suspects were male. In 25 cases where a suspect was identified, 22 involved a police officer or the Crime and Misconduct Commission (CMC) Officer initiating the contact by posing as a girl online. Suspects' ages ranged from 19 to 55 years - the mean age was 34 years. No offences were committed when police posed as boys in chatrooms, which is thought may be due to the fact that other, more specific chatrooms are more common for online predators targeting boys for sexual abuse, or that online interactions involving boys take place in different forms.¹²

In 18 of the cases, the primary charge was for seeking to procure a child online for sexual purposes. Other cases involved the primary charge of exposing a child to indecent material. From the overall sexual exchanges, 48 per cent of suspects discussed sexual acts involving the child, 36 per cent performed online masturbation to the child via web cam, while two suspects sent child pornographic images, including images of the suspect's sexual abuse of other children.¹³

Furthermore, a study by the Australian Broadcasting Authority (ABA 2001b), found that forty-seven per cent of 11-17 year-old children unintentionally accessed pornographic materials, including nudity, 'rude stuff', tasteless jokes, dirty talk in chatrooms and violent imagery on the Internet.¹⁴ According to a report conducted by the Child at Risk Assessment

Unit at Canberra Hospital¹⁵, regular viewing of such materials among boys and young men leads to ‘increased tolerance for and participation in sexual aggression’. It is reported by the Unit that numbers of children who sexually harmed other children went from three cases per year in the 1990s to about seventy cases in 2003.

The majority of child pornography material available in Australia is imported. That which is produced in Australia appears to be of the ‘home video’ nature derived from the activities of paedophiles. According to the Australian Institute of Criminology, developments in information technology have led to “an abundance of child pornography available in cyberspace”, with this digital form of child pornography replacing traditional print and photographic media. Online transmission of child pornography is one of the greatest concerns in Australia, where computers have become commonplace in schools, in the workplace and in homes.¹⁶

Australia is also a destination country for human trafficking; current evidence suggests that most of the victims of trafficking for sexual purposes are women¹⁷ although the Australian Centre for the Study of Sexual Assault has noted that a number of children are also trafficked into sexual exploitation for debt-bonded prostitution. Most of the victims trafficked for sexual purposes entered the country using Thai passports, while many of them may have been trafficked to Thailand from Myanmar. Other victims trafficked for sexual purposes were from China, Indonesia, Malaysia, Vietnam, Cambodia and the countries of the Commonwealth of Independent States (CIS) and Russia. They were given false promises for work in restaurants or as air hostesses, or were not fully aware of the working and living conditions found with prostitution.¹⁸

Child sex tourism is another important issue for the country since Australians have been identified as sex tourists in at least 25 countries.¹⁹ Australia is classified as a sending country in terms of child sex tourism and sex offenders seem to have been pushed to countries where access to vulnerable children is easier. Recent progress against child sex tourism abroad has been noted due to a number of measures: comprehensive legislation criminalising child sexual exploitation; professionally trained domestic law enforcement agencies experienced in combating this form of abuse; and a more educated public who are aware of the rights of children and their susceptibility to abuse.²⁰ It is worth noting that Australia has had the most success in prosecuting child sex tourists under extraterritorial legislation.

Children’s vulnerability to sexual abuse and exploitation also occurs in relation to the Catholic Church. Through five major government-initiated inquiries over the past ten

years, Australia has become aware of child sexual abuse and exploitation by members of the Catholic Church, i.e. clergy and lay leaders, of children as young as three years old and up to seventeen years old.²¹

Australia adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

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*, in 2000.²² The NPA (which does not have a specific time frame), focuses on four key areas relevant to commercial sexual exploitation of children: prostitution and sex for favors; pornography; trafficking; and sex tourism. It provides the basic background information for the development of a coordinated cross-sectoral and inter-governmental response to CSEC and resulted from a participatory and consultative process that included federal, state and territory Government representatives, as well as key civil society partners. Although the plan identifies a 'future direction' to address the problems, it does not identify an implementation period, indicators of success, key activities that need to be taken in order to address each identified CSEC area or organisations that will take the lead in implementing each activity. The Federal Department of Family and Community Services (FaCSIA), which facilitated the development process of this Plan (among other relevant government and non-governmental agencies), has maintained its role as a consultative function in monitoring the obligation of the nation to children and young people rather than necessarily taking a leading role to ensure the effective collaboration and implementation of the Plan. Consequently, little concrete action has been undertaken to implement the NPA at the federal and regional levels, and the Plan has rather served as a lobbying and advocacy tool for civil society groups working on CSEC. For example, it was instrumental in lobbying the Government to ratify *ILO Convention No. 182* and to sign the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.²³

As part of an AU\$ 20 million package announced by the Government in October 2003 to combat human trafficking over four years, the *Action Plan to Eradicate Trafficking in Persons* was launched in June 2004. This Plan focuses on four key areas: prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation. The Plan recognises trafficked persons as victims rather than illegal migrants. Consequently, the victims are not held in immigration detention centres but are referred to the Australian

Federal Police (AFP). Special visas for victims of trafficking were also introduced: the 'Bridging F' and 'Witness Protection (Trafficking) Visas'. Trafficking victims on these visas are eligible for the Victim Support Programme. However, it remains to be seen how the Victim Support Programme will be developed to include the needs of child victims. Increases in prosecution have been witnessed through the implementation of the Action Plan, however, several non-governmental organizations are concerned that protection for those victims who are unable to assist or cooperate in the investigation process may be overlooked and they could end up being deported without their specific circumstances being taken fully into account.²⁴ Nevertheless, the Plan provides a satisfactory framework for dealing with human trafficking for sexual exploitation, although it does not give adequate recognition to trafficking in children for sexual purposes and as a result, child-friendly services and interventions to meet their needs may be hampered. Furthermore, the Action Plan does not specify its implementation period; therefore monitoring success of the implementation of the Plan against the identified indicators is likely to be on a more ad hoc basis.

