



PROJECT PARADIGM[®]

WORKING TO END CHILD EXPLOITATION

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Submission by Project Paradigm, IFYS to the Inquiry into Law Enforcement Capabilities in relation to Child Exploitation

Project Paradigm welcomes this opportunity to make a submission to the inquiry into law enforcement capabilities in relation to child exploitation.

We note that the terms of reference from the previous submissions into this inquiry included:

- a) Trends and changes in relation to the crime of online child exploitation;
- b) Reviewing the efficacy of and any gaps in the legislative tools and tactics of law enforcement used to investigate and prosecute offenders;
- c) Considering opportunities and suitability of streamlining legislative constraints to enable faster investigations that can better respond to rapidly evolving trends in offending;
- d) Considering the use by offenders of encryption, encryption devices and anonymising technologies, and Remote Access Trojans to facilitate their criminality, along with the resources of law enforcement to address their use;
- e) Considering the role technology providers have in assisting law enforcement agencies to combat child exploitation, including but not limited to the policies of social media providers and the classification of material on streaming services;
- f) Considering the link between accessing online child abuse material and contact offending, and the current state of research into and understanding of that link; and
- g) Any related matters.

Project Paradigm comments related to the Terms of Reference in this submission are set out below:

1. Current trends and misunderstandings of child sexual exploitation (CSE)
2. Comment on existing legislative tools (UK and Victorian model)
3. Any related matters: Collaborative, multiagency approaches to CSE, a way forward

Defining child sexual exploitation

Child Sexual Exploitation (CSE) remains a hidden problem, it is 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, online exploitation, and abuse, and has been found to be a significant concern for children and young people who live in residential care (The Royal Commission, 2017). The Victorian Commissioner for Children and Young People’s *Out of Sight Report* (2021) identified that organised paedophile rings actively target children and young people in out of home care and an alarming number of children and young people who were absent or missing from residential care are sexually exploited, abused, and assaulted often by adult men.

Whilst there is a strong focus on online non-contact offending, in person, community contact offending is occurring right across Australia. Often online and offline child sexual exploitation offending are intermingled and present in combination with each other. This process is multidirectional, perpetrators may use devices to initiate contact, entice young people away from their protective supports, use devices to perpetrate CSAM 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 CSAM production. Neither exists in a vacuum, however legislation currently focuses on online dangers only.

Project Paradigm, who currently provides consultation and practice guidance to frontline staff across Australia and supports local multi-agency working groups have various cases where young people, both males and females have experiences of CSE which capture both online and offline contact offending occurring simultaneously.

The relationship between online and offline has most recently been reported by Coen Teunissen and Sarah Napier (2023) who recently published through the Australian Institute of Criminology Trends and Issues in Crime and Criminal Justice, on the overlap between child sexual abuse live streaming, contact abuse and other forms of child exploitation. The pair analysed chat logs of seven Australian-based men who had committed 145 child sexual abuse live streaming offences and examined the overlap between this offending, contact sexual offending and engagement of child sexual abuse material (CSAM). Their research demonstrated travelling to offend against children, use of CSAM and CSA live streaming appear to be interrelated. This is certainly the case when you consider the media’s latest reporting of a child worker arrested and facing contact and non-contact offending charges.

MEDIA REPORT

ABC, AUGUST 1, 2023

A former childcare worker is facing more than 1,600 child abuse charges. The Gold Coast man, 45, is facing 1,623 charges for allegedly abusing 91 children in Brisbane, Sydney and overseas, between the years of 2007-2022. NSW Police intend to charge him with 68 counts of sexual intercourse with a child under the age of 10, 42 counts of aggravated sexual intercourse with a child under 10, 69 counts of aggravated indecent assault and one count of producing child abuse material.

At present there is no formal nationally consistent definition for child sexual exploitation. In its absence, Project Paradigm draws from the United Nations and uses its definition when in discussions about CSE. As a signatory to the United Nations Convention on the Rights of the Child, Australia has pledged its ongoing commitment to protecting all children from all forms of sexual harm (Australian Human Rights Commission, 2023).

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. (United Nations, 2001)

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 Project Paradigm 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 CSE, 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.

The language and terminology around child exploitation often implies that the child or young person is responsible for the abuse and crime that they are subjected to, normalising and minimising the child’s experience resulting in a lack of appropriate responses. Project Paradigm frequently observes language used across services that reflect this situation, such as labelling the young person as ‘promiscuous,’ contextualising the abuse as consensual, ‘she is a 14-year-old and has a 23-year-old boyfriend,’ and ‘they are putting themselves at risk.’ In each of these scenarios the adult or perpetrator and their behaviour is not the focus, whilst the child or young person is understood to be choosing to be sexually abused (Children’s Society, 2022).

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

A NOTE ON CONSENT

The law in relation to sexual offences against children under the age of 16 treats the victim as being incapable of giving consent. There is a possible defense in a court of law if the victim is over the age of 12 and the accused can prove on reasonable grounds an honestly held belief that the child was over the age of 16. It is worth pointing out however, that when consent is viewed within the context of CSE the UN explicitly states the following: ...the term ‘sexual exploitation’ refers to all children up to the age of 18; issues of locally defined ‘age of consent’ are not relevant to the child’s right to protection. (United Nations, 2001)

It is also important to note that the range of grooming processes combined with power and control methods employed by perpetrators of CSE, render the young person incapable of identifying the fact that they are being exploited and therefore unable to give informed consent (Welsh Government, 2013). In Queensland for example, these factors are particularly important when considering child victims aged 16 and 17 because their cases are most likely to be dealt with as though they are adults under sub-sections 352 - Sexual Assault, 349 – Rape, and 218 - Procuring Sexual Acts by Coercion, of the Queensland Criminal Code 1899. Even when it can appear as though the young person is initiating the ‘relationship’ and they are old enough to consent to sexual activity, consent is provided based on informed freedom of choice and capacity. Professionals need to consider whether lack of choice, substance use, or potential power and control dynamics exerted by a perpetrator, are impacting on that young person’s ability to consent. (Townson, 2019)

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), (National Strategic Partnership on Child Sexual Exploitation, 2022).

