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Australian Institute of Criminology

AIC reports

Inquiry into Law Enforcement Capabilities in Relation to Child Exploitation

Submission to the Parliamentary Joint Committee on Law Enforcement by the Australian Institute of Criminology

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Introduction

Thank you for the opportunity to provide a submission to the Parliamentary Joint Committee on Law Enforcement (PJCLE) inquiry into Law Enforcement Capabilities in Relation to Child Exploitation.

The Australian Institute of Criminology (AIC) has a strong history of producing empirical research into child sexual abuse (CSA) and child exploitation. In 2020 the AIC formed the Online Sexual Exploitation of Children Research Program. The Program aims to produce research that helps to understand, prevent, and disrupt child sexual abuse and online sexual exploitation.

This Submission addresses the following point in the Terms of Reference of the inquiry: *'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.'*

Background

Sexual offending against children is a complex and harmful crime that results in ongoing trauma and lifelong adverse consequences for child victims (Cashmore & Shackel 2013). In addition, the viewing, sharing and production of child sexual abuse material (CSAM; also known as child pornography and child exploitation material) is a borderless crime that is flourishing with ongoing advances in technology in the online environment, including internet sites and platforms. According to the Virtual Global Taskforce (2019), police globally struggle to detect CSAM offenders due to the dark web/net and enhanced encryption and anonymisation technologies.

There is evidence that sharing of CSAM on the internet is growing. Bursztein et al. (2019) analysed data from the National Center for Missing and Exploited Children (NCMEC) in the United States (US). Organisations and members of the public can report discovery of CSAM to NCMEC via the CyberTipline and one report can contain from one to hundreds of images/videos. Bursztein and colleagues found that NCMEC received 9.6 million reports of CSAM in 2017 alone, compared with approximately 10,000 reports per year when NCMEC first began recording this information in 1998. They also found that sharing of sexually abusive videos of children dramatically increased from under 1000 video reports per month in 2013 to over 2 million video reports per month in 2017. There was a 379 percent increase in CSAM video reports in 2017 compared to 2016 (Bursztein et al. 2019). There is also evidence of an increase in CSAM production, distribution and viewing since the start of the COVID-19 pandemic. For example, Europol (2020) observed an increase in the sharing of CSAM online, likely due to more offenders and potential victims being at home and online. Indeed, reports of CSAM to NCMEC increased by 28 percent in 2020 at least partly due to COVID-19.

Further, CSAM offending is an evolving crime, with a recent trend towards more harmful and financially motivated methods of exploitation such as live streaming of child sexual abuse (Brown, Napier & Smith 2020; IWF 2018). Because law enforcement often have to investigate sexual offenders who engage in both online and offline (contact) offences, it is important to examine the evidence on how these two offence types are linked.

Are CSAM offenders different to contact sexual offenders?

Firstly, an important question to ask is whether CSAM offenders are different to contact sexual offenders. Babchishin, Hanson and VanZuylen (2015) conducted a meta-analysis of 30 studies produced between 2003 and 2013 from the US, Canada and the UK. Most samples in the studies were selected based on official charges or convictions (94% of CSAM offenders, 91% of contact sexual offenders and 81% of mixed offenders). A minority of studies used self-report or other sources such as accusations (23% of CSAM offenders, 17% of contact sexual offenders and 38% of mixed offenders). The study compared CSAM-only offenders with contact offenders against children

and 'dual offenders' (those who committed both CSAM and contact offences). They found that CSAM-only offenders differed significantly from contact sexual offenders and dual offenders on a range of characteristics, particularly regarding access to children, sexual deviance and antisocial traits.

Contact offenders were more likely than CSAM-only offenders to have:

- access to children;

- emotional identification with children;

- cognitive distortions (eg 'children are sexual beings');

- victim empathy deficits;

- a detached approach to romantic relationships;

- a greater number of prior offences;

- higher scores on measures of antisociality;

- greater problems with supervision;

- indicators of a severe mental illness; and

- childhood difficulties and abuse.

