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### **Submission by Project Paradigm, IFYS to the Justice Responses to Sexual Violence.**

Child sexual abuse is a gross violation of human rights. Project Paradigm welcomes this opportunity to make a submission to the Australian Law Reform Commission (ALRC) Justice Responses to Sexual Violence. Please note that our submission is set foundationally alongside The Convention on the Rights of the Child. We provide commentary in reference to the following.

- 1. The nature and extent of child sexual exploitation (CSE).**
- 2. Ensuring professionals are adequately equipped to work with children.**
- 3. Adapting settings to children's needs.**

### **Background**

IFYS had its inception as a youth shelter on the Sunshine Coast over 40 years ago. Much of the focus of its work in the early days was aimed at addressing what was referred to at the time as 'opportunistic prostitution' or 'child prostitution'. In the early 1990's the organisation was one of only five agencies state-wide, funded to provide detached outreach services to young people at risk across the Sunshine Coast region.

Today IFYS has a service footprint that covers from the Gold Coast in the South to the far North of Queensland as well as involvement in a number of national initiatives aimed at addressing child sexual abuse and exploitation. The organisation delivers a range of specialist support and intervention programmes for children, young people and families. Our vision is a national community that acknowledges, understands and values childhood by committing to the protection of children and young people through collaboration, advocacy and support.

Nationally, through our Project Paradigm Programme, we are focusing on prevention and intervention for children and young people at risk of or experiencing child exploitation by:



1. Building the capacity of frontline professionals and communities to be able to identify and respond appropriately to child exploitation through the development and provision of training and resources.
2. Contributing to the broader community of practice through research and advocacy activities.
3. Collaborating with stakeholders to achieve best outcomes for children and young people at risk of or experiencing child exploitation.

### **The nature and extent of child sexual exploitation (CSE).**

As discussed by Professor Ben Mathews and Delphine Collin-Vezina, (2016) “...the first challenge in addressing child sexual abuse is awareness. Knowledge gaps and misperceptions about child sexual abuse are widespread amongst the general public, professionals, and societal opinion leaders. Yet, awareness of the nature of child sexual abuse and its multiple dimensions is an essential condition for prevention, recognition, and action, and is required at individual, institutional, and societal levels.”

### **What is CSE?**

#### **The United Nations says...**

Child sexual exploitation is the abuse of a child where some form of remuneration is involved whereby the perpetrators benefit – monetarily, socially, politically, etc. Exploitation constitutes a form of coercion and violence, detrimental to the child’s physical and mental health, development, and education.

Child sexual exploitation (CSE) is a form of abuse that does not discriminate based on age, gender, ethnicity, or sexual orientation. Offenders are deceptive and manipulative, targeting children and young people in effective ways, ensnaring, isolating, and controlling away from families and support networks, without people to look out for them or recognise the signs that they are being exploited. Perpetrators will normally target children and young people based on vulnerability, sometimes through



sophisticated, tech-facilitated, grooming techniques and often by exploiting the young person's attachment needs.

In recent years the issue of CSE has become a prominent problem for many countries to address. Some governments on the World stage have made combatting the issue a major priority, citing it as a “national threat” (Cameron, 2015). Others refer to CSE as a “top priority” (Dutton, 2018).

In Australia, there is no consistent national definition for CSE making it difficult for practitioners and agencies to identify, monitor and respond effectively (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Much of the discourse and language relating to CSE within a social policy and law enforcement context, focuses on online grooming or child exploitation material (CEM) (CDPP, 2019), both of which, while important issues, distract from CSE that takes place in offline contexts (Townson, 2019).

Lack of a consistent national definition acts as an enabler for a culture of victim blaming, labelling discourses around child sexual exploitation and the pathologising of vulnerable young people who find themselves in high-risk situations. Adopting a clear definition would ensure, that moving forward, both policy and public discourse regarding this issue can be effectively shaped in a trauma informed and children's rights way, encouraging a collective, community response.

A recent article, “*Room for Improvement: How does the Media portray Individuals Who Engage in Material Depicting Child Sexual Abuse?*” (Christensen & Pollard, 2022) published in the journal *Sexuality and Culture* reveals that mainstream media articles often downplayed the abusive offending, leading to the marginalisation of victims.

### **Prevalence**

It is estimated by the World Health Organization that up to 1 billion children aged 12-17 years, have experienced physical, sexual, or emotional violence or neglect annually (WHO, 2022) with over 8.5 million children and young people worldwide victims of



labour and sexual exploitation (ChildX). The Australian Child Maltreatment Study, the first nationally representative study of the prevalence of child maltreatment specifically in Australia, surveyed 8500 Australians and revealed that child maltreatment is widespread. Findings demonstrated that 28.5 per cent of those surveyed, had experienced sexual abuse in their lifetime stemming from their childhood (Haslam et al, 2023).

The UK Home Office – equivalent to the Australian Department of Home Affairs – has conducted extensive research into the prevalence of CSE and considers those most at risk as being children who have a history of running away/going missing overnight, are in residential care or transitional housing and foster care, have disengaged from education, and those using drugs and alcohol (CEOP, 2011).