Recent research undertaken by Larissa Christensen and Katarina Pollard (2022) regarding how CSAM offenders are depicted in the media, reiterates the media’s reluctance to use alternative terminology instead of inappropriate phrases like ‘child pornography’ or ‘kiddy porn’, impacting on how the public perceives the offending behaviour. It could also further trivialize and rationalize the offending by those offenders who already discount the harm of their offending.

Common characteristics of child sexual exploitation

- control, coercion, intimidation, threats of violence, and violence
- associating with other children involved in exploitation.
- suffering from changes in emotional well-being and/or behaviour
- misuse of drugs and alcohol
- appearing with unexplained gifts, money, or new possessions
- going missing for periods of time or regularly coming home late
- regularly missing school or education, or not taking part in education.
- having older romantic/sexual partners
- suffering from sexually transmitted infections, displaying sexual behaviours beyond their expected sexual development, or becoming pregnant

(<https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/child-sexual-exploitation/>)

Scott and Skidmore (2006) describe going missing in the context of child sexual exploitation as ‘the most immediate indicator of vulnerability’ (Sharp, 2012). It is well recognised that there is a link between children going missing and child sexual exploitation. When a child goes missing, this can be both a cause and a consequence of the child being sexually exploited (Youle, 2020). While reliable data is limited, the actual rate of children and young people who go absent or missing from residential care is greater than current reports and is significantly higher than that of children and young people in the general population (Victoria Commission for Children & Young People, 2021). The *Out of Sight* report (2021) reported in the 18 months to 31 March 2020, 388 warrants were granted each month in Victoria, on average authorising police to take children and young people who were absent or missing from residential care into ‘safe custody’. This equates to nearly one warrant per child or young person in residential care each month.

The link between going missing and child sexual and criminal exploitation is not a new phenomenon. Research in the UK has long recognised that young people who go missing are often vulnerable to exploitation because of their own traumatic circumstances – history of abuse, emotional and physical neglect, breakdown in family or home relationships, domestic and family violence, emotional well-being and drug and alcohol misuse are some key examples, (Barnardo’s, 2007). Research also highlights that children in out of home care tend to be overrepresented in data due to the additional vulnerabilities found to be present in their situations – attachment deficit, lack of consistent care, etc. - and the fact that authorities tend to be slow to act due to inconsistencies in how an absence or missing episode might be classified, (NWG Network, 2015). The added vulnerability factors for children in residential care mean that this demographic is often targeted and groomed by perpetrators, both gang based and individual, because they are seen as an easy target (Hughes & Thomas, 2016). The perpetrators will work to pull the young person away from any protective people in their life, often under the guise of being an understanding ‘boyfriend/girlfriend’ or adult. In gang related exploitation, it is not unusual for the young person to initially see a gang as a place of belonging (Shepard & Lewis, 2017). Once control and dominance are established by the perpetrators, the young person may then be forced or manipulated into having sex with ‘friends’ of the perpetrators and/or will be used to carry out street related crimes, such as drug dealing or petty theft (UK Government- Home Office, 2019).

Child criminal exploitation

The United Kingdom recognise the need to identify and support children and young people who are being exploited and advocacy groups urge for victimised children to be treated as victims of exploitation rather than criminals by statutory agencies (Children's Society, 2021). Child criminal exploitation is not defined in UK law, though the UK's government's Serious Violence Strategy defines it as occurring where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity:

- in exchange for something the victim needs or wants
- for the financial or other advantage of the perpetrator or facilitator
- through violence or the threat of violence

In the UK, the term 'County Lines' is frequently associated with the issue of criminal exploitation. The term refers to criminal behaviour and process associated to organised gangs and criminal networks who are involved in exporting illegal drugs in and around the UK. These organised groups often use dedicated mobile phone lines or other forms of a 'deal line' and are likely to exploit children and vulnerable adults to move and store drugs and money. Coercion, intimidation, violence (including sexual violence) and weapons are used in this process (Definition taken from the 2018 Home Office Serious Crime Strategy). Children can be criminally exploited in other ways, such as theft, acquisitive crime, knife crimes and other forms of criminality and exploitation. Children as young as 12 years old have been exploited into carrying drugs for gangs. This can involve children being trafficked away from their home area, staying in accommodation, and selling and manufacturing drugs (NSPCC, 2019).

The victim may have been criminally exploited even if the activity appears consensual. Recent research in Northern Ireland has pointed towards children being coerced into joining paramilitary groups, groomed, coerced, and exploited, often not recognising their victimhood, (McKinstry, 2023). Another form of child exploitation is the recruitment of children to move the proceeds of crime (as cash or through banking transactions or purchases) on behalf of organised crime groups and fraudsters. These victims are sometimes referred to as 'money mules', or 'financially exploited children,' (UK Government Home-Office, 2019).

Any child can be a victim of child criminal exploitation, not just those who are known to social care or local authorities. But risk factors include:

- neglect or abuse
- not having a safe and stable home
- poverty
- social isolation or other social difficulties
- connections with people involved in gangs or crime.
- disability
- mental health issues
- alcohol or drug problems
- being in care
- being excluded from mainstream education

Barnardo's (2021) identify a need for all professionals who support children to understand child criminal exploitation and reframe children as victims of exploitation not criminals. Barnardo's has made several key recommendations regarding this to UK Government including creating a statutory definition of child criminal exploitation and placing a requirement on local areas to specially tackle CCE and serious youth violence (Barnardo's, 2021).

