

**National Strategic Partnership on Child Sexual Exploitation response to
The National Plan to Reduce Violence against Women and their Children 2010-2022**

Executive Summary

- This submission reflects the views, knowledge and expertise of *The National Strategic Partnership on CSE*: academics, Children’s Commissioners, representatives from frontline sexual assault services, Police and NGOs with national representation.
- Members of the partnership share concerns about a gap in knowledge, discourse, justice and policy for children who are subjected to child sexual exploitation.
- CSE is a form of child sexual abuse (CSA) and a complex, social problem that is difficult to define, and therefore to identify. CSE remains a hidden problem because it is not consistently defined across Australian states (ECPAT, 2018; ECPAT 2012; Cameron *et al*, 2015).
- CSE can occur in-person or as a form of technology facilitated abuse where many children and young people are threatened, blackmailed and groomed online by adults who are often pretending to be minors for sexual purposes (Salter & Wong, 2021).
- In our day-to-day work, members of the partnership are observing situations in which sexually exploited children are misidentified and labelled in ways that distract from the reality of the abuse they are suffering. This can include:
 - placing them in the domain of harmful sexual behaviours;
 - viewing them as being engaged in a consensual intimate partner relationship;
 - and/or considering them to be in a domestic violence relationship.
- The focus of intervention on the victim is an approach that distracts interventions from the actions and tactics of the perpetrator.
- The focus of this submission rests firmly on the discursive manifestations of CSE formerly described as “child prostitution” as distinct from other forms of child sexual abuse, including CEM.
- As a professional body we have a responsibility to lobby for policy that meets the needs of children and young people and demonstrates a zero tolerance for gender violence by creating a hostile environment for perpetrators.

Case Study: The impact of CSE when there is inadequate understanding and intervention.

In 2016, 21-month-old Mason Jett Lee died after a prolonged period of severe mistreatment by his mother’s partner, William O’Sullivan (Coroner’s Court of Queensland, 2020). Mason’s mother, Anne-Marie Lee, was convicted of two charges of manslaughter and child cruelty, and she was sentenced to 9 years in jail in February 2019 (Vujkovic, 2019). The coroner’s report of the inquest into the tragic death of Mason documented prolonged gender and systems violence against Anne-Marie throughout her life. Anne-Marie’s life experiences included physical and sexual abuse by her father after her mother left the home at the age of 2, removal into state care aged 9, and subjection to sexual exploitation by older men throughout her childhood (Coroner’s Court of Queensland, 2020). The 26-year-old father of then 16-year-old Anne-Marie’s first child was noted to be, “... violent and controlling as were all but one of her

subsequent partners” (Coroner’s Court of Queensland, 2020, P.22). When domestic violence workers partner effectively with victims and are curious about their life experiences and historic interpersonal relationships, child sexual exploitation is frequently discovered as something that they have experienced either with the current partner who is perpetrating violence, or in their early relationships. More effective interventions for Anne-Marie Lee as a child, including discovery of and responses to CSE may have prevented her subjugation to a series of violent relationships.

Summary of Recommendations

What a Federal Government can do:

Recommendation 1

The National Strategic Partnership on CSE calls on the Federal Government to develop a nationally accepted policy framework to address CSE.

Recommendation 2

The National Strategic Partnership on CSE calls on the Federal Government to provide a nationally accepted definition of CSE.

Recommendation 3

The National Strategic Partnership on CSE calls on the Federal Government to recommend interagency responses to CSE.

Introduction

The Government of Australia has committed to the UN 2030 Sustainable Development Goals, including target 5.1 that requires governments to take measures to eliminate all forms of violence against women and girls (United Nations, 2021). Both domestic violence and Child Sexual Exploitation are forms of gender violence that disproportionately affect women and girls. Recognising the points of similarity and difference between the violence will expand our understanding of both problems and influence policy design. What works for one type of violence will also work for the other type of violence.

There is still some progress to be made to unify and expand definitions of domestic violence across the Australian states. Nonetheless, domestic violence is an acknowledged social issue that features in the media, advocacy, Federal and State policy, investment in services, and academic research. Meanwhile, Child Sexual Exploitation (CSE) remains a hidden problem because while it is a form of gender violence, it is also a type of child sexual abuse that is not consistently defined across Australian states (ECPAT, 2018; ECPAT 2012; Cameron *et al*, 2015). As the term straddles both categories and emerged in response to criticism of discourse around ‘child prostitution’, CSE becomes a complex, social problem that is difficult to define, and therefore to identify. In Australian discourse, policy, and practice, CSE is most frequently associated with the production, distribution, and possession of Child Exploitation Material (CEM), or is conflated with, or added to the broader categorisation of CSA, and has been found to be a significant concern for children and young people who live in residential care (The Royal Commission, 2017). The focus of this

submission rests firmly on the discursive manifestations of CSE formerly described as “child prostitution” as distinct from other forms of child sexual abuse, including CEM.

Recommendation 1

The National Strategic Partnership on CSE calls on the Federal Government to develop a nationally accepted policy framework that:

- a. comprehensively understands the complex dynamics of perpetrator and victim contexts found within Child Sexual Exploitation and;
- b. supports multi-disciplinary decision making processes that both protect victims and disrupt perpetrator activities.