COORDINATION AND COOPERATION

Local and National Level

More collaboration and coordination to combat the prostitution of children is urgently needed, especially among street children, to address their needs and protect their rights.

In order to properly address concerns on the availability of child pornography in the country, the Federal Government has amended its broadcasting laws to provide a new regulatory scheme for the control of offensive material using online services such as the Internet. The system allows the public to make complaints about online content to the Australian Broadcasting Authority. It also provides for the development of industry codes of practice and the obligations of Internet service providers (ISPs) and Internet hosts within Australia, and provides an effective legal regime should sections of industry choose not to abide by the codes.²⁵

In the fight against sexual exploitation of children in tourism, the Federal Government

sponsored *Travel with Care*, a tourism education campaign to raise awareness on the issue, directed at the travel industry and travelers. The campaign reinforced its message that sexual exploitation of children is a crime regardless of where it takes place. The campaign also encouraged the involvement of the public in reporting any suspicious incidents related to child sex crimes.²⁶

The Government has also supported a community awareness project on trafficking for sexual purposes. One component of the Plan is to raise awareness on the issue to communities in order to encourage their engagement in helping identify potential victims and potential traffickers, and reporting information to the relevant authorities for further investigation. Information on victim support measures will also be provided to raise awareness of the public in order to encourage victims to come forward.²⁷

A mobile team of twenty-three members of the Australian Federal Police Mobile Strike Team has been set up to combat sexual exploitation and investigate trafficking syndicates. The team is located in the Transnational Crime Coordination Centre, the Australian Federal Police Transnational Sexual Exploitation and Trafficking Team²⁸, and has made numerous arrests even though there has only been one successful prosecution of a sex trafficker so far.²⁹

As part of the *Action Plan to Eradicate Trafficking in Persons*, in 2004, the Australian Government and the states and territories developed the *National Policing Strategy to Combat Trafficking in Women for Sexual Servitude*. The Plan focuses on six key areas: prevention, capacity and resource, victim assistance, partnerships, training and education, and regulation and legislation. It provides a national framework outlining possible services that police can consider in responding to trafficking, for example, sharing of best practices, training, investigation and victim support services³⁰ (including accommodation, social support, legal, medical and counseling services). The Plan however fails to distinguish between trafficking in adults and trafficking in children. As a result, there is a risk of child victims of trafficking being treated as if they were adults, with their rights to protection, development and participation being undermined, i.e. through the investigative processes and services provided for victim support.

Regional and International Level

Australia has invested resources to combat commercial sexual exploitation of children in collaboration with countries in the Southeast Asia region, especially on trafficking in children for sexual purposes and child sex tourism. Replication of similar collaboration in the Pacific region would also contribute to an increase in protection of children from commercial sexual exploitation in the region.

Through the operation of Australia's overseas aid programme, the Australian Agency for International Development (AusAID) has provided funding for development projects to its partners in Southeast Asia aiming to combat human trafficking in source countries.³¹ The programmes contribute to strengthening national and regional capacity of law enforcement and the repatriation and reintegration of trafficked victims in Cambodia, China, Lao PDR, Myanmar, Vietnam and Thailand.

In 2003, Australia and the Philippines signed a Memorandum of Understanding (MoU) on *Cooperation in Combating Transnational Crimes* to increase cooperation in crimes such as trafficking in persons. A number of initiatives related to law enforcement technology (and equipment) and capacity building are planned for this purpose. In implementing the MoU, the Philippine Center on Transnational Crime will serve as a communication and liaison center for the Philippine Government and the Australian Federal Police for the Australian Government. As focal points, they will coordinate, collaborate and facilitate the exchange of information between the two states and their respective national law enforcement institutions.³²

The Australian Federal Police established a post in Bali to better coordinate action against crimes such as child sex tourism and sexual exploitation, following a feasibility study conducted there in 2003 focusing on emerging trans-national crime issues, including trafficking in children.³³

During the Australasian Police Ministers' Council meeting in July 2003, the AFP agreed to undertake a review of legislation and operational arrangements with the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), and to work towards greater cooperation of law enforcement agencies on the issue.³⁴ Subsequently, as part of the implementation of the *Action Plan to Eradicate Trafficking in Persons*, the position of senior migration officer in Thailand was created to implement initiatives to support DIMIA.³⁵

The Virtual Global Taskforce (VGT) is an international alliance of law enforcement agencies working together to make the Internet a safer place. It was created in 2003 as a direct response to lessons learned from investigations into online child abuse around the world. It is composed of the Australian High Tech Crime Centre (AHTCC), the National Crime Squad for England and Wales, the Royal Canadian Mounted Police (RCMP), the US Department of Homeland Security and Interpol. The AHTCC provides a national coordinated approach to combating serious, complex and multi-jurisdictional, high-tech crimes, especially those beyond the capability of single policing jurisdictions in Australia.³⁶

AusAID's funding, through Child Wise's campaign on 'Combating Child Sex Tourism in Southeast Asia', has contributed to strengthening the regional collaboration of ASEAN tourism destination countries (Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand, and Vietnam) in combating child sex tourism. At the time of writing this report, the ongoing campaign had resulted in the development of regional standards and tourism industry guidelines to protect children from sexual exploitation in tourist destinations, and the development of national and regional policy to prevent sexual exploitation of children in tourism.