Barnardo's reveal that several Serious Case Reviews, where a child has died or come to serious harm, have illustrated that children who experience CCE, knife crime and/ or gangs are often passed from service to service without meaningful engagement. The Serious Case Review into the fatal stabbing of a 15-year-old boy known as 'Archie' in Sheffield in 2018 contains a list of failings by authorities to protect him from harm. Agencies were too slow to act; information was not shared; youth engagement was abruptly ended, and the list goes on. 'Archie' is just one of many children not being seen as victims and not being protected from further harm or harming others (Sheffield Children Safeguarding Partnership, nd).

The over-representation of child protection-involved children in youth justice has been a long-standing concern in Australia however there is little discourse regarding child criminal exploitation as a standalone issue. At present there is no accepted definition, and this terminology is often conflated with issues of online child sexual exploitation, overlooking other means by which children are exploited by adults. Broadly speaking there is negligible acknowledgement of the criminal manipulation of such children, apart from some limited legal debate about coercion, vulnerability, and culpability as opposed to the UK where vulnerable children and their connections to gangs and drug trafficking has been clearly identified as a national priority. Susan Baidawi and colleagues released a paper in 2020 regarding criminal exploitation of child protection involved youth for the Children and Youth Services Review. In nearly one-half of the key stakeholder consultations, participants spontaneously described criminally exploitative relationships between crossover children (who experience involvement across both child protection and youth justice systems) and adults.

The phenomenon of crossover children being "exploited by adults" was raised most frequently by child protection and youth justice professionals, and a range of stakeholders across community-based welfare, education and cultural programs and services. Conversely, judicial officers, lawyers and police less commonly outlined this phenomenon - though some police and magistrates did raise the topic of CCE (Baidawai et al, 2020).

Intersection with homelessness

According to Australian Bureau of Statistics on any given night, around 45,000 young Australians under the age of 25 are homeless or at risk of homelessness. Organisations working to end youth homelessness are concerned about the current state of the problem, identifying that many young Australians don't have a safe place to live on any given night (Houlbrook-Walk, 2023).

Young people who are homeless are particularly vulnerable to child sexual exploitation. Many of the risk factors associated with homelessness are also associated with sexual exploitation (McDonagh, 2011). Perpetrators use an imbalance of power to control and sexually exploit young people. Power imbalances may be due to a range of factors, for example due to the young person's age, gender, sexual identity, cognitive ability, social status or their access to economic and other resources, including a place to stay (Department of Education, 2017), but often perpetrators use emotional

connection as a way to gain trust of young people who are socially isolated and have limited support networks (Homeless Link, 2019).

CASE STUDY – AUSTRALIA SPECIFIC

15-YEAR-OLD FEMALE

A young female was targeted prolifically by an adult male where she was harboured away from her home and coerced to remain missing from care for approx. 5 weeks. During this time, it is believed that young female person was exposed to daily sexual and physical assaults, exposed to other adult males for the purposes of sexual exploitation, provided illicit substances and criminally exploited to undertake fraudulent bank transaction activity and car thefts by the person of interest. Young female continues to be targeted by adult males for sexual exploitation daily on online social media applications and is regularly lured to meet with these adults in person. Young female person is pulled away from safety and toward these unsafe connections as a means of obtaining substances and to feel a sense of connection and belonging. During these interactions, she is often provided illicit substances and/or money in exchange for sexual acts.

The hidden and unstable nature of young people's homelessness increases their dependence on others for accommodation, placing them at greater risk of sexual exploitation. While this may be seen as an 'exchange', the young person's choice is constrained, and the situation is exploitative and non-consensual (DePaul, 2017).

CASE STUDY – AUSTRALIA SPECIFIC

A young 12-year-old male reported as being missing and being in a major Australian city by police. When located, young male person stated he had been sleeping on the streets for the past 3 days with his older 15-year-old male friend. Both children frequently visit the city and sleep rough. Both children are taking ever increasing risky behaviours with an escalation towards criminal activity and police attention. Young male person is hanging out at various train stations begging for money or drugs.

The United Nations Special Rapporteur on contemporary forms of slavery, Tomoya Obokata, learned that children and young people who are placed in childcare systems can be subjected to trafficking and exploitation both during and after exiting such support systems. In the same way as other vulnerable populations to contemporary forms of slavery, criminal actors, including gangs and organized criminal groups, are known to actively recruit persons experiencing homelessness. The Special Rapporteur is concerned by the fact that family members, friends or acquaintances of

persons experiencing homelessness, private businesses, as well as local and religious leaders, are often involved in the recruitment of persons experiencing homelessness, including children and young people in street situations. Such individuals and groups entice them with the promise of jobs, accommodations or other necessities and later coerce or deceive them into situations of sexual or labour exploitation (United Nations, 2023).

Legislation

Human Rights Legislation Considerations

Child sexual exploitation is not understood as a crime under the Modern Slavery Act within Australia. Project Paradigm in conjunction with other key stakeholders under the National Strategic Partnership, who are concerned about the omission of child sexual exploitation (CSE) as a specific type of modern slavery within its definition/s, noting that it is imperative that in order to be effective, the Act must recognise that child sexual exploitation as it falls within a wider continuum of exploitation, violence and abuse provided a submission on the Modern Slavery Act 2018 (Cth) to that effect.