CSAM-only offenders, on the other hand, were more likely than contact offenders to:

- be younger;

- have a higher income and higher education;

- have greater sexual deviancy;

- have problems with sexual preoccupation and sexual self-regulation;

- have greater barriers to contact offending (eg less cognitive distortions).

The study also compared CSAM-only offenders with dual (CSAM and contact) offenders. Dual offenders were more likely than CSAM-only to have:

- access to children;

- a sexual interest in children;

- prior violent offences;

- substance abuse problems; and

- sexual regulation problems.

Dual offenders were also more likely to engage in low commitment sex (eg frequent partners) and report childhood difficulties. However, CSAM-only offenders were more likely than dual offenders to participate in paedophilic social networks or to have other negative social influences.

In another study, Henshaw, Ogloff & Clough (2018) linked data from corrections agencies with policing and mental health records in Victoria, Australia. They compared CSAM offenders (n=456) with contact sexual offenders against children (n=493) and dual offenders (n=256). They found that CSAM-only offenders differed significantly to contact sexual offenders on eight of ten key characteristics measured. Contact offenders were more likely than CSAM-only offenders to have committed a higher number of sexual offences, have offending versatility, have a history of physical violence and intermediate violence (fear/intimidation) and have committed only sexual-related offences. In contrast, CSAM-only offenders were more likely than contact offenders to be of Australian ethnicity, have a higher education and have a paraphilia diagnosis (sexual deviance). Dual

offenders (CSAM and contact offending) were found to be a high-risk group with high levels of antisociality and sexual deviance, and thus a greater need for treatment. Thus, there is evidence that CSAM-only offenders differ from contact sexual offenders/dual offenders on a range of characteristics.

A recent systematic review of reoffending by child sexual offenders, conducted by the AIC and focusing on studies published since 2010, found mixed results in studies that compared CSAM offenders with contact child sexual offenders (Dowling et al 2021). Three studies found no difference (Aebi et al. 2014; Jung et al. 2013; Lussier, Deslauriers-Varin & Râtel 2010), while two studies found that contact offenders were more likely to reoffend generally and sexually than CSAM offenders (Laajasalo et al. 2020; Seto & Eke 2015). These studies also found:

- dual offenders were more likely to sexually reoffend than CSAM offenders (Eke, Helmus & Seto 2019; Elliott et al. 2019; Goller et al. 2016; Soldino, Carbonell-Vayá & Seigfried-Spellar 2019); and

- producers of CSAM and those who participated in CSAM networks were more likely to sexually reoffend than other CSAM offenders (Krone et al. 2017).

What proportion of CSAM offenders commit contact sexual offences?

A second important question to ask is how many CSAM offenders also commit contact sexual offences. Seto, Hanson & Babchishin (2011) conducted a meta-analysis of 24 studies based on arrest and conviction figures of online sexual offenders. They found that one in eight (12%) online sexual offenders (CSAM and online grooming offenders) had a *previous* contact sexual offence conviction at time of their online offence.

Where *reoffending* is concerned, an AIC literature review that examined the profile of CSAM offenders found that, up to three percent of CSAM offenders subsequently committed a contact sexual offence, and between 1.6 percent and seven percent committed a further CSAM offence that resulted in criminal justice action (Brown & Bricknell 2018).

Re-analysis of systematic review data gathered by Dowling et al. (2021) was undertaken for this submission. It found that, across 16 studies that examined reoffending by CSAM offenders, between 0.2 percent and 7.5 percent were convicted for a contact sexual offence within 10 years.

In their review of the relationship between CSAM and contact sexual offences for the Royal Commission into Institutional Responses to Child Sexual Abuse, Pritchard and Spironavic (2014) concluded that CSAM-only offenders were at low risk of committing contact sexual offences. However, they also recognised limitations of relying on criminal justice measures.

Self-reported contact sexual offences by CSAM offenders tend to be higher. In the US, Bourke et al. (2015) described how the tactical use of polygraph procedures with a sample of 127 suspects with no prior history of contact child sexual offending resulted in over half disclosing prior offending of this kind (compared with only five percent prior to the polygraph procedure). Seto, Hanson & Babchishin (2011) examined six studies based on self-reports from individuals, finding that 55 percent of online sexual offenders admitted to previously committing a contact sexual offence against a child. This suggests that contact sexual offending by CSAM offenders may be higher than typically acknowledged.