AusAID also works to end the prostitution of children, child pornography, and trafficking in children for sexual purposes and supported the ECPAT global network through the organisation of ECPAT's Third General Assembly in 2005, which resulted in strengthening of its governance and a three-year strategic plan to combat CSEC in each region in the world.

PREVENTION

Generally, commercial sexual exploitation of children is not seen in Australia as a specific issue separate from other forms of sexual exploitation of children. Consequently, programmes, outreach work and services with street children or vulnerable indigenous children are not adequately focused on prostitution of children.

NetAlert Limited³⁷, Australia's Internet safety advisory body, provides independent advice, awareness and education on managing access to online content. This has been done through an industry information manual and accompanying CD-ROM; a community education programme; a series of state events held in local schools, followed by a series of regional forums aimed at promoting awareness of NetAlert in regional and rural areas as well as identifying Internet issues of concern to the community in these areas; a helpline programme; and a comprehensive guide to help protect children online, entitled *A Parent's Guide to Internet Safety*. The Government recently provided *NetAlert* funds to run a national education campaign to include a travelling road show that will focus on parents and children and highlight the dangers posed by the Internet.

The Australian Broadcasting Authority set up an Online Hotline to address community concerns about Internet content.³⁸ When illegal material such as child pornography is found, the ABA may refer the material to the appropriate law enforcement agency.³⁹ This system is working well and the ABA is currently handing over all illegal materials to the AFP, which then investigates these violations through their High-tech Crimes Unit.

In June 2006, the Communication, Information Technology and the Arts Ministry announced that the first free filters to prevent internet pornography will be available for the public to download from a dedicated website or from a CD-ROM to their home computers within six months. All ISPs will also be required to offer filters to new and existing customers at no additional cost. The Government also plans to study the feasibility of offering content filtering at Internet service provider-level⁴⁰ (it can be noted that a recent survey conducted by Child Wise found that 84 per cent of Australians believed that ISPs should filter out child pornography).⁴¹

According to the *Child Pornography Classification Guidelines*, any films that promote paedophile activities or contain depictions of child sexual abuse or any other exploitative

or offensive depictions involving a person who is or looks like a child under 16 will be categorised under “RC” (refused classification). It is an offence to promote, distribute, exhibit or possess material that is classified “RC” in Australia, and severe penalties apply.⁴²

Capacity building against child sex tourism at the regional level

In April 2002, Child Wise initiated the project *Preventing Child Abuse in ASEAN Tourism Destinations: Building Capacity of National Tourism Administrations*, aiming to build the capacity of National Tourism Administration staff both in Australia and in tourist destinations such as Myanmar, Cambodia, Indonesia, Lao PDR, the Philippines, Thailand, and Vietnam. This ongoing project aims to develop national and regional policy options on international standards, tourism industry guidelines, and increase regional cooperation for the protection of children from sexual exploitation in Southeast Asia, and is funded by AusAID.⁴³ As a result of this project, tourism authorities at both the national and local level in these countries are better equipped to combat CST, particularly in terms of their understanding of the issue. The ASEAN training sessions will continue into 2007.

Child Wise also established the Child Wise Tourism Think Tank Programme on the Prevention of Child Abuse in Southeast Asian Tourism Destinations (2002-2004) to promote a dialogue between tourism government ministries, NGOs and the tourism industry, for prevention of child abuse and exploitation in Southeast Asian countries that are Australian tourist destinations.⁴⁴ The main outcome of the Think Tank Programme was the ASEAN Traveller’s Code, a set of ethical guidelines for tourists travelling in Southeast Asia, which includes pointers and information on preventing sexual exploitation of children.

Finally, in 2003, Child Wise conducted a campaign, ‘Don’t Let Child Abuse Travel’, launched by the AFP Commissioner.⁴⁵ The campaign aimed to make Australians aware of the extraterritorial laws and penalties regarding child sex tourism. It involved the distribution of posters and postcards as well as TV and radio messages, and also provided an AFP toll-free hotline number for reporting suspected child sex tourists. Campaign information cards and posters were widely distributed to travel agents and airports throughout Australia as well as to all AFP Liaison Posts and Embassies overseas.⁴⁶

A national register to track child sex offenders and others who commit serious offences against children was launched by the Australian National Child Offender Register (ANCOR) in Canberra in September 2004.⁴⁷ Under the Register, anyone convicted of sexual or other serious offences against children will be legally obliged to notify police of

their address, places they frequent, car registration, travel plans, club memberships and other personal details.⁴⁸ This information will be collated and given to State and Territory police to ensure that authorities better protect the community by tracking the location and movement of convicted offenders. Child sex offender registers have been set up in New South Wales (NSW), Victoria, Queensland, Western Australia and the Northern Territory and are being prepared in other states and territories.

Paedophiles barred from tsunami countries

It is well known that when countries experience natural disasters or military crises, paedophiles may take advantage of the children's increased vulnerability. In early 2005, around 20 paedophiles from Australia who tried to travel to tsunami ravaged countries, were stopped due to the rules of the child sex offender register. The convicted offenders, whose names were on the recently set up national register, had to inform police of their plans to travel; their travel details were sent by Australian police to Indonesian and Thai authorities, who refused them entry.⁴⁹

Although the new child sex offender register has worked well, it is thought that more could be done to stop Australian paedophiles from abusing children overseas, for example by preventing certain recidivist paedophiles from travelling overseas at all.