Currently, under the Act, slavery describes situations where coercion, threats or deception are used to exploit victims and undermine their freedom. The Act defines modern slavery with reference to eight types of serious exploitation; trafficking in persons, slavery, servitude, forced labour, forced marriage, debt bondage, deceptive recruiting for labour or services and the worst forms of child labour. The Act fails to identify the unique experience of child sexual exploitation explicitly. Under the **National Action Plan to Combat Modern Slavery (2020-2025)**, sexual exploitation is mentioned under trafficking, captured under the 'purpose' field but fails to extrapolate on the issue throughout the remainder of the document.

The **Objectives of the Modern Slavery Act** are that it complements other laws and international conventions that criminalise and forbid slavery. Currently, the Australian Modern Slavery Act legislation stands in stark contrast to international legislation and policies which clearly enshrine child sexual exploitation within the context of human trafficking and modern slavery regimes. In the USA, child sexual exploitation is recognised under human trafficking legislation as "sex trafficking of children," (U.S Advisory Council on Human Trafficking, 2022).

The US Department of Justice defines Human Trafficking as:

"Human Trafficking, also known as trafficking in persons, is a crime that involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical, or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any forms of force, fraud or coercion was used," (US Department of Justice, 2022).

The US Department of Justice notes that anyone can be trafficked, but in the case of children, those in the welfare system, juvenile justice system, who have run away or are homeless, who are unaccompanied or do not have lawful immigration status in the United States are more likely to be targeted as are members of marginalized communities (2022).

Originally prohibited under the 13th Amendment to the U.S Constitution which barred slavery and involuntary servitude in 1865, since 2000, Congress has passed 9 associated bills (US Department of Justice, 2022a). Prior to this, attempts to respond to human trafficking fell under several federal

statutes related to involuntary servitude and slavery but these were “narrow and patchwork,” (US Department of Justice, 2022a).

The United Kingdom’s Modern Slavery legislation clearly articulates that modern slavery includes sexual exploitation, criminal exploitation, and forced labour and domestic servitude and furthermore, children (those aged under 18 years) are considered victims of trafficking whether they have or have not been coerced, deceived, or paid to secure their compliance. This echoes the USA definition.

Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) defines ‘human trafficking’ as:

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude or the removal of organs.” Exploitation includes prostitution or other forms of sexual exploitation.

The Act outlines modern slavery as conduct which would constitute:

- a. an offence under Division 270 or 271 of the *Criminal Code*; or
- b. an offence under either of those Divisions if the conduct took place in Australia; or
- c. trafficking in persons, as defined in Article 3 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000 ([2005] ATS 27).
- d. or the worst forms of child labour, as defined in Article 3 of the ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, done at Geneva on 17 June 1999 ([2007] ATS 38).

Extrapolating on the United Nations Human Rights Instruments, the preamble states that Parties to this Protocol declare effective action against trafficking. Exploitation is clearly captured within the definitions listed under subsection c, Article 3 terms, which states:

- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.
- (d) "Child" shall mean any person under eighteen years of age.

Within **Australia’s international engagement strategy on human trafficking and modern slavery: delivering in partnership** report, it clearly articulates that the crimes of trafficking and slavery are not only viewed as criminal offences but as human rights violations and highlights the crucial role that Governments play in combatting modern slavery in their own jurisdictions, as lawmakers, regulators and through law enforcement.

Project Paradigm wishes to see a nationally consistent definition of CSE as it pertains to community contexts, coupled with an amended Modern Slavery Act that reflects CSE within the umbrella term of Modern Slavery, alongside descriptions of child trafficking and a clear reference made to CSE. The fragmented nature of the supporting documents that have been designed to support community

understandings of the Modern Slavery Act legislation need to be realigned to ensure that all definitions of modern slavery are consistent and inclusive of CSE.

It is our belief that amendments are needed on page 8 of the **Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities**;

6. The Act defines modern slavery as including eight types of serious exploitation: trafficking in persons; slavery; servitude; forced marriage; forced labour; debt bondage; deceptive recruiting for labour or services; and the worst forms of child labour. The worst forms of child labour means situations where children are subjected to slavery or similar practices, or engaged in hazardous work.

And within its Appendix 1;

Trafficking in persons	Describes the recruitment, harbouring and movement of a person for exploitation through modern slavery.	An orphanage actively recruits children from families and pays parents to place children in their care. They promise children will be well educated and cared for in the orphanage. The children are removed from their parents and housed in substandard conditions. The orphanage makes false claims that the children are orphans to attract donations. The children are exploited in the orphanage, including for sexual exploitation and for the purpose of orphanage tourism. A number of Australian travel companies regularly visit the orphanage with tour groups.
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And furthermore, across the **National Action Plan to Combat Modern Slavery (2020-2025)** on page 10 where it is omitted;

The infographic is divided into two sections. The top section, titled 'Debt bondage', features an icon of a hand holding a chain with a dollar sign. The text explains that it occurs when an individual works to repay an excessive debt they can never pay off, leaving them with little control over their work. The bottom section, titled 'Deceptive recruiting for labour or services', features an icon of a house with a mail envelope and a person. The text explains that it is a situation where a victim is deceived about their work, stay, living conditions, or earnings.

Debt bondage
Where an individual works to repay a real or perceived debt that is excessive and that they may never be able to pay off. Often, the individual has little control over how long they must work or what type of work they need to do to pay back the debt.

Deceptive recruiting for labour or services
A situation where a victim is deceived about the type of work they will be doing, the length of their stay, their living or working conditions or how much they will earn.

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CSE Disruption

Legislation around the exploitation of children pertains solely to that which has been facilitated and enhanced by the availability of the internet and fails to capture contact, community offending adequately. The CDPP identifies two key pieces of Federal legislation the Criminal Code and Customs Act 1901 and identifies that offences targeting those who exploit children via services such as the internet, telephone and the post are contained in Commonwealth legislation.