CSAM is a complex crime that is constantly evolving

Most CSAM offending remains undetected

The empirical studies published thus far are largely based on individuals who have been detected for their sexual offences. Yet, the Australian Bureau of Statistics Crime Victimisation Survey finds that only 30 percent of sexual assault victims in Australia report their abuse to police (ABS 2020). According to the Virtual Global Taskforce, 'child sex offenders are finding new ways to perpetuate their crimes online while also making it increasingly more difficult for law enforcement to detect and identify them' (Virtual Global Taskforce 2019: 27).

Further, Hirschtritt, Tucker & Binder (2019) noted a lack of longitudinal research examining whether CSAM offenders progress to contact sexual offending. Therefore, it is likely that a large proportion of CSAM offending remains undetected and under-researched.

CSAM offenders are encouraged by others online to sexually abuse children

CSAM is constantly evolving. In 2019, media outlets reported that the United Kingdom's (UK) National Crime Agency took down a dark web site containing 250,000 videos of children being sexually abused (Voreacos 2019). This resulted in 337 arrests of site users in 11 different countries. It was revealed that users were incentivised to upload their own material of children being abused by receiving 'points' that they could then use to download more material. Forty-five percent of the abusive videos were new to authorities, according to NCMEC (Voreacos 2019).

Similarly, in a recent study, Woodhams et al. (2021) analysed forum posts and private emails/messages of 53 individuals suspected by police of committing CSA and CSAM offences. The individuals conversed with likeminded persons on dark web forums about sexually abusing children or viewing and sharing CSAM. Two conversation topics among these individuals were advice on how to find and approach children to sexually abuse them and how to avoid detection in online and offline sexual offending. Examples such as these suggest that some CSAM viewers can be encouraged by likeminded individuals online to sexually abuse children in person, for the purpose of producing and distributing 'new material'. An analysis of CSA offenders investigated by the Australian Federal Police found that those who engaged in networking with other offenders were significantly more likely to engage in contact sexual offending than those not involved in networks (41% vs 9%) (Krone & Smith 2017).

Online grooming leading to contact sexual abuse

There are also cases in which CSAM content producers will trawl social media sites and chatrooms to find children and young people in order to groom them into supplying sexually explicit images to the perpetrators. Self-created CSAM may be used by online groomers for a range of coercive practices, with threats made by perpetrators including posting the sexual image of the victim online, sending or showing the image to a friend or acquaintance, sending the sexual image to the victim's family, tagging or including the victim's name with a posted image, creating fake accounts of sexual images of the victim, or posting other personal information about the victim along with the image (Wolak et al. 2018). As an indication of the scale of self-created CSAM, the Internet Watch Foundation reported that it dealt with 68,000 cases of 'self-generated' child sexual abuse in 2020. This represented a 77 percent increase on the previous year (Tidy 2021).

Online grooming can also lead to contact sexual abuse as a result of coercing a child to meet with the perpetrator. Indeed, analysis of CyberTipline reports associated with sexual coercion and extortion received by NCMEC estimated that approximately five percent of cases were motivated by the perpetrator wanting to have sex with the child (Europol 2017).

These cases are different to other cases of CSAM reported here in that they represent CSAM *producers* rather than CSAM *consumers*, but they nonetheless show a link between CSAM and contact sexual offending.

Live streaming of child sexual abuse

Live streaming of child sexual abuse (CSA live streaming) is a hybrid form of online child exploitation as it involves the real-time sexual abuse of a child by a third-party, often directed by a live streaming consumer from a distance. Offenders do this often in exchange for money and specify the type of abuse they wish to see (Açar 2017; Europol 2019; Napier, Teunissen & Boxall forthcoming). This crime blurs the line between contact and non-contact sexual offending because offenders direct the abuse of a child in another location. They do this by giving directions to either the facilitator (trafficker) or the victim themselves over online text or video chat (Napier, Teunissen & Boxall forthcoming).