PROTECTION

The Government ratified the *Convention on the Rights of the Child* (CRC) in 1990, with a reservation concerning Article 37(c), which obligates States parties to detain children separately from adults. In 2001, Australia signed the CRC's *Optional Protocol on the sale of children, child prostitution and child pornography* (*Optional Protocol*), but it has not ratified it to date.⁵⁰ In 2005, Australia ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (*Trafficking Protocol*). Australia has not ratified *ILO Convention No. 182*.

Legislation

In spite of not having ratified the *Optional Protocol*, over the past few years Australia has enacted solid legislation to counteract the prostitution of children, child pornography and child trafficking for sexual purposes.

Australia has a federal constitutional system of Government comprising the Commonwealth, which includes six states (New South Wales, Victoria, Queensland, South Australia, Tasmania and Western Australia) and two self-governing territories (Australian Capital Territory and Northern Territory). The Commonwealth's legislative powers are limited to the powers set out in the Commonwealth Constitution, while the legislative powers of the States are unrestricted. Australia's constitution does not grant the Federal (Commonwealth) Government direct power to legislate with respect to domestic criminal activity. Child protection is thus largely the responsibility of the state and territory governments, each having its own legislation, policies and practices. This poses a number of challenges in terms of implementing a uniform legal framework to protect children from commercial sexual exploitation.

With the idea of promoting more uniform and consistent criminal law across the country, the Federal Government drafted a Model Criminal Code that provides state governments with a framework which they may choose to adopt in drafting or updating legislation.⁵¹ More efforts to promote harmonisation of CSEC legislation across the country would be welcome.

Prostitution of Children

Laws pertaining to the prostitution of children are the primary responsibility of state/territorial governments. Based on the information available, these laws do prohibit and to some extent, define the prostitution of children, but they do not consistently protect child victims.⁵² The age of consent varies from one jurisdiction to the other, and some laws define a child as a person under the age of 16 or 17. Also, while the Federal Government has enacted provisions on procuring children online, the law only protects those children up to the age of 16.

The *Optional Protocol* defines the prostitution of children as “the use of a child in sexual activities for remuneration or any other form of consideration”. Consistent with the CRC, a child is defined as a person below 18 years of age. This definition includes any sexual activity with a child, including sexual intercourse, oral or anal penetration, and other forms of sexual touching. The exchange of benefits may be in cash or kind and can be given to the child or to another person or persons on behalf of the child. The *Optional Protocol* further obliges States Parties to include in criminal law, all acts of obtaining, procuring or providing a child for prostitution. This includes full protection from exploitation in child prostitution for all boy and girl children up to 18 years of age.

In some jurisdictions, the law provides a clear definition of child prostitution. For example, under the New South Wales *Crimes Act*⁵³, child prostitution means any sexual service 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. It includes acts aimed at the sexual arousal or sexual gratification of a person or persons other than the child, and includes sexual activity between persons of different or the same sex, comprising sexual intercourse for payment or masturbation committed by one person on another for payment, engaged in by a child.

In the State of Victoria, it is an offense to enter into, or to offer to enter into an agreement for a child to provide sexual services either to that person, or to another person in return for payment or in exchange for drugs of dependence.⁵⁴ In Tasmania, there is no specific definition of child prostitution. Based on the information available, the only prostitution provision that is specific to children is the prohibition on all owners to permit anyone under the age of 17 to be in or upon their premises for the purposes of having unlawful sexual intercourse with another person.⁵⁵

Regarding the criminalisation of different child prostitution-related acts, there are also variations among jurisdictions. In all states, at a minimum there are laws that prohibit sexual intercourse and/or indecent acts with a child. Overall, each state/territory legislation also covers, to some degree, the various means of engaging in child prostitution. Prohibited acts range from the most comprehensive list in South Australia’s law, which covers the following acts: “employ, engage, cause, permit, ask, have an arrangement, or exploit”⁵⁶ to Victoria’s law, which is limited to “facilitating sexual offences against children”.⁵⁷ In New South Wales, the law prohibits promoting or engaging in acts of child prostitution and carries a penalty of ten years’ imprisonment when the child is under 18, and fourteen years’ imprisonment when the child is under 14.⁵⁸ Under the Western Australia *Prostitution*

Act 2000, a number of acts related to child prostitution are prohibited, including causing, permitting or seeking to induce a child under the age of 18 to act as a prostitute, as well as entering into an agreement under which a child is to act as a prostitute.⁵⁹

At the Federal level, the *Criminal Code*⁶⁰ addresses forced prostitution or “sexual servitude”.⁶¹ A person who causes another person to enter or remain in “sexual servitude”, or who conducts a business involving the sexual servitude of other persons is guilty of an offence.⁶² When committed against a person who is under the age of 18, the penalty for this offence is imprisonment for twenty years. Through its powers over telecommunications, the Federal Government has also enacted legislation prohibiting the use of a carriage service (*carriage service* is a service for carrying communications by means of guided and/or unguided electromagnetic energy and includes the Internet, mobile phones, emails, and fixed telephones, faxes, radio and TV) to procure children under the age of 16.⁶³ While this initiative is a step towards better protecting children, this provision could be strengthened to protect all children up to the age of 18, in accordance with the CRC.