Telecommunications based child sexual exploitation offences are captured under the Criminal Code, grooming, and procuring.

Offences are also committed by Australians against children who are living overseas. This can be in circumstances where the offender travels overseas to engage in sexual activity or where the offences occur over the internet through sexual acts online, the transmission of material or where children are procured and groomed. Division 272 of the Criminal Code focuses on child sex offences outside Australia by Australian citizens and permanent residents.

The main offences s 272.8 and s 272.9 Criminal Code Sexual intercourse/ sexual activity with child outside Australia

- s 474.25A Criminal Code Using carriage service for sexual activity with a person under 16 years of age
- s.474.19(1) Criminal Code—use carriage service for child pornography material (material regarding child under 18 years of age)
- s.474.26(1) Criminal Code—use carriage service to procure person under 16 years of age
- s.474.27A(1) Criminal Code—use carriage service to transmit indecent communication to person under 16 years of age
- s.233BAB (5) Customs Act 1901—importation of tier 2 goods. (CDPP, nd).

The Attorney General's Department has recently released the findings from the Targeted Review of Modern Slavery Offences in Divisions 270 and 271 of the Criminal Code Act 1995 (Cth). The review identified areas for possible legislative change to strengthen offences in line with international good practice and emerging forms of modern slavery. Such updates would be timely, noting Australia's laws have not been significantly amended since 2013, during which time domestic and international understanding of modern slavery has evolved, as have the practices adopted to address this. The review highlights the importance of a victim and survivor-centred, trauma-informed and harm minimisation approach, that prioritises protection of victims and survivors and focuses on their recovery through referral to appropriate support services. Convictions are considered just one of several possible successful outcomes from an investigation, and law enforcement may instead seek to prevent or disrupt offending in the interests of the victim and survivor. It's important to note that this document provides no clear protocol or guidance as to what this disruption may in fact look like.

Within Australia, only one state has explicit guidelines identifying the appropriate assessment, prevention, and response for child sexual exploitation, namely Victoria. The manual identifies the five elements of effective practice in response to child sexual exploitation, listing prevention, detection, disruption, intervention and recovery and reconnection.

The concept of a 'best practice' approach to disruption within the context of CSE, posits that people who exploit children sexually may also be committing other crimes, such as drug trafficking, and may

also be involved in harbouring children who have gone missing. By applying laws to persons of interest, police can disrupt patterns of behaviour associated directly or indirectly with sexual exploitation. However, police rightly rely on statutory child protection entities and individuals - CSOs, ACCOs and others to provide relevant, accurate and timely information (Department of Health and Human Services, 2017, p.19).

The Victorian Child Protection manual states reliance on criminal prosecutions for alleged offenders is often insufficient. Police have alternative avenues to remove persons of interest from a child's circle of influence, disrupting exploitation. To undertake this effectively, Police and law enforcement services need accurate and timely information from a range of sources including Child Protection services, schools, carers, family members. There are established SOCIT (Sex offences child investigation team) investigators placed as primary police contacts regarding offences of child exploitation. Their role is to vet information before a child is asked to attend the police station for a formal interview.

In the Victorian child protection program, the sexual exploitation information template (SEIT) is the mechanism for SOCIT investigators to receive information about child protection clients at risk of sexual exploitation. A tiered systems exists with regards to identify the severity of risk of exploitation and strategies to protect the child.

Victorian Police also undertake active monitoring of children assessed at high risk of sexual exploitation and use sexual exploitation link charts to provide a visual overview of networks between children and person/s of interest.

Legal options for Child Protection and police to consider mitigating the risk of sexual exploitation include:

- Serving the person of interest with a ss. 495 and 497 CYFA 2005 'harbouring notice' or 'loitering letter'. The harbouring notice is served on persons of interest who are 'harbouring' or concealing a child or counselling or inducing a child to be absent from placement. The loitering letter is for persons of interest entering, lurking, or loitering where a child is placed.
- Applying for a family violence or personal safety IVO on behalf of the child against the person of interest. The Family Violence (Protection) Act 2008 has a broad definition of family members that can be considered when applying that legislation.

Victorian police acknowledge that people who exploit children sexually may also be committing other crimes such as drug trafficking and harbouring children who have gone missing. By applying 'lower order' offences to persons of interest, police can disrupt patterns of behaviour associated directly or indirectly with sexual exploitation. This can include breaches of an intervention order (IVO), drug possession or dangerous driving offences (Department of Health and Human Services, 2017).

The guidelines provide a list of additional disruption activities which include:

- Police visiting persons of interest at their homes to search (via a warrant) for the missing child.

- police reminding persons of interest of the age of consent or other laws (an active IVO has been obtained against them)
- actively pursuing known drug trafficking or other illegal activity by the person of interest
- generally ensuring the person of interest knows they are being watched closely.

The manual sets out clear rules for Department of Health and Human Services, Community Service Organisation, Aboriginal Community Controlled Organization and Victorian Police.

It is also worth noting that Victorian Police released a CSE disruption E learning package in July 2022.

Disruption methods taken from the UK Home Office CSE Tool Kit

The lack of discourse around CSE within Australia means there is a sole focus on judiciary processes to deter, prevent and disrupt efforts. The United Kingdom has an exhaustive list of disruption techniques, identifying potential alternative legal channels and options that work to disrupt CSE with a focus on the specific needs of the young person. These could form part of a national strategy to disrupt CSE across jurisdictions in Australia.

