

1<sup>st</sup> October 2006

Jackie Morris  
Secretary  
Legal and Constitutional Affairs Committee  
Department of the Senate  
Parliament House  
Canberra, ACT 2600

Dear Jackie,

**Inquiry into the Crimes Legislation Amendment  
(Child Sex Tourism Offences and Related Measures) Bill 2007**

Thank you for the opportunity to provide a submission to the Legal and Constitutional Affairs Committee regarding the Inquiry into the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007.

Child Wise has a long history in working to prevent child sex tourism and was instrumental in the enactment of the Child Sex Tourism law in 1994. Over the last 13 years Child Wise has been monitoring the implementation of the Child Sex Tourism Law, delivering educational and capacity building programs both in Australia and overseas to prevent child sex tourism and monitoring the movements and modus operandi of travelling sex offenders. Therefore I believe Child Wise is in an excellent and unique position to provide critical information to the committee as we are considered Australia's leading non-government agency in the prevention of child sexual exploitation in tourism.

Child Wise supports all the recommended amendments to the Child Sex Tourism Law and commends the Australian Government for developing these necessary changes. We support relocating existing child sex tourism offences from Part IIIA of the Crimes Act 1914 to the Criminal Code Act 1995. Child Wise also supports the creation of the new offences of "grooming", "procuring" and "preparatory" offences to be added to the Act. These new offences reflect the reality of child sex offending which is often a planned and premeditated crime.

It has become evident in recent times that the number of Australians travelling overseas to sexually abuse children is increasing. This migration is largely due to actions being undertaken in Australia including creating greater awareness of child abuse, increased reporting, tougher penalties and stricter screening and monitoring of sex offenders.

Sadly however the impact of these actions has meant that Australia is effectively displacing its sex offenders who are moving overseas to access victims and to avoid detection. In recent months, there have been numerous overseas arrests of Australians for sexually abusing children which has thrown the international media spotlight onto Australia. This attention has brought with it national disgrace.

The global magnitude of child sexual exploitation has reached epidemic proportions with devastating and long lasting impacts for child victims and their communities. The 2006 United States Annual Report on Child Labour reveals that over the last year "millions of

children have been forced to work in physically, psychologically and sexually ruinous situations". The recent spate of natural disasters including tsunamis and earthquakes have left children displaced, orphaned and particularly vulnerable to sexual exploitation.

Therefore it is necessary to create offences that address the planning and premeditation of child sexual abuse. Child sex offenders often groom their victims (and others around them including families and organisations working with children) in order to gain access. There are many cases where child sex offenders will seek work in overseas organisations, schools, shelters, orphanages in order to gain access to victims. There have also been specific cases of Australian child sex offenders planning to sexually abuse children overseas which could not be prosecuted under the existing Australian child sex tourism legal provisions.

These include:

- a) An Australian was arrested for allegedly possessing child pornography in Thailand. At this stage Thailand did not have adequate child pornography laws in place to prosecute him and therefore he was not prosecuted in Thailand and was deported back to Australia. On return, the Australian authorities could not prosecute him under the Australian law as there were no child pornography provisions in the extra-territorial child sex tourism law.
- b) Via the internet an Australian organised to procure two 8 year old girls in Mexico in order to sexually abuse them. Fortunately this was an undercover operation conducted by the United States Federal Bureau of Investigation (FBI). This Australian was arrested by the police in the United States on his way to Mexico. However this case indicates that there is a demand from Australians to use the internet to procure children overseas. It also indicates that Australia needs laws in place to prosecute those individuals who prepare and plan to abuse children overseas. Under the current child sex tourism provisions this would not be possible.
- c) There are also numerous cases of Australians who have targeted children overseas through organisations, schools and other overseas connections such as sponsorship programs. These should be considered preparatory offences and Australians should be prosecuted for this planning before an offence takes place.

Child Wise fully supports these new offences to be included in the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007 as we believe these offences reflect the modus operandi of travelling child sex offenders and these offences also reflect our experience of the modus operandi of travelling sex offenders.