Trafficking in Children for Sexual Purposes

Australian federal law meets international standards, as set forth in the *Trafficking Protocol*, for protecting children against trafficking for sexual purposes. However, states and territories should incorporate the federal provisions on trafficking in children for sexual purposes into their domestic legislation to ensure that enforcement is consistent throughout the country.

Before drafting the *Trafficking Protocol*, Australian law addressed trafficking through laws on slavery, which were subsequently amended to deal with the growing international trade in persons for the purpose of sexual exploitation. More specifically, the amendments contained in the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999*, created offences related to slavery (maximum penalty of twenty-five years imprisonment); sexual servitude - where a person is engaged to provide sexual services subject to force or threats and is not free to cease or leave, warranting a penalty of up to fifteen years imprisonment, or 19 years if the victim is under 18 years of age; and deceptive recruiting - where a person who deceptively induces another person to provide sexual services faces a penalty of up to seven years imprisonment, or nine years if the victim is under 18 years of age. The Federal Government has reportedly sought the cooperation of relevant countries in the enforcement of these laws, aimed at cases with an international connection.⁶⁴

Following the entry into force of the *Trafficking Protocol*, the *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005* created a specific offence of international trafficking in children, which complies with the international standard definition and provides that a person commits an 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, for the purpose of providing sexual services or any other form of exploitation after that entry, receipt or exit. “Sexual service” is broadly defined as the use or display of the body of the person providing the service for the sexual gratification of others, which satisfies the *Trafficking Protocol* requirement to include, at a minimum, trafficking for the purpose of exploiting prostitution or other forms of sexual exploitation. The offence is punishable by twenty-five years’ imprisonment.⁶⁵

Though internal offences usually fall under state/territorial laws in this case, the *Criminal Code Amendment Act* also creates a similar offence of domestic trafficking in children⁶⁶, which criminalises the intent to exploit not only after transportation, but also during. Consistent with the *Trafficking Protocol*, Australian law does not require the use of illicit means such as fraud or deception as an element of the child trafficking offence. Furthermore, 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 be otherwise exploited, but also if the offender is reckless as to whether such exploitation will take place.

Based on the information available at the time of writing this report, no state legislation contains a definition of trafficking. There are provisions regarding “sexual servitude” in New South Wales, Southern Australia, Northern Territory, the Capital Territory and Western Australia; the states of Tasmania, Queensland and Victoria contain provisions that prohibit procurement and/or deceptive recruitment for commercial sexual services. Therefore, state and territory law should be harmonised with the Federal law on trafficking in children, reflecting in turn the standards set forth in the *Trafficking Protocol*.

Quite a few Government initiatives to combat this form of crime have been developed, allowing for greater focus on victims of trafficking and ensuring that they are afforded appropriate welfare services and opportunities. A national case-management programme is now in place to assist victims and trafficking specific visas were introduced to allow victims to remain lawfully in the country to assist in investigations and prosecutions. A comprehensive victim reintegration programme was also established for those victims preferring instead to return to their home countries.⁶⁷ Though it is still early to comment on the effectiveness of this package of measures, Child Wise states that they have led to

a number of arrests of traffickers. To date, however, there has been only one successful prosecution.

In its concluding observations on Australia's second and third CRC reports, the Committee on the Rights of the Child noted the changes to the *Criminal Code* in 2005 whereby, *inter alia*, trafficking in persons had been criminalised, but nevertheless expressed concern that Australia continues to be a destination country for trafficked women and girls in the sex industry. The Committee also recommended to Australia, the strengthening of its efforts towards effective implementation of its plan to combat sexual exploitation and trafficking in persons and to conduct a comprehensive study to assess the nature and magnitude of the problem, especially with respect to children.⁶⁸

Child Pornography

Australia's federal law on child pornography is comprehensive and complies with international standards. Its provisions are broad enough to include a wide range of materials, including written materials, virtual and morphed images, cartoons as well as sound recordings, and constitute a good model for other countries to follow. Federal law also criminalises a wide range of acts related to child pornography, including mere possession. Federal law also targets online "grooming" and requires ISPs to report child pornography materials to the Australian Federal Police. However, as per Australia's Constitution, child pornography is predominantly a state/territory matter and not all states/territories have integrated the Federal provisions into their own legislation. Furthermore, as noted above, the age of protection varies among states – Australian law could therefore be strengthened to ensure all children up to the age of 18 are adequately protected.

Child pornography law is predominantly a State matter. At the federal level, the *Classification (Publications, Films and Computer Games) Act 1995*⁶⁹ establishes the Classification Board, which is responsible for classifying every film, video and computer game that is legally available in Australia, whether produced in Australia or overseas, as part of the National Classification Scheme. If the Classification Board determines that the material is child pornography, it will classify it as "RC" ("Refused Classification"). "RC" material cannot be sold, distributed or advertised in Australia.⁷⁰ States and territories also address child pornography through their censorship and criminal laws.

Through its regulatory power over broadcasting services, including television and radio, the Federal Government was also able to pass child pornography legislation targeting online

sexual exploitation. On 1 March 2005, the Australian Government amended the *Criminal Code* 1995 to include offences dealing specifically with online child sexual exploitation. The *Criminal Code* prohibits the use of carriage services to commit a wide range of child pornography acts, namely accessing, transmitting, providing, publishing and distributing child pornography. These offences are punishable with imprisonment for ten years.⁷¹ Importantly, the *Criminal Code* also places a ban on possession of child pornography: a person who has possession or control of child pornography materials, or who produces, supplies or obtains child pornography materials, whether for use by that person or by another person, is liable to imprisonment for ten years.⁷²

The above provisions are in compliance with the *Optional Protocol*, which requires the criminalisation of all acts of producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes, child pornography. By criminalising mere possession, Australian law even goes a step further than the *Optional Protocol*, to meet the standards set forth in the Stockholm Agenda for Action.