Problem profiling

A problem profile is a police intelligence product that provides a greater understanding of established and emerging crime or incident series, priority locations, or other identified high-risk issues. Problem profiling is not a new mechanism, with criminal profiling and intelligence gathering key to many Australian criminal investigations. With the onset of artificial intelligence, high risk offenders can be mapped with more ease and problem area mapping can identify community hotspots and assist in resource deployment.

A problem profile should be reflective of the particular types of child exploitation that are taking place in a local area. Where these are overlapping – for example if the same venues are being used for sexual exploitation and criminal exploitation, or the same victims are being exposed to multiple harm types – a problem profile can help professionals to identify these links. Problem profiles specific to particular harms can ensure that the most appropriate disruption tactics are put in place and victims are supported appropriately.

The following key information will be useful in all problem profiles:

- Numbers of children and young people that have been exploited.
- The adults, children and young people who are suspected to be involved in the exploitation of children and young people – including those who might be exploited themselves.
- The profile of suspected offenders, such as their ethnicity, age etc.
- information on locations of concern, such as businesses, public parks, hotels, house parties and schools
- Information on local organised crime groups, networks, other groups, and individuals who present a risk to children and young people.
- Recommendations to mitigate risks, safeguard the vulnerable and drive the operational response.

Examples of information to be collected, analysed, and mapped.

- Details of addresses or localities that children at risk of being exploited may be taken to or where there has been suspicious activity.
- Areas where children associate out of sight.
- Reports from members of public that do not initially appear to be about child exploitation, such as anti-social behaviour reports.
- Vehicle details including registration, make, model or colour.
- Train tickets or other travel documentation
- Full descriptions, including names or nicknames of suspected perpetrators.
- Details and descriptions of unusual or regular callers to children's homes.
- Phone numbers of suspected perpetrators or their associates.
- Email addresses and usernames provided by victims to support agencies, including the voluntary sector (for example, return home interviews following missing episodes).
- Social media communication.
- Address details of suspected perpetrators.
- Unexplained gifts received by children.
- Reported missing episodes and any absence from school.
- Names of other children and their young friends who may also be at risk of exploitation.
- Details provided from banks such as suspicious activity reports.

In Australia, there is a broad lack of understanding across jurisdictions regarding domestic trafficking offences. At present the Australian Federal Police are undertaking an educational campaign to bring State and Territory Police up to speed on identifying and reporting incidences of human trafficking. It is imperative when discussing CSE there is broad acknowledgement that the recruitment, movement or harbouring of a child or young person from a place of safety to a place for the purposes of being exploited constitutes an offence of human trafficking.

As previously stated, the lack of characterisation of CSE under the Modern Slavery contributes to this issue.

Slavery and trafficking risk orders (STRO)

UK Legislation

- Section 23 Modern Slavery Act 2015 (Slavery and Trafficking Risk Orders)
- Section 28 Modern Slavery Act 2015 (Interim Slavery and Trafficking Risk Orders)
- Full detail in sections 23-29 Modern Slavery Act 2015

Slavery and trafficking prevention orders (STPO)

Legislation

- Section 14-15 Modern Slavery Act 2015
- Full detail in section 14-22 Modern Slavery Act 2015

Sexual risk orders (SROs)

The government is strengthening the regime for managing registered sex offenders and those who pose a risk through the Police, Crime, Sentencing and Courts Act 2022. This act will impact the below information on this order.

Legislation

- Section 122A Sexual Offences Act 2003

When and how can it be used?

- SROs can be made by a court where a person has carried out an act of a sexual nature and, as a result, there is reasonable cause to believe that it is necessary to make an order to protect the public from harm. 'Acts of a sexual nature' are not defined in legislation, meaning they can depend on the individual case circumstances, context, and apparent motive. For example: causing or inciting a child to watch a moving or still image that is sexual, giving a child anything that relates to sexual activity, or trying to facilitate time alone with the child. An order, whether full or interim, prohibits the offender from doing anything described in it.

Disruptive impact

- The SRO can prohibit the defendant from doing anything described within it, so long as it is deemed by a court to be proportionate and necessary for the purposes of protecting the public. This could include, for example, limiting and managing internet use or prohibiting contact with children. The order can also be used to place a foreign travel restriction on the individual, which can last for a maximum of five years.
- Breach of an SRO is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.
- A breach of an SRO also makes the individual subject to the full notification requirements for registered sex offenders. This means that they must notify the police of a range of details, including, among others, their name, address, passport, bank accounts and any foreign travel.

Sexual harm prevention orders (SHPOs)

Legislation

- Section 103A Sexual Offences Act 2003

Disruptive impact

- The SHPO can prohibit the offender from doing anything described within it, so long as it is deemed by a court to be proportionate and necessary for the purposes of protecting the public. This could include, for example, limiting and managing internet use or prohibiting contact with children. The order can also be used to place a foreign travel restriction on the individual, which can last for a maximum of five years.
- A prohibition contained in a SHPO has effect for a fixed period, specified in the order, of at least five years. There is no maximum time period for a prohibition contained in a SHPO,

except for a prohibition on foreign travel which can last for a maximum of five years. The order may specify different periods for different prohibitions.

- An SHPO makes the individual subject to full notification requirements for registered sex offenders for the duration of the order. This means that they must notify the police of a range of details, including, among others, their name, address, passport, bank accounts and any foreign travel.
- Breach of an SHPO is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.

[Further guidance on the SHPO](#) can be found online within the Home Office guidance on part 2 of the Sexual Offences Act 2003.

Notification orders

The government is strengthening the regime for managing registered sex offenders and those who pose a risk through the Police, Crime, Sentencing and Courts Act 2022. This act will impact the below information on this order.

Legislation

- Section 97 Sexual Offences Act 2003

When and how can it be used?