Additionally we recommend that the crime of child sex tourism should be widely advertised in the Australian community for maximum deterrent effect. Most people would not know that child sex tourism is a crime due to little promotion by the Australian Government. With little funding Child Wise has endeavoured to raise awareness of this issue and the child sex tourism legislation in order to prevent the sexual exploitation of children overseas. Child Wise has delivered two small campaigns in Australia to raise awareness of this issue (*Travel with Care and Don't let child abuse travel*). Each time we have promoted this issue the Australian Federal Police have advised us that they have received increased reports of child sex tourists. Currently there is no awareness campaign in place. However Child Wise is delivering a successful awareness campaign in 10 ASEAN countries which is resulting in

many more prosecutions of child sex tourists overseas. Child Wise recommends a national awareness campaign against child sex tourism as this will help to deter child sex tourism offences but most importantly encourage people to report their concerns to the Australian Federal Police.

While Australia is making great progress in its international policing of child sex offences under the commendable leadership of Commissioner Mick Keelty, Child Wise believes that Australia must do more to curb this growing problem. Effective law enforcement must be accompanied by a domestic education campaign calling for community support and information on suspected child sex offenders. Only 5%- 10% of sex offenders have criminal convictions therefore very few are known to the police. We must therefore call upon the Australian public to report and detect suspected travelling sex offenders.

As we have witnessed with Australia's War Against Terror, most of the intelligence about terror suspects has come from ordinary citizens as a result of a government backed education campaign. Child Wise believes that child sex offenders are as deadly as terrorists and we must employ the same strategies to prevent them from destroying the lives of innocent children around the world.

In October 2005, Child Wise formally submitted a proposal to Senator Chris Ellison for funding to run an Australian education campaign against child sex tourism. This innovative multi media campaign called '**Don't Turn Away, Turn Them In**' was developed (pro-bono) by Grey Worldwide, Australia's leading social marketing company. The objectives of this campaign are to alert Australians to the problem of child sex tourism and to encourage them to report concerns to the Australian Federal Police. This Child Wise education campaign has been endorsed by ten ASEAN Governments and is currently being rolled out throughout South East Asia. Furthermore, the United States Government recently declared in the 2006 Trafficking In Persons (TIP) report that the Child Wise education campaign is an international example of best practice.

Over the last two years Child Wise has been discussing the possibility of implementing this important campaign to prevent child sex tourism with the Australian Government and there has been a significant amount of inter departmental discussions to implement the program. While there has been a great deal of verbal support for an education campaign, after 2 years there is still no action. This delay has led to more children overseas being sexually abused by Australians.

## **ASEAN REGIONAL EDUCATION CAMPAIGN**

### **BACKGROUND**

In 2005, a key development in the fight against child-sex tourism (CST) was the launch of the ASEAN Regional Education Campaign. This campaign was designed to fulfil the following objectives:

- To mobilise responsible travellers and local citizens to report suspected CST on dedicated hotline numbers.
- To deter potential child-sex offenders.
- To create a culture of intolerance toward the sexual exploitation of children.

This initiative was identified as a critical prevention tool by the ASEAN Regional Taskforce during a 'Think Tank' Meeting hosted by Child Wise in Bali in January 2004. Taskforce members passed a resolution calling for a region-wide public education campaign drawing together all ten ASEAN countries in a united stand against CST.

Subsequently, Child Wise sought the support of Australia's leading social marketing agency, Grey Worldwide, to design a powerful, effective campaign that would meet the needs, specifications, and concerns of all countries in the region. In 2005, all ten ASEAN governments unanimously agreed to launch the Regional Education Campaign and with the valued support of AusAID, began dissemination of campaign materials including posters, stickers and tent-cards, in tourism destinations throughout ASEAN.

Hailed as 'World Best Practice' by the United Nations World Tourism Organisation and similarly commended by the US Government in their annual Trafficking in Persons Report, the ASEAN Regional Education Campaign has been ably coordinated by National Tourism Organisations throughout the region.

All ten ASEAN countries have been active supporters of the campaign and momentum continues to build at an impressive rate resulting in significantly expanded campaign coverage and increased public reporting to hotline numbers in each ASEAN country. The private sector, law enforcement agencies, industry peak bodies and local and international NGOs, are joining with ASEAN governments in support of this internationally recognised campaign.

Yours sincerely

Bernadette McMenamin AO  
CEO  
Child Wise