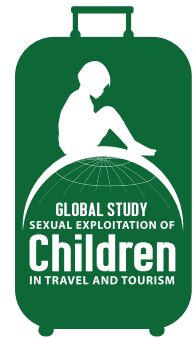


EXPERT PAPER

AUSTRALIAN TRAVELLING CHILD SEX OFFENDERS



BACKGROUND



Law enforcement, including the Australian Federal Police (AFP) as the international gateway for information on child exploitation matters in Australia, has experienced an unprecedented increase in the incidence of online child exploitation reporting across Australia over the last several years, challenging the operational resources of all respective agencies. Transnational child sexual exploitation is underreported within many overseas jurisdictions. Cultural barriers and poor levels of community awareness, combined with reliance on the income foreign tourists provide, make many countries in Southeast Asia, in particular, vulnerable to online and travelling child sexual exploitation.

Reporting indicates that broad Australian travelling child sex offenders' (TCSO) modes currently exist within many Southeast Asian countries, for example: Transient short-stay; embedded, long-stay and online child exploitation. Long-term, embedded TCSO obtain access to children through a variety of trust and status-based means but commonly infiltrate poor and remote communities by providing gifts, services and other forms of assistance, including financial. These long-term offenders are known to establish strong social networks and rely heavily on the grooming process to secure complicity with victims, their guardians and the wider community.

When investigating these types of crimes, the AFP makes every effort to prevent the abuse of a child before it occurs. To do this, the AFP works closely with the local law enforcement agencies in the respective country through the provision of information and where appropriate, resources to be able to identify, locate and remove children from harm and arrest and prosecute the facilitators. With regard to TCSOs, Australia is predominantly a 'source' country, meaning that more Australians travel overseas to commit child sex offences, rather than overseas offenders travelling to Australia to commit offences.

Within this environment, the increasing number of cheap flights from Australia has encouraged the growth of tourism and travel to Southeast Asian locations. It is likely that this growth has included a corresponding rise in the number of Australians who travel overseas to sexually exploit children. This travel includes known individuals registered on the Australian National Child Sex Offender System (NCOS), but also, worryingly, an unknown number of child sex offenders who are not officially registered (this includes those who have come to law enforcement's notice but have yet to be convicted of an offence) or have yet to come to law enforcement's attention.

In terms of current legislation, it is a crime for Australian citizens, permanent residents or bodies corporate to engage in, facilitate or benefit from sexual activity with children (under 16 years of age) while overseas. These offences carry penalties of up to 25 years imprisonment for individuals and up to \$500,000 in fines for companies. Of note, between 1 January 2010 and 31 December 2014 a total of ten Australians were charged (in Australia) on seventeen counts of child sex tourism offences, pursuant to the extraterritorial provisions of Commonwealth Criminal Code Act 1995 under Division 272 and 273.

KEY THEMES

The following provide an indication of the key themes that comprise the issue of Australian TCSOs:

1. Trend analysis

Each Australian State and Territory has laws that set out who becomes registered on the NCOS as a Registered Offender (RO). An RO must report intended travel outside of Australia, and each State and Territory Registrar is obliged to advise the AFP and provide a copy of their report. There is currently no legislation in any Australian jurisdiction to prevent a registered child sex offender from travelling within Australia or overseas. However, the AFP will notify foreign jurisdiction of the pending travel of child sex offenders registered on the Australian National

Child Offender Register (ANCOR). When the AFP provides such information, it is a decision for those foreign law enforcement authorities as to what actions they may take, including denying entry to their country.

Trend analysis undertaken by the AFP using NCOS registered offender information indicates that Southeast Asian countries, such as Indonesia, Thailand, Malaysia, Philippines, Vietnam and Cambodia, still feature significantly as destination countries for Australian TCSOs. Additional work is planned to examine onward travel details and possible land border crossings for those NCOS offenders allowed entry into overseas jurisdictions to look for possible displacement activity. These patterns are also likely to be affected by regionally based TCSO strategies pushing offenders into seeking alternative destinations. This will also take into account potential seasonal trends by short-term visitors to the region, likely to be driven by the peak holiday and overseas travel periods in the offenders' country of origin.

Analysis also indicates that some registered TCSOs are travelling to regional countries, such as Singapore, Malaysia and New Zealand, with little accessible records available of onwards travel details. It is likely that some of these registered offenders are using these countries as transit hubs for travel to other Asian and/or Pacific Island countries to avoid detection. New Zealand, for example, has direct flights to Pacific Islands such as New Caledonia, Fiji, Vanuatu, Tonga, Tahiti, Niue and Cook Islands.

2. Strengthening cooperation with domestic and regional partners

Within the field of TCSOs, the AFP has already undertaken a number of strategies and programmes designed to address the issue, both within Australia and in a number of key overseas destination countries. Domestically, the AFP has strong relationships through a number of arrangements with key stakeholders

within the arena of child protection, including TCSOs. This includes the development of a National Strategy to Combat Child Exploitation (NSCCE) to unify and simplify the way in which Australian law enforcement manages anti-child exploitation operations.