- A notification order is made by the court where an individual has been convicted or cautioned of a specified sexual offence in a country outside of the UK on or after 1 September 1997.
- Notification orders have the effect of making an offender become subject to the full notification requirements for registered sex offenders, as if they had been convicted or cautioned in relation to a relevant sexual offence in the UK.
- Notification orders can be obtained by police officers and staff through legal services.
- The police do not have to evidence that the individual poses a risk to the public.
- Police are encouraged to conduct thorough checks into perpetrators who may have travelled overseas or come to the UK from another country.
- Good information sharing across partner agencies is vital to safeguarding vulnerable children effectively. Disclosure of information to third parties through Multi-Agency Public Protection Arrangements (MAPPA) or other multi-agency arrangements is a useful 'restrictive' intervention to reduce opportunities of harmful behaviour.

Disruptive impact

- Breach of the order is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.

[Further guidance on Notification Orders](#) can be found online within the Home Office Guidance on part 2 of the Sexual Offences Act 2003.

Anti-social behaviour civil injunctions

Legislation

- Section 1 Anti-Social Behaviour, Crime and Policing Act 2014

When and how can it be used?

- Obtained by various bodies including the police, local authorities, and social landlords in the High Court or in the County Court where the individual against whom it is to be made is 18 or over, otherwise the application is to the youth court.
- An injunction stops or prevents individuals engaging in anti-social behaviour. This can include conduct that has caused, or is likely to cause, harassment, alarm, or distress. It can also include conduct capable of causing nuisance or annoyance in relation to housing. A court can only grant an injunction where it is just and convenient to do so for the purpose of preventing the person from engaging in anti-social behaviour. However, depending on the circumstances, they may be useful to prevent persons of concern from attending locations such as schools or children's homes, restrict having multiple mobile phones, hiring vehicles, or entering high-risk areas.
- Where a housing tenant has breached a civil injunction the landlord, including housing authorities, can make an application to court for possession of their property, regardless of the tenure held.
- Child exploitation may fall under one or more of these definitions. The use of injunctive orders should be seen as an essential part of disruption.
- Breach of an injunction does not automatically result in arrest as not all will have powers of arrest attached. An application can be made for a warrant of arrest where an injunction is breached without a power of arrest.

Disruptive impact

- An injunction can include prohibitions, including exclusions from areas or a home. There may also be positive requirements, such as requirements on an individual to attend certain meetings.
- Breaching an injunction could result in imprisonment not exceeding two years and/or a fine. (Government UK, 2022)

All State and Territory police have legislative provisions across possession, production, and supply/trafficking. Adults who are charged with supply maybe charged with aggravated supply, which is more serious, if they supply a dangerous drug to a minor, to an intellectually impaired person. Similarly, there are legislative provisions regarding supply of alcohol to a young person under the age of 18 if the adult is not their respective parent or guardian.

Local disruption efforts have been undertaken as part of Project Paradigm, focused on educating business communities in key locations about CSE and trafficking, the Sunshine Coast being one such example. Early in 2023 resources were delivered to 700 tourism and hospitality venues across the region, with a strong focus on hotels, motels, popular venues, shopping centres and doctor's surgeries. Packs included valuable information about CSE and trafficking indicators, including targeted information for taxi and ride share, and hotel and motel businesses. The packs also

contained a poster aimed at directing the public to the Project Paradigm website for further information.

Project Paradigm have also been proactively engaged in delivering community education nationally on the issue of CSE through social posts, podcasts, webinars, and community conversations. This is in conjunction with comprehensive training for professionals that Project Paradigm delivers nationally.

Multiagency collaboration

Multi-agency responses offer a unique opportunity for effectively tackling the escalating complex problem of CSE in Australia. But effective solutions won't come easily. Multi-agency collaborations require collective, unified efforts and a willingness to sit comfortably with chaos. Innovative approaches are necessary to navigate the inherent barriers faced when aligning agency and departmental agendas, policies, and procedures, to find commonality and forge true partnerships based on reciprocity.

What we propose for Australia is a comprehensive, multifaceted approach to tackling CSE, recognising the inherent complexities, challenges, and uncertainty present. Approaches need to be data-driven, accompanied by research-informed prevention strategies that encompass collective action across local agencies and institutions. At the core of this approach is a strong, sustainable commitment to collective action using multi-agency collaboration.

The United Kingdom (Sharp-Jeffs et al, 2017) has been proactively addressing CSE identification, prevention and disruption utilising multi-agency frameworks of practice for several years. Research and peer reviewed literature (Pajon & Walsh, 2022) demonstrates its benefits.

Multi-agency arrangements are responsible for responding to all forms of child exploitation at the point of identification, assessment, planning and decision-making in response to notifications and referrals. Such arrangements focus on protecting, supporting, and caring for children and young people at risk or harmed by exploitation, as well as preventing exploitation through awareness-raising and disruption. This approach enables stakeholders to contribute through their specific role whilst incorporating local strategic and operational responses.

A recent study from the UK examined the effectiveness of multi-agency collaboration and human trafficking investigations. The study reviewed police collaborations in England and Wales, noting various upsides to these approaches, including (Sharp-Jeffs et al, 2017):

- Opportunities for intelligence sharing, thereby increasing the quality and usefulness of data.
- Better mapping of the problem.
- Improved decision-making.
- Joint problem-solving approaches.
- Each agency bringing different forms of expertise.
- The ability to access young people in different contexts.
- Development of a protective community network.

Across Australia, formalised agreements are necessary for effective, cross disciplinary information sharing and law enforcement plays a central figure in ensuring that coordinated,

specialist services receive and share appropriate information to tailor approaches to meet the needs of the child or young person at risk. Like domestic and family violence, information shared between specialist support services helps to develop shared perspectives and approaches to protecting children and young people.