The *Criminal Code* definition of child pornography material is very broad and includes four categories of prohibited materials. The first comprises materials that depict a person who is, or who appears to be, under 18 years of age, and who is engaged in a sexual pose or sexual activity or is in the presence of a person who is engaged or appears to be engaged in such a pose or activity. The second category consists of materials, the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ, the anal region or the breasts of a child under 18 years of age. The third category includes material that describes a person who is, or is implied to be, under 18 years of age and who is engaged in or implied to be engaged in a sexual pose or activity, or is in the presence of a person who is engaged or implied to be engaged in such pose or activity. The fourth category comprises material that describes the sexual organs or anal region or breasts of a child under the age of 18.

This definition is quite comprehensive and meets the requirements of the *Optional Protocol* to criminalise “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”. It is broad enough to encompass written materials such as child erotica, as well as sound recordings and cartoons. Furthermore, Australian law on child pornography is not limited to depictions of explicit sexual activity – it also covers posing, and in this regard it sets a higher standard than that of the *Optional Protocol* and establishes a good model for other countries to adopt.

However, not all states and territories have integrated this definition into their legislation, resulting in gaps between the federal law and state/territory law. For example, in some jurisdictions, the term child pornography is not used at all and is instead referred to as child exploitation material or child abuse material. Also, whereas the federal legislation covers children up to the age of 18, other jurisdictions use 16 as the age of protection (i.e. New South Wales, Queensland, South Australia, Western Australia). In some instances, state/territorial legislation does not cover simulated images. Also, sound recordings are not covered in Tasmania, Victoria or the Northern Territory. The Capital Territory offers a comprehensive coverage by including “film, photograph, drawing, audiotape, videotape, computer games, Internet or anything else”. A strong feature of the Australian legal framework against child pornography is that its possession is illegal in all states and territories.

The *Criminal Code* also criminalises the use of a carriage service to “groom” persons under 16 years of age. This includes using a carriage service to transmit indecent material with the intent of procuring the recipient to engage in sexual activity with the sender or with another person. For the purpose of this offence, “sexual activity” is very broadly defined and need not involve physical contact between people.⁷³ This offence is punishable by twelve years’ imprisonment.⁷⁴ The new offences also punish Internet service providers and Internet content hosts (ICH) when they are aware that their services can be used to access child pornography materials but fail to refer details of the material to the AFP within a reasonable time after becoming aware of the existence of the material.⁷⁵ The AFP works in partnership with ISPs and ICHs in the battle against child pornography.⁷⁶

Extraterritorial Legislation

Australia was one of the first countries to introduce child sex tourism laws. In 1994, Australia enacted Part IIIA of the *Crimes Act 1914*, which contains offences applying to Australian citizens and residents who engage in sexual activity with children under the age of 16 while overseas. These offences include the incitement, encouragement or gaining benefit from such activity. The legislation ensures that Australians engaging in such activity can be prosecuted in Australia.⁷⁷ Child Wise notes that there have been 24 prosecutions under the child sex tourism law.

Child Protection Units

An Australian Federal Police Online Child Sex Exploitation Team (OCSET) was launched in March 2005 to protect Australian children from offensive and illegal content on the Internet.⁷⁸ It performs an investigative and coordinating role within Australia for multi-jurisdictional and international online child sex exploitation matters. The AFP is responsible for the investigation of online child exploitation including pornography, abuse, grooming and procurement of children. Investigations focus on Internet sites carrying this material and operated from an ISP in Australia; sites outside Australia are referred to overseas law enforcement agencies.⁷⁹

In June 2006, OCSET reported to have achieved the following since its inception:

- 15 arrests in relation to 63 charges that are currently before the Court;
- A further 24 suspects have had child pornography or child abuse images located at their premises during the execution of AFP search warrants and are having briefs of evidence prepared for prosecution;
- 111 packages of evidence involving overseas suspects have been forwarded to foreign law enforcement agencies, ensuring the global nature of this crime is addressed; and
- 535 packages of evidence involving offences committed prior to the introduction of the Commonwealth legislation were referred to the State and Territory police for action in their jurisdictions. Additional arrests based on this information have occurred.⁸⁰

With regard to the protection of child complainants and child witnesses, new federal provisions were enacted in 2001, applying to proceedings for federal sex offences, including child sex tourism and sexual servitude offences. The protective provisions recognise that child complainants and child witnesses in sex offence proceedings are particularly vulnerable, because of their age and the nature of the crime involved. The provisions are intended to minimise the distress and trauma experienced by child complainants and child witnesses in giving evidence and to protect their privacy.

Most states have child-friendly procedures; for example, the New South Wales Government introduced provisions in 1997 to enable electronically recorded interviews with a child witness (other than a defendant) to be admitted into evidence as part or all of a child's

evidence-in-chief, in any criminal and certain other proceedings. This enables children to give evidence while alleviating the trauma associated with giving evidence in court to some extent. In South Australia, courts have the discretion to order the use of closed circuit television, a screen, partition or one-way mirror, and/or to permit a relative or a friend to accompany a child witness.⁸¹

Support Services for Children

In general, Australia has well developed services for children who have been abused, or who are at risk of abuse, although these may be patchy in delivery in places. However, most of the support services available work around issues of sexual abuse in its broadest definition, including associated problems such as domestic violence, homelessness and substance abuse, and there are few services which are specifically focused on the particular needs of children who have been commercially sexually exploited.

