



Australian Government

Australian Institute of Family Studies

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

Submission from the Australian Institute of Family Studies

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The Australian Institute of Family Studies is pleased to have the opportunity to make a submission to the Parliamentary Inquiry into the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007. The Institute's comments are provided from a broader child protection perspective.

In this submission, we provide:

- a brief overview of the impact of child sexual abuse on the child;
- a brief summary of the most widely accepted model of child sex offender behaviour;
- a discussion of grooming behaviour, and how it relates to new technologies and international travel; and
- comments about how legislation can address the needs of children and young people internationally to be protected from predatory behaviour.

The Institute conducts research in the area of child sexual abuse, including through the National Child Protection Clearinghouse – a commonwealth-funded, national centre for the collation and dissemination of research and information relevant to the prevention of child abuse and neglect.

Child sexual abuse has been shown to be related to a range of negative outcomes in children, including: daytime wetting; internalising and externalising behaviour problems; emotional disturbance; poor self-esteem; suicidal thoughts; poor social/cognitive functioning; and PTSD-like symptoms (Finkelhor, 1984). In terms of the long-term impact on adults, Mullen and Fleming (1998) in a comprehensive review of the literature conclude that there is an association between experiencing child sexual assault and poorer outcomes for the child. Negative effects have been found on economic outcomes; sexuality and sexual adjustment; relationships and intimacy; self-esteem; mental health; and alcohol abuse.

In considering the question of how the Australian Government can better address the safety of children from sexual predators—both in Australia and overseas—there is an important overarching point to make: Although the majority of children who experience sexual abuse are abused by a family member, a substantial number are also assaulted by someone known to them or their family. There are several ways in which perpetrators of child sexual abuse (or would-be perpetrators) attempt to get to know their intended victim and engage in what is referred to as 'grooming' behaviour in order to overcome the resistance that young people typically show to sexual overtures from an adult or older person.

One of the leading experts internationally in the field of child sex offending, David Finkelhor (1984) outlined four preconditions for sexual abuse. These four factors emphasise the context surrounding the child, including familial and social factors, as well as perpetrator characteristics:

- *motivation to abuse* (e.g., deviant sexual arousal patterns, stress or 'acting-out');
- *overcoming internal inhibitors of the offender* (e.g., stereotyped view of sex-role behaviours; lack of empathy for the child);
- *overcoming external inhibitors* (e.g., parent being physically or emotionally absent or overwhelmed; substance abuse; family dysfunction); and
- *overcoming resistance by child* (e.g., isolation; the most vulnerable are recruited).

The fourth pre-condition outlined above by Finkelhor (1984) particularly relates to the behaviours that a perpetrator engages in to overcome resistance of the child to engaging in the sexual behaviour. This is known as ‘grooming.’

Grooming behaviours that were originally identified in relation to paedophiles overcoming resistance to children in their families, social networks or other contacts are also being understood to operate in the ‘virtual’ world of the internet. Muir (2005) notes that those seeking to offend will often use ‘chat rooms’ as a way of introducing themselves, and then try to lure the young person into a private chat, prior to engaging in offending behaviour (e.g., procuring sexual images of the young person, exposing the young person to offensive material, arranging to meet, engaging in ‘sex talk’ or other offensive behaviour). As the internet crosses international borders, such grooming behaviour can take place with the intent of committing an indecent act in an overseas country.

Despite its benefits, new technologies also provide new methods for gaining access to children and young people for sex offenders. Dixon (2002) wrote:

“Today’s paedophile combs through chat rooms, newsgroups and other Internet services rather than schools and playgrounds to find children to prey upon. Through increasingly sophisticated technological methods, these new-age paedophiles can build up a detailed profile of their intended child victim and win the trust of the child prior to any physical meeting while remaining anonymous” (p. i).

Just as the internet has the capacity for such harmful use, so to does the accessibility of overseas travel – particularly to countries where local laws (or law enforcement capacity) do not provide sufficient deterrence for offenders to engage in internet or other face-to-face grooming behaviours.

Legislation that allows police and law enforcement authorities to actively intervene to prevent harm before it occurs is good for the welfare of vulnerable children and young people. It is commendable that in this draft legislation, the good work that has been done to protect Australian children on-line can be extended to potential victims internationally.

In this submission, we have drawn attention to the research that shows the impact of child sexual abuse on the child and factors associated with offending behaviour. From a child protection perspective it is commendable that the proposed legislation recognises that sexual abuse is often not a single act, but rather a process, that includes grooming behaviours and other preparatory acts that precede the sexual offence – including the procurement of young people for child pornography. There are benefits from consistent and far-reaching legislation that outlaws ‘grooming’, procuring and other preparatory offences by Australian citizens and residents, irrespective of where the child lives. There would also appear to be merit in making it an offence for Australian citizens and residents to possess, produce or distribute child pornography while overseas. Vulnerable children in other countries (particularly developing countries) are likely to benefit from extending the protections that are afforded to children in Australia under our current legislation.

References

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Other material was drawn from the bibliographies available on the National Child Protection Clearinghouse website: <http://www.aifs.gov.au/nch/bib/menu.html>