When considering the efficacy of multiagency collaboration, accessibility to police services and key personnel is a significant issue that requires a formal resolution. Whilst national '1300' numbers offer the general public quick connection to emergency services for non-life-threatening, non-urgent scenarios, and from a policing context, the ability to vet and monitor phone calls and emails, access to key specialist groups has become increasingly impossible without a pre-existing relationship or personal contact. Legislated working groups with mandated protocols relating to designated law enforcement and statutory child protection agency attendance would ensure that relevant agencies and key personnel have direct access to specialist staff in a timely manner.

With this in mind, on a small scale, several agencies from government and not for profit domains working across the Queensland Sunshine Coast region established a working group in 2017 focused on the issue of CSE. Since its formation the working group has successfully supported many young people at risk of or impacted by CSE (see case study below). The fundamental role of the group is two-fold:

- to support a coordinated collaborative approach to intervention and disruption of CSE perpetrator behaviour identified on the Sunshine Coast; and
- to help support and protect vulnerable young people at risk of harm due to CSE.

In the absence of a formally mandated protocol, the group, operates according to an agreed terms of reference, which outlines referral processes, agreed upon meeting content and information sharing parameters. It is very much intended to be a collaborative forum for interagency assessment, safety planning and intervention.

When responding to trafficking crimes, multi-agency cooperation can also help protect victims. Research has found that multi-agency teams help to better assess the psychological, social, emotional, and economic needs of victims and tailor responses accordingly (Pajon and Walsh, 2022). Police services involved in multi-agency collaborations are also more likely to provide support to victims during an investigation (Farrell, et al, 2013).

Project Paradigm proposes a broad, national uptake of a child sexual abuse co-responder model, similar in appearance to the current Mental Health co-responder model used by Queensland Police and Queensland Health. This model provides the opportunity for individuals to receive specialised mental health care in their own home, rather than being taken to emergency departments. This ensures that expert personnel are there to provide immediate assistance, care and support leading to better outcomes while mitigating against additional trauma. This model could be specifically legislated to ensure specialist support staff are on hand to ensure young people who have been impacted by child sexual abuse (including CSE) are provided with the necessary, trauma-informed, sensitive specialist care and professional attention they need to begin the journey towards healing.

CASE STUDY – AUSTRALIA SPECIFIC

15-YEAR-OLD FEMALE

Jodie is 15 and an only child. Her parents moved to Australia several years ago, for her father's work. Two years ago, her parents separated, and her mother moved back to their country of origin, but Jodie remained in Australia with her father to enable consistency in her education. During her childhood, Jodie had been exposed to a significant amount of domestic violence between her parents and had also been impacted by mental health problems experienced by her father. Following the separation of her parents, things became emotionally challenging for Jodie as her father became emotionally and physically abusive towards her. Jodie was unable to access support from her natural family network because they lived in another country. This caused her to become isolated and more reliant on support from her peers at school. Typical of many teenagers in her situation, Jodie craved positive attention and it was this vulnerability that made her the perfect target for an abuser. Through her peer network Jodie was introduced to a group of older adult males. One of these men soon took a specific interest in Jodie and started to lavish her with affection and gifts. In a matter of weeks Jodie was calling him her "boyfriend". Jodie was just 14 at the time. Her relationship with her father was deteriorating rapidly and she had started to go missing for days and weeks on end. Jodie was being pulled into a dangerous world of drugs, alcohol, and sex. Still a child, isolated and in love, she was powerless to resist. Receiving little material support from her father and unable to access financial assistance due to her immigration status, before long Jodie found herself completely dependent on her new "boyfriend". After a short time, Jodie discovered there were certain conditions attached to the support she received from her "boyfriend". At first it was just performing the occasional "favour" by having sex with one of his "friends", but this soon turned into a scenario where she was forced to have sex with multiple abusers, often whilst being filmed by her "boyfriend". Any resistance or protest on Jodie's part was met with violence and intimidation from her "boyfriend". Eventually things got so bad, Jodie was being forced by her abusers to take drugs intravenously as way of keeping her compliant and dependent. Help for Jodie came in the form of a youth outreach service operated by IFYS. They had received a referral from Jodie's school, due to her regular non-attendance. Initially Jodie was reluctant to engage due to the level of power and control that her abusers had over her. However, over time youth outreach workers were able to build a trusting relationship with Jodie and supported her in accessing appropriate services and material supports. With the support of IFYS, Jodie was able to develop enough courage to escape her abusers. At times it was a struggle; her abusers continually tried to contact her and intimidated her by sending threatening messages. But with the support of IFYS she succeeded. They helped Jodie re-connect with her mother and assisted her in moving back to her country of birth and the safety of her family. (Townson, 2019)

The *All-Wales Protocol, Safeguarding and Promoting the welfare of children who are at risk of abuse through sexual exploitation* is a viable framework of principles and expectations to formalise the exchange of information between agencies and provide a framework for the identification of risk and procedures for handling concerns (All Wales Child Protection Procedures Review Group, 2013).

A fundamental aspect of a working protocol between agencies is the clear identification of referral pathways to support services and the establishment and effective roll out of the multiagency strategy meeting.

In closing, considering the reforms that are already being undertaken in the Victorian Justice System and the conversations occurring across academia - regarding making it easier for victim-survivors of sexual offences to tell their stories - it is our stance, that crucial to any review and subsequent changes at a law enforcement level, there must be a clear acknowledgment of those factors which make children and young people vulnerable to exploitation, as well as the need to ensure that victim/survivor led approaches are adopted across all justice systems in Australian jurisdictions.

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