The AFP also consistently reviews the application of existing legislation around the issue of Australian TCSOs. For example, consideration is being given, in conjunction with relevant stakeholder agencies, to strengthening the current passport cancellation regime in relation to TCSOs. This could include the provision of material deemed relevant, which supports the level of suspicion harboured regarding the propensity for causing harm and the justification required for denying the issuance of a suspected TCSO's passport.

The AFP also has a number of liaison officers (LO) in key regional locations, including Indonesia, Philippines, Thailand, Cambodia and Vietnam, who, in partnership with relevant regional partner agencies, assist in providing a response to Australian TCSOs. This includes boosting engagement on-the-ground with relevant NGOs and community partners. One example of a successful proactive engagement scheme was launched by the AFP Post in Vietnam in February 2013 and remains ongoing. The "monitor to prevent and disrupt" early intervention strategy clearly demonstrates the benefits of engagement with local tourism partners, within Vietnam's current legal frameworks and with the relevant official approval.

The strategy aimed to increase stakeholder engagement between police, government and the private sector; gather data on TCSO trends; and raise awareness within local law enforcement, immigration and border disruption of this crime type. The longevity and success of the scheme also enabled detailed trend analysis to be undertaken, including details of repeat travel, duration of stay, hotel demographics and importantly,

onward travel destination. The AFP has also conducted a series of TCSO workshops and interviews across Indonesia with multi-lateral government and non-government participants, resulting in unprecedented inter-agency information sharing and discussions.

Whilst enforcement agencies have access to statistics in relation to known Australian TCSOs, little information is known about those who remain unregistered. It is possible that amongst the expatriate communities living in key destination countries, a proportion will have travelled there to commit offences against children and are not registered on any relevant database. These offenders pose a risk as little information is known about their activities or methodologies. Examining this key cohort could potentially allow the AFP to generate valuable actionable intelligence into not just offender patterns, but also provide insight into how those based in Australia are drawn into offending overseas, as well as resulting behaviours upon their return home.

3. Education and prevention

In addition to the regionally based schemes already discussed, the AFP is currently examining ways to develop internationally-targeted and tailored child protection cyber security and education packages designed to build and enhance capacity offshore. A dedicated campaign would highlight the issue of TCSOs and the impact on children, and would be complemented by an education programme, which could be delivered regionally by the AFP in consultation with the Canberra-based Cybercrime Prevention team. This can include provision of a localised regionally adapted version of the ThinkUKnow Internet safety programme designed to deliver interactive training to parents and teachers through schools and organisations.

In relation to other prevention efforts, Cyber Safety Pasifika (CSP) is a partnership between the AFP and the Pacific Islands Chiefs of Police

(PICP). Since the pilot launch in Niue in 2011, CSP has been delivered to 14 countries: Niue, Cook Islands, Samoa, Tonga, Federated States of Micronesia, Nauru, Guam, Papua New Guinea, Vanuatu, Marshall Islands, Solomon Islands, Commonwealth of the Northern Mariana Islands, Palau and Tuvalu.

CSP is designed to deliver regional workshops to Pacific Island police officers to raise awareness of cyber-crime activities. CSP also entails a train-the-trainers component, designed to deliver the programme to school children in their regions. The CSP programme has now been delivered to over 30,000 young people and community members across the Pacific.

Relevant training also includes delivery of detailed programmes, specifically designed to examine child exploitation investigations, as well as interviewing technique workshops focusing on child exploitation victims and how to talk to them. The AFP already delivers these types of programmes in a number of offshore locations including Indonesia; currently the highest ranked proposed travel destination country for NCOS registered sex offenders, despite increasing numbers of ROs 'turned around' at the border through the provision of information from ANCOR alerts.

Since November 2014, approximately 71 ROs have been refused entry into Indonesia, sending a strong message that authorities there are fully

committed to protecting children from exploitation through the provision of such preventative measures.

SUMMARY

The AFP is committed to developing and enhancing existing Australian TCSO operational efforts and arrangements, both domestically and across the broader Southeast Asian region. Proposed responses, in consultation with relevant domestic and regional stakeholders, will inform and guide national anti-child exploitation efforts in relation to TCSOs. These responses are based around six key pillars to ensure an enhanced integrated and unified approach.

These are:

- Education, awareness and prevention
- Partnering with industry and sectoral interests
- Fostering the exchange of information and intelligence
- Improving the capacity and capability of partner agencies
- Improving international and regional cooperation
- Strengthening jurisdictional legal frameworks

The AFP is pleased to offer this contribution to the Global Study on Sexual Exploitation of Children in Travel and Tourism (SECTT) and welcomes the opportunity to discuss these key themes further at the upcoming Consultation in Thailand from 6 to 7 May 2015.

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