One of the problems for children and young people who have been commercially sexually exploited is that the services that do exist may be difficult to access, either because they seem to be of little relevance or because children and young people themselves may not identify with other service users. There are long waiting lists and a need for many more services

Particularly where there is a strong statutory responsibility exercised by Government,

children and young people can be even more reluctant to seek help, as they may be concerned about the consequences on their lives (such as being placed in foster care a long way from what is considered 'home'). There is therefore a need to develop specialist services, mainly around the areas of safety and risk reduction, for those children and young people who are commercially sexually exploited, which can simultaneously act as a bridge towards accessing more mainstream facilities. This should include provision for children who are trafficked, recognizing the additional difficulties they may face.

Given that there is a substantial knowledge base and level of expertise in various areas of care – such as trauma counseling, alternative care, witness support - it would seem likely that, if appropriate resources were allocated, it would be relatively easy to establish a network of services specifically aimed to meet the needs of child victims of CSE.

Training Law Enforcement Personnel

The Australian Federal Police leads international efforts to combat sexual offences against children. The AFP's Transnational Crime Coordination Centre (TCCC) provides national and international law enforcement agencies with a 24-hour focal point of contact (based in Australia) to deal with transnational crime issues.⁸² In addition, between 2003 and 2004, the AFP took significant steps to gain a greater understanding of the nature and extent of child sex tourism and human trafficking throughout the region, which included conducting environmental scans⁸³ in Cambodia, East Timor, Indonesia, the Philippines, Thailand and Vietnam. Findings from the scans will inform operations and policy making regarding these crime types.



PRIORITY ACTIONS REQUIRED

- A review of the national plan of action on commercial sexual exploitation of children is urgently needed in order to develop a time bound plan with concrete actions, collaboration and stakeholder responsibilities, implementation schedules, indicators of achievement and a monitoring mechanism.
- A review of the *Action Plan on Trafficking and the National Policing Strategy to Combat Trafficking* is needed to include issues related to trafficking in children for sexual purposes, and their particular needs.
- Domestic education campaigns to raise awareness of child sex tourism and encourage the involvement of the public to report child sex tourism crimes to the Australian Federal Police, should be continued.
- There is a need to develop services/professional expertise in commercial sexual exploitation of children so that these services can be more easily integrated into the existing structures and welfare systems.
- Appropriate interventions and services to meet the needs of young people living on the street are urgently needed before they are entrenched in high-risk behaviours that could potentially lead them to engage in commercial exploitative activities. Twenty-four hour outreach services and drop-in centres, alternative models of foster care (such as *Therapeutic or Professional Foster Care* where at-risk young people are matched with highly trained professional foster carers)⁸⁴ are all recommended.
- Support programmes need to be made available for children and young people to help them find alternatives to difficult situations that they may find themselves in and to help them out of the vicious cycle of risky behaviours.

- ✎ The Australian Government should develop and enforce guidelines to ensure greater collaboration with the ICT sector in fostering reliable protection of children from harm in cyberspace, i.e. being exposed to offensive and inappropriate materials and contact. This needs to include the implementation of effective filtering and blocking mechanisms and the removal of inappropriate websites and the monitoring of chat rooms. Internet service providers need to take actions to filter out child pornography at the server level.
- ✎ As part of a programme to protect children from the harmful effects of exposure to pornography, appropriate sex education programmes for children (on sexuality and sexual health) are needed and should be made available and accessible to all children in the country.
- ✎ Appropriate care and rehabilitation services to children who sexually harm other children must be made available and accessible to children and their guardians.
- ✎ Sensitisation of law enforcement officers and other key stakeholders on trafficking in children and in dealing with child cases is needed.
- ✎ Australian authorities have both supported and initiated laudable measures against child sex tourism in the Southeast Asia region. These need to be continued without interruption, if the number of Australians committing child sex tourism offences is to be reduced.
- ✎ The Australian Government could pressure other countries (such as New Zealand or Japan) to step up efforts and allocate more resources to combating CST.
- ✎ The *Optional Protocol on the sale of children, child prostitution and child pornography* and *ILO Convention No. 182* must be ratified.
- ✎ CSEC laws must be harmonised so that children are consistently defined as persons up to the age of 18.
- ✎ Australia's reservation to Article 37(c) of the *Convention on the Rights of the Child* should be withdrawn.⁸⁵
- ✎ A model state law that uniformly defines and prohibits the prostitution of children should be drafted in order to ensure more consistent enforcement.

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- ⁵⁴ *Prostitution Control Act 1994* (102/1994). Section 7(1), *Prostitution Regulation Act 1986* (124/1986). Section 9(1), mentioned in Legislation of Interpol member states on sexual offences against children. Accessed on October 31, 2006 from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaAustralia0.asp>

