

World Vision Australia

Submission to the Standing Committee on Legal and Constitutional Affairs Inquiry into the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007

Introduction

World Vision Australia (WVA) is committed to the well-being of children and their protection from abuse and exploitation. The sexual exploitation and abuse of children is universally condemned as an abuse of human rights and has been identified by the United Nations as one of the worst contemporary forms of slavery.¹

Establishing the number of children involved in commercial sexual exploitation is difficult due to the covert nature of the industry. Estimates vary considerably, however, according to UNICEF, there are an estimated one million children involved in prostitution in Asia alone.²

Although child sex tourism is particularly prevalent in developing countries of the Asian region, there are well-organised child sex industries in areas such as Africa, South and Central America and Eastern Europe.³ Due to its proximity, the Asia region offers Australians the greatest opportunities for engaging in child sex tourism. It is estimated that over 250,000 sex tourists visit Asia each year, of which an estimated 25 percent are from the United States, 16 percent from Germany, and 13 percent each from Australia and the United Kingdom⁴.

Proposed provisions

As a child-focused organization, WVA supports a comprehensive legislative regime which seeks to prevent, prosecute and punish Australians who perpetrate, support or encourage child sex tourism, child sex abuse and child pornography in Australia and overseas. Any legislative regime should address contemporary modes of offending against children, should allow for the prosecution of offences committed by Australian companies and individuals in any part of the world, and should provide comprehensive support for victims of these abuses.

In this context, WVA welcomes amendments proposed in the *Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill* which:

¹ Office of the High Commissioner of Human Rights, <http://www.unhchr.ch/html/menu6/2/fs14.htm>, accessed 26 September 2007

² Bunch, C, *The Intolerable Status Quo: Violence Against Women and Girls*, 1997, <http://www.unicef.or/pon97/women1.htm> (accessed 26 September 2007)

³ Brungs, M, "Abolishing Child Sex Tourism: Australia's Contribution" [2002] AJHR 17 (<http://www.austlii.edu.au/au/journals/AJHR/2002/17.html>)

⁴ Human Rights and Equal Opportunity Commission, 14 September 2004, Children and Sexual Exploitation, available at: (<http://www.childwise.net/about-child-sexual-exploitation.php>) (<http://www.uri.edu/artsci/wms/hughes/seasia.htm>)

- Relocate and update existing child sex tourism offences from the *Crimes Act 1914* to the Criminal Code (Cth), commensurate with the gravity of the provisions and the importance of a comprehensive regime to prevent child sex offences;
- Create new offences related to the grooming and procuring of children for sexual activity overseas by Australian citizens, residents and corporations;
- Criminalize conduct that occurs with the intention of preparing or planning to commit an offence involving sexual conduct with a child overseas. WVA understands that this would include activities such as booking an airline ticket and accommodation to travel outside Australia with the intention of planning to engage in sexual activity with a child; and
- Add new offences that criminalize the possession, production and distribution of child pornography or child abuse material by an Australian citizen, resident or corporation while overseas.

Recommendations

These new provisions will be a significant weapon in the war against child exploitation, which is particularly prevalent in our region. The legislation also has the potential to become model legislation in the Asia region as the region searches for more effective responses to these crimes.

Given the significance of these provisions and the potential difficulties encountered in their enforcement (particularly in gathering evidence and proving the requisite intention for the new offences), WVA considers that the Australian government should:

- Ensure appropriate resourcing for the enforcement and prosecution of these new provisions, including appropriate resourcing of the Australian Federal Police's Transnational Sexual Exploitation and Trafficking Team and the Commonwealth Director of Public Prosecutions. Statistics maintained by Childwise indicate that there have been relatively few prosecutions under the current child sex tourism offences over the last few years (information provided by Childwise indicates that charges have been laid against 23 individuals in between 1994 and 2007, with only three prosecutions in the last two years).⁵ Given the expansion of offences under the proposed Bill, the Australian government should renew efforts to enforce these provisions and secure convictions.
- Invest in training, capacity building and support for local law enforcement agencies in our region, with a particular focus on evidence gathering, the prevention and prosecution of child sex offences.
- While the new amendments include special provisions for evidence given by vulnerable witnesses, the Australian Government must ensure that the victims of these crimes have adequate support both within their own country and in Australia to report crimes, give evidence and receive medical attention and psychosocial support to address the trauma of their experiences.

⁵ Childwise, 2007, Child Sex Tourism Charges 1994 – 2007, 26 September 2007, unpublished.

- Provide comprehensive information and education about the prevention of child sex tourism and child sex offences for the Australian community, tourists, the tourism industry, and communities within our region to ensure that suspicious activity is reported, offences are prevented and victims supported. The current AusAID/Childwise campaign (which involves building the skills of tourism staff in seven Asian countries so they are capable of identifying and reporting situations where children may be at risk of sexual exploitation) is an excellent model to build on. However, it is critical that similar information is provided in Australia, including information for Australians traveling to Asia and specialized training for travel agents, tour operators and other tourism professionals in our own country.
- Meet commitments to reduce poverty in our region, so that vulnerable children are not driven into the child sex industry. Poverty plays a primary role in supplying children to the sex tourism industry. In extreme poverty, child prostitution may be the only source of income for a homeless child or a family trapped in debt.⁶ It is now seven years since Australia and the other member nations of the UN committed to the Millennium Development Goals (MDGs) – a set of eight goals focusing on reducing poverty globally. A recent report prepared by WVA indicates that some of our neighbours in South-East Asia and the Pacific are performing very poorly against the MDGs.⁷ Data indicates that several countries – most notably Myanmar, Cambodia⁸, Laos, Papua New Guinea, the Philippines, Solomon Islands, Timor-Leste and Vanuatu – are unlikely to reach a number of the goals at current rates of progress. These countries require significantly greater and more effective support from governments like Australia to reduce the number of children at risk in our region.

WVA would be pleased to supply further information from sector specialists about child exploitation and abuse at the request of the Committee.

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⁶ Kanchanachitra, C., 1999, “Reducing Girls’ Vulnerability to HIV/AIDS: The Thai Approach” UNAIDS/99.34E, p 1 (http://library.unesco-iicba.org/English/HIV_AIDS/cdrom%20materials/PDFfiles/reducingcse.pdf accessed 26 September 2007).

⁷ For a more detailed analysis see World Vision Australia 2006 *How are the Neighbours?* Melbourne (<http://www.worldvision.com.au/learn/policyandreports/files/HowNeighbours.pdf>).

⁸ Cambodia is on track for most Goals but even if it reaches them will still have some of the worst poverty indicators in the region.