This is congruent with research undertaken by the Victorian Commissioner for Children and Young People in 2021. The research findings were published in a report, *Out of Sight*, and drew on interviews with children and young people, key stakeholders, workers, data, client files and incident reports. This inquiry concluded that children and young people were absent and missing from residential care at alarming rates and whilst absent, being criminally and sexually exploited. The report pointed to a spectrum of perpetrator typologies, ranging from organised exploitation rings actively targeting children and young people in residential care, through to “*the odd guy and his mates*” who opportunistically exploit and assault vulnerable children and young people when they are away from residential care.

In Australia, the last significant piece of funded federal government research specifically relating to child sexual exploitation was undertaken in 2001 by the Australian Institute of Criminology (AIC) (Grabosky, Grant & David, 2001). This research was in response to Australia’s commitment to the Stockholm Agenda, an outcome of the 1996 First World Congress on Commercial Child Sexual Exploitation, which established a national agenda for action aimed at eradicating the commercial sexual exploitation of children within its borders.

While the research was able to identify predisposed vulnerabilities present in young victims’ lives – historic familial abuse, homelessness, domestic and family violence, etc – it appeared to present the view that the behaviour of the young people themselves



was largely responsible for the exploitation. Something that might be viewed by today's standards as 'victim blaming'. The research however, did demonstrate some critical pieces of data. It indicated that within two weeks of becoming homeless, 75 % of young people had become involved in exploitative activity – prostitution, pornography, criminal, etc. The researchers highlighted this against a backdrop of youth homelessness figures at the time, which demonstrated that approximately 25,000 to 30,000 of young people experienced homelessness each year. This figure has remained constant, with the 2016 Census night reporting 27,680 young people aged 12 to 24 being counted as homeless (Council to Homeless Persons, 2018).

The 2001 research identified significant difficulties in quantifying the true scale of the problem due to ambiguity around definitions of CSE, the hidden nature of CSE and the absence of data collection in general. In relation to data collection, they discovered that the main issues were underreporting, professionals dismissing the relevance of data collection and a lack of coordination amongst agencies. Regarding prevalence of CSE, focusing on Queensland as an example, the research concluded that 30 - 40% of 'at risk' children in Brisbane had been sexually exploited in a commercial context. It estimated that over a period of one year, in 1998, 320 children between the ages of 13 and 17, across Queensland, were victims of commercial sexual exploitation. Of these, 68 % were female.

Since 2001, minimal research has been undertaken at a national level, specifically relating to CSE in a broad context. Much of the national data available is presented within the context of online child exploitation (ACCCE, 2019).

As was the case in the 2001 AIC study, it is still difficult today to estimate the prevalence of CSE in Australia due to reporting and identification issues, a point noted in the 2016 Royal Commission into Institutional Responses to Child Sexual Abuse. There are only two recommendations made by the Royal Commission into Institutional Responses to Child Sexual abuse in its final report, specifically relating to CSE – 12.14 and 12.15. Recommendation 12.15 draws attention to the problem of data collection by stating:



*“Child protection departments in all states and territories should adopt a nationally consistent definition for child sexual exploitation to enable the collection and reporting of data on sexual exploitation of children...”*

(Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p39).

The scope of data collection recommended in the final report presents limitations, in that it is focused solely on children in out-of-home care. There is a strong argument that such a narrow scope of data collection will lead to underreporting of CSE cases for those children who still live in the family home. There is currently a lack of understanding on how CSE affects first nations communities, but recent cases encountered by professionals across various states, suggest there is evidence children from these communities have been specifically targeted due to their cultural background (Atkinson, 2018). More research is required into how CSE impacts first nations communities, especially in relation to the prevalence of cases and frequency of reporting.

CSE remains a hidden problem. As previously noted, it is a type of child sexual abuse not consistently defined across Australian jurisdictions (ECPAT, 2018; ECPAT 2012; Cameron et al, 2015). In Australian discourse, policy, and practice, CSE is most frequently associated with the production, distribution, and possession of Child Exploitation Material (CEM), often conflated with, or added to the broader categorisation of CSA, online exploitation, and abuse.

Whilst there is a strong focus on online, non-contact offending, in-person, community-based contact offending is occurring right across Australia. It is the experience of Project Paradigm that there is often an intersection between online and offline child sexual exploitation offending in Australian communities. This process is multidirectional, perpetrators may use devices to initiate contact, entice young people away from their protective supports, use devices to perpetrate CEM offences, and arrange to meet up in person and also to control and manipulate young people to commit further offences against them or to procure others. Concurrently perpetrators may groom young people and then transition to CEM production. Neither exists in a vacuum, however legislation currently tends to heavily focus on online dangers only.



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### **Our stance**

Fundamentally the criminal and civil justice system plays an important part in the way in which we, as a community, responds to child sexual abuse. The investigation and court processes however present several challenges for child witnesses in a system which does not provide an equal playing field for them or vulnerable young adults. Courtrooms are often intimidating, confrontational, littered with antiquated, formal process and complex legal language with long delays serving to prolong stress and compounding trauma (Cashmere et al, nd).