- 55 *Criminal Code Act 1924*. Section 125. mentioned in Legislation of Interpol member states on sexual offences against children. Accessed on October 31, 2006 from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaAustralia0.asp>
- 56 *Criminal Law Consolidation Act 1935*. Section 67
- 57 *Crimes Classification Act 2005*. Section 49a
- 58 *Crimes Act 1900 no. 40* at Section Division 15, s. 91C *et seq.* NSW Parliamentary Counsel's Office, accessed February 9, 2006 from: [http://www.legislation.nsw.gov.au/viewtop/inforce/act+40+1900+FIRST+0+N/autoquery=\(FragmentSGML%3D\(\(%22child%22%20AND%20%22prostitution%22\)\)\)%20AND%20\(\(RecordType%3D%22ACTFRAG%22%20and%20Repealed%3D%22N%22\)\)&dq=Document%20Types%3D%22Acts%22,%20All%20Words%3D%22child%20prostitution%22,%20Search%20In%3D%22Text%22&fullquery=\(\(%22child%22%20AND%20%22prostitution%22\)\)\)](http://www.legislation.nsw.gov.au/viewtop/inforce/act+40+1900+FIRST+0+N/autoquery=(FragmentSGML%3D((%22child%22%20AND%20%22prostitution%22)))%20AND%20((RecordType%3D%22ACTFRAG%22%20and%20Repealed%3D%22N%22))&dq=Document%20Types%3D%22Acts%22,%20All%20Words%3D%22child%20prostitution%22,%20Search%20In%3D%22Text%22&fullquery=((%22child%22%20AND%20%22prostitution%22))))
- 59 *Prostitution Act 2000*. Sections 16-19. See Legislation of Interpol member states on sexual offences against children. Accessed on October 31, 2006 from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaAustralia0.asp>
- 60 Australian Government Attorney-General Department, Commonwealth of Australia law. Accessed on 6 February 2006 from: <http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/framelodgmentattachments/A46AD266393B5AC9CA2570DD0076C7F0?OpenDocument>
- 61 *Criminal Code*. Section 270.4
- 62 *Criminal Code*. Section 270.6
- 63 *Criminal Code*. Section 474.26
- 64 Committee on the Rights of the Child. Consideration of Reports submitted by States Parties under Art. 44 of the Convention. Second and Third Periodic reports of States parties due in 1998 and 2003 : Australia. CRC/C/129/Add.4. 29 December 2004 at para. 504 and para. 517.
- 65 *Criminal Code*. Section 271.4
- 66 *Criminal Code*. Section 271.7
- 67 Ibid. <http://www.humantrafficking.org/countries/australia>
- 68 Committee on the Rights of the Child. 40th Session. Consideration of Reports submitted by States Parties under Art. 44 of the Convention. Concluding Observations : Australia. CRC/C/15/Add.268
20 October 2005 at para. 67 and para. 68.
- 69 Classification (Publications, Films and Computer Games) Amendment Act (No. 2) 2004, accessed on February 7, 2006 from: <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401401?OpenDocument&VIEW=principal&COUNT=25&START=1>
- 70 Parliament of Australia, Department of Parliamentary Services. Bills Digest. *Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 2004*. Accessed on February 7, 2006 from: http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?id=4844&xtable=BILLSDGS
- 71 *Criminal Code*. Section 474.19 *et seq*
- 72 *Criminal Code*. Section 474.20
- 73 *Criminal Code*. Section 474.28(11)
- 74 *Criminal Code*. Section 474.27
- 75 *Criminal Code*. Section 474.25
- 76 See AFP: Online Sexual Exploitation. Accessed on November 2, 2006 from http://www.afp.gov.au/business/reporting_crime/reporting_national_crime/online_child_sex_exploitation
- 77 UN study on Violence Questionnaire Accessed 6 February 2006 from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/Australia.pdf>

- ⁷⁸ Minister of Justice and Customs. *Australian Government takes up the fight to child sex exploitation*. Accessed on 25 October 2006 from http://www.ema.gov.au/agd/WWW/justiceministerHome.nsf/Page/Media_Releases_2006_2nd_Quarter_21_June_2006_-_Australian_Government_takes_up_the_fight_to_child_sex_exploitation
- ⁷⁹ Australia Federal Police (AFP). *Online Child Sex Exploitation*. Accessed on 25 October 2006 from http://www.afp.gov.au/business/reporting_crime/reporting_national_crime/online_child_sex_exploitation
- ⁸⁰ Minister of Justice and Customs. *Australian Government takes up the fight to child sex exploitation*. Accessed on 25 October 2006 from http://www.ema.gov.au/agd/WWW/justiceministerHome.nsf/Page/Media_Releases_2006_2nd_Quarter_21_June_2006_-_Australian_Government_takes_up_the_fight_to_child_sex_exploitation
- ⁸¹ Committee on the Rights of the Child. Consideration of Reports submitted by States Parties under Art. 44 of the Convention. Second and Third Periodic reports of States parties due in 1998 and 2003 : Australia. CRC/C/129/Add.4. 29 December 2004 at para 512-514.
- ⁸² Australian Federal Police Press Release, *Australia's first Transnational Crime Coordination Center*, 11 December 2002, Accessed on 16 March 2005 from: <http://www.afp.gov.au/afp/page/media/2002/1211coord.htm>
- ⁸³ The environmental scan is a tool that can be utilized to collect data to design health programs uniquely tailored to the needs of communities.
- ⁸⁴ Child Wise. *Speaking for Themselves: Voices of Young People involved in Commercial Sexual Activity*. Child Wise, Melbourne 2004
- ⁸⁵ This recommendation was also made by the Committee on the Rights of the Child in its Concluding Observations on the second and third periodic reports of Australia. See CRC/C/15/Add.68, 20 October 2005. The Committee noted no inconsistency between Australia's reservation and art. 37(5) CRC, which provides that children should be deprived from their liberty separately from adults unless it is in the best interest of the child not to do so – therefore, the Committee concluded that the reservation was unnecessary.



ECPAT International

328 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net