Falling through the gaps:

It has been the experience of Partnership members that CSE is a form of abuse that does not discriminate based on age, gender, ethnicity or sexual orientation. 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. The relational aspect of CSE is seen as a major driver in the overrepresentation of children in out of home care experiencing this form of abuse (Victoria Commission for Children & Young People, 2021), yet it is the experience of Partnership members that this particular cohort of young people (12 years and older) receive inadequate support from care and protection systems because their actions are inappropriately attributed to the motivation of the young people themselves or simply labelled as ‘risk-taking behaviours’, rather than recognising the sophisticated power and control dynamics created by the adults who are exploiting them. The COVID 19 pandemic has increased online child sexual offending (Salter & Wong, 2021), and as a form of technology-facilitated abuse it is likely that high numbers of children and young people are at an increased risk of being exploited, and therefore a response is imperative.

Sexually exploited children are often misidentified and labelled in ways that distract from the reality of the abuse they are suffering. This can include:

- placing them in the domain of harmful sexual behaviours;
- viewing them as being engaged in a consensual intimate partner relationship;
- and/or considering them to be in a domestic violence relationship.

This last category is a particular issue for young people aged 16 or 17, the legally determined ages of consent across Australian States and Territories. There is a misconception that young people can consent to a sexual relationship at this age, so practitioners focus their interventions on the behaviour of the young person. There is an expectation for young people to leave or cease the ‘relationship’, with professionals who struggle to identify them as victims of abuse if they cannot extricate themselves from the situation. This experience mirrors that of victims of domestic abuse who have traditionally faced unrealistic and unsafe pressure to leave a domestic violence relationship with the emphasis of professional intervention on the victim (Meyer, 2011). The focus of intervention on the victim is an approach that distracts interventions from the actions and tactics of the perpetrator and seeing the exploitative interaction between victim and perpetrator as a ‘relationship’ is also a misnomer. Sexual exploitation is a highly lucrative activity (Laird *et al*, 2020) and can often be the motive of the

perpetrator rather than just sexual gratification which could explain the victimisation of boys in CSE as well as girls.

Without defining and describing CSE, there is a continuing 'child prostitution' discourse that is reflected in the media, policy, and practice suggesting that because children may 'gain' something from a sexual encounter, they have exercised agency by deciding to engage in such activity. Furthermore, due to social and political constructs of victimhood, if children are considered less vulnerable and/or innocent (McAlinden, 2014) than their peers due to their behaviour or circumstances, they are deemed less deserving of help and are often blamed for the harm and abuse they suffer (Brown, 2015).

Recommendation 2

The National Strategic Partnership on CSE calls on the Federal Government to provide a nationally accepted definition of Child Sexual Exploitation. A definition that was developed by the UK government in 2017 is recommended. This definition was formulated using research and provides the opportunity to unify current policy relating to CEM, with additional measures required to overcome the stigmatisation of child victims of CSE, and avoid miscategorising children as engaging in consensual intimate partner relationships.

“Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology” (Beckett et al, 2017, P.7).

Clearly defining CSE will help to provide the basis for policy and practice frameworks across a range of service domains – domestic violence, sexual assault, health, police, child protection, etc – ultimately leading to better outcomes for victims and survivors.

Working together:

To respond effectively to domestic violence, integrated responses have been established to allow services, sectors, and workforces to collaborate (Australian Government, 2021) to keep women safe and to hold perpetrators to account for their behaviour (Queensland Government, 2021). A similar approach is recommended in response to Child Sexual Exploitation. A legislative framework is required that will provide a dual approach, to protect children, disrupt and prosecute perpetrators and to promote multi-agency or integrated responses (Scott, et al, 2019). Legislative and service structures that allow NGO and statutory agencies to work together ensure that intervention is designed on information gathered from the victim about the behaviour of the abuser. When different agencies share information CSE is identified and can be effectively disrupted. Anne-Marie Lee's story indicates the numerous opportunities where different professionals could have intervened during her life, if there had been a shared framework of knowledge and if professionals took responsibility for meeting her needs for care and nurturance.

Recommendation 3

The National Strategic Partnership on CSE calls on the Federal Government to recommend interagency responses so that NGO sexual assault and victim support services can work in partnership with police for effective interventions to prevent and disrupt CSE.

Conclusion

Having an awareness of the nexus between CSE and domestic violence sharpens our risk assessment in relation to the likelihood of a domestic violence perpetrator leveraging the past trauma of mothers to manipulate and control them so that they can sexually abuse a biological or partner's child. Currently, child sexual abuse and child sexual exploitation are most likely to be discovered based on children or young people's disclosure but there is limited likelihood of them making disclosures due to the significant coercion and control in these situations. Perpetrators cause or exacerbate mental health and/or substance abuse issues to maintain control (Safe and Together Institute, 2019) over the child or young person and to separate them from safe and supportive adults. However, it is apparent that men who perpetrate CSE, also perpetrate domestic violence and other forms of child sexual abuse and child sexual exploitation. Applying a practice model such as Safe and Together™ provides a perpetrator pattern-based framework informed by gender analysis (Safe and Together Institute, 2019). This framework draws attention to the behaviour of the perpetrator who has exercised coercion and control to entrap the child into an exploitative situation. Professionals can discover and respond to perpetrator behaviours to disrupt and prevent abuse by identifying and documenting perpetrator behaviour using a perpetrator pattern-based framework.

The ongoing absence of a nationally consistent definition and accompanying framework that adequately acknowledges the process and characteristics of CSE will mean that the 'child prostitution' and victim blaming discourse already in existence will continue to be perpetuated through media, policy and practice causing untold social and economic damage to Australian society.

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