CSA live streaming likely occurs in multiple different countries (Europol 2019). However Southeast Asia, particularly the Philippines, has emerged as a 'hub' for this crime due to its high level of poverty, high-speed internet connection, good English language proficiency and well-established remittance services (ECPAT International 2017). Facilitators in the Philippines can receive an international payment from an offender instantly. Because CSA live streaming offenders communicate and form relationships with victims and facilitators online (unlike with most CSAM viewing), they may be at risk of travelling to offend in person against these children or other children (Europol 2019; Teunissen & Napier forthcoming).

While it is difficult to measure prevalence, anecdotal evidence suggests global demand for CSA live streaming is high. In 2013, four researchers from Terre des Hommes Netherlands posed as pre-pubescent Filipino girls on 19 different online chat forums. Over a 10-week period, 20,172 people from 71 different countries asked the researchers posing as children to perform a webcam sex show (Terre des Hommes 2014). According to International Justice Mission (IJM) who analysed 44 case referrals for online sexual exploitation of children in the Philippines (including CSA live streaming), Australians were the third most common (18%) nationality of offenders (IJM 2020). Brown, Napier & Smith (2020) found that a sample of 256 Australia-based individuals spent $1.3 million AUD to view CSA live streaming in the Philippines over 13 years from 2006 to 2018. This amount was spent over 2,714 separate payments, with the median amount spent on a CSA live streaming transaction being $78 AUD.

In a recent study examining chat logs from CSA live streaming offenders (Napier, Teunissen & Boxall forthcoming), the offending occurred via the open web on popular platforms. Such offences could potentially be traceable by these companies. Yet, the 'end-to-end' encryption proposed on platforms such as Facebook (Hunter 2019) will likely increase the challenges for law enforcement in detecting new and emerging forms of child exploitation. For example, such encryption will prevent police from accessing online chat logs, which are a key form of evidence in the investigation of CSA live streaming. Given that CSA live streaming is another form of contact sexual offending, there is a need for popular online messaging platforms to do more to prevent and disrupt this offending.

More research required

If we are to effectively prevent and disrupt both online and offline sexual offending against children, more research is required that examines the link between these two types of offences. The AIC has received ethical approval to undertake the 'Online survey of sexual offending'. The study will focus on undetected offenders in the community to examine the trajectories of offending. This includes whether there are typical pathways that offenders follow in which their behaviours escalate from less harmful such as deviant pornography and CSAM viewing to more harmful such as CSAM

production and contact offending. The AIC is also undertaking a study based on a qualitative analysis of chat logs from people who view CSA live streaming. This study will examine how CSA live streaming intersects with other forms of child sexual abuse, including CSAM and contact offending against children (Teunissen & Napier forthcoming) (see Appendix A for a list of relevant forthcoming AIC research).

Summary

Key issues arising from this review of the evidence are that:

- Most *convicted* CSAM offenders do not go on to commit contact sexual offences against children.

- CSAM offenders who also commit contact sexual offences against children have different characteristics to those who only engage in CSAM.

- Access to children and antisocial characteristics (eg previous arrests) increase the risk of contact sexual offending among CSAM offenders.

- However, this is a constantly evolving crime, and recent evidence suggests:

  - Most CSAM offending likely remains undetected by police;

  - Some CSAM offenders who network with likeminded individuals online are encouraged to sexually abuse children for the purposes of producing and sharing new abusive material;

  - Live streaming of child sexual abuse (CSA live streaming) blurs the line between contact and non-contact sexual offending because offenders direct the abuse of children in another country;

  - Individuals who view CSA live streaming may be at risk of travelling to contact offend against children in vulnerable countries;

  - There is a high global demand for CSA live streaming and due to the 'live stream' element, this crime presents challenges for law enforcement in terms of investigation;

  - CSA live streaming offending occurs on the open web on popular platforms; and

  - Increased adoption of end-to-end encryption by popular messaging platforms may increase the challenges in detecting CSA live streaming because police will be unable to access private messages that present as key evidence in this crime.

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Appendix A — Relevant current and forthcoming AIC research

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