It is our stance that effective policy and law reform, must ensure that the best interests and the views of the child, is the primary consideration. Any proposed implementations **must** consider our nations obligations as a signatory to The UN Convention on the Rights of the Child.

Australia ratified The UN Convention on the Rights of the Child in December 1990, committing to ensure that **all** children in Australia enjoy the rights set out in the treaty. These rights recognise children and young people are unique and as such entitled to additional rights which recognise their specific needs to help them to thrive and develop their full potential. Special protection is afforded because of broad acknowledgment regarding their vulnerability to harm.

Regarding child sexual abuse, under The UN Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the government is required to provide certain rights and protections to children involved in the prosecution of offences. Among other provisions, this includes recognising the vulnerability of the child victim, adapting procedures to recognise their special needs and providing for their safety from intimidation and retaliation (Parliament of Australia, 2005). Australia has therefore an obligation to address matters of child sexual abuse with urgency.

### **Ensuring professionals are adequately equipped to work with children.**

CSE is complex and multifaceted, with many of victims rarely disclosing their abuse to authorities. The sophisticated grooming and coercive elements act as additional inhibitors and barriers to disclosure. Fear, concerns about not being believed and failure





to recognise that they are being exploited are many of the reasons why children and young people do not disclose. Children and young people are also often blamed and criminalised for their ‘behaviour’ and ‘risk taking actions’, which only acts to create further distrust and trauma. Sensitivity, empathy and compassion are therefore imperative.

Professor Ben Mathews and Delphine Collin- Vezina (2016) state that at individual, institutional, and societal levels, developing awareness about child sexual abuse and empathy towards victims is necessary to enhance healthy behaviour, responses, and societal change. Empathy is a key attribute in facilitating a cascade of beneficial outcomes in violence prevention, humane responses, policy reform, and development of healthy social norms and communities.

Professor Paul Gilbert (National Centre For action, 2023), an internationally recognised clinical psychologist and founder of Compassion Focused Therapy speaks at great length about the role of compassion in responding to and supporting people who have experienced child sexual abuse- related trauma, and its role in combatting the cultural messages of victim blaming.

Unanimously, professionals across agencies and statutory services agree that bad practices that fails to consider sensitively and compassion, inflict additional harms upon children, scaring, intimidating and even re-traumatising them. It is our recommendation that to ensure the protection of children and young people from additional harms, training of professionals involved in proceedings are key to ensuring child-friendly justice and circumventing language choices that silence, blame and shame children and young people.

Given the unique experience of child sexual abuse, we consider it imperative that all members of the judiciary system (including police, attorneys, court staff and Judges) undertake specialist training on children’s rights, communication techniques, child-friendly proceedings, preferred language, child development and neuroscience education, that acknowledges differences in children’s ages and abilities. Overarching is a need to undertake broad-spectrum trauma informed, child sexual abuse training underpinned by the dual social virtues of empathy and compassion that includes a focus on CSE and the nuanced elements of manipulation, coercion, deception and threat characterise it.





Additionally, **Article 12 of UN CRC** states that all children have a right to be listened to, respected and valued. It is our recommendation that clear guidelines are adopted on how to inform, hear, support and protect children when they are involved in judicial proceedings akin to the focus and facilitation of children's voices within family law court matters.

We support the inclusion of legal advocates who have a clear view of their role and children's rights because children need advocates, particularly within a legal or justice framework, to ensure that powerlessness is not reinforced, and that children's voices are adequately heard. These advocates require specialist training, which is adequately recognised and resourced.

It is our stance that when children participate in judicial proceedings, they need to feel safe, supported and comfortable. Therefore, everybody involved should contribute to creating appropriate, safe and child-friendly conditions and facilitating their participation and create a positive less traumatic experience.

#### **Adapting settings to children's needs.**

Alongside recommendations for training, we support the implementation of safe places where children and young people can seek help and information and be supported.

Consideration should be given to;

- How is the courtroom/interview space configured or arranged?
- How accessible is it?
- Are there resources like books and toys available?
- Are frequent breaks being afforded?
- How is the child or young person being supported, is it adequate?
- Is there supports before, during and after arranged?
- Is there a waiting room or allocated space reserved for the child and their family available?
- Is there an emotional support dog available that can support and comfort the child?
- Has there been consideration given to cultural responsiveness?

Whilst this list is not exhaustive it serves to ask important questions regarding the existing adult – centred judicial spaces that we expect children to participate in.



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Recently a specialist Children's Court in Dandenong Victoria was built with a design focus on natural light, artwork and physical elements fashioned around the concept of human-centred court design. This design reduces physical barriers, enabling greater connection and facilitating accessibility. At the same venue, a secure purpose-built waiting space called the Cubby House was designed for children in the care of the Department of Families, Fairness & Housing (DFFH), (Legal aid, 2023), facilitating a calm and safe space for children and young people. Project Paradigm sees this as a blueprint for all courtrooms and judicial spaces nationally.

Child sexual abuse changes the way a children or young person understands their world, the people in it and where they belong. The Justice Responses to Sexual Violence presents as a critical window of opportunity for the Federal Government, to ensure that it undertakes all necessary changes to eradicate child sexual abuse across community and rebuild that connection, hope and healing.

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