

# **Preliminary Observations and End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Mama Fatima Singhateh**

## **Visit to Australia (30 Oct-10 Nov 2023)**

### **Melbourne, 10th November 2023**

Let me begin by thanking the Government of Australia for the invitation extended to me to undertake this country visit from 30 October to 10 November 2023. I appreciate the full cooperation extended to my mandate prior to and during my visit.

The objective of my visit was to assess the scope of sale, sexual exploitation and sexual abuse of children in the country, and the measures adopted by the authorities to prevent and combat the phenomena, and to assist in the care, recovery and reintegration of child victims.

During my visit, I had the opportunity to meet with representatives of the Commonwealth government, governments of Victoria, New South Wales, Queensland, Western Australia and Northern Territory. I met with members of the civil society and academia, service and care providers, and children.

I also had the opportunity to visit support referral centre and residential care facilities in Alice Springs, Perth and Melbourne.

I am grateful to the Government representatives for their excellent collaboration. I would like to thank all interlocutors for their engagement in constructive dialogue and look forward to receiving additional information requested including data and statistics.

To everyone who met with me, and especially the service providers and representatives of civil society organizations, I would like to express my gratitude for their readiness to engage in an open dialogue on the issue of sale, sexual exploitation and sexual abuse of children in the country, and for their dedication and commitment to provide protection and assistance to child victims and children including in vulnerable situations.

I also wish to express my gratitude to United Nations Information Centre, and the UN Association of Australia in Melbourne for their support during the mission.

### **Positive steps and developments**

Australia has devoted increased attention and resources to improve policy, legal and institutional frameworks for adequate prevention and protection of children and women from violence and exploitation.

Australia has ratified several major international legal instruments relevant to my mandate including the UN Convention on the Rights of the Child and two of its three optional protocols.

In terms of institutional structures, the eSafety Commissioner as well as the National Children's Commissioner and the Children's Commissioners and Guardians across all states and territories are a clear indication of the efforts being made to advocate for the rights and interests of young people as well as draw attention to and address the human rights challenges facing children especially those vulnerable to human rights violations.

The National Office for Child Safety which was established in 2018 is playing an important leadership role in the national policy reform to enhance the safety of children and reduce harms such as child sexual abuses within the country.

In terms of policies, the National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 stands out as a 10-year strategic framework for preventing and responding to child sexual abuse in all settings including online, within families and in organisations.

The development and implementation of the National Principles for Child Safe Organisations which provide a national approach to developing and implementing child safe cultures within organisations is noteworthy.

A positive development that stands out globally is the Australian Centre to Counter Child Exploitation under the Australian Federal Police. This high-technology establishment is a praiseworthy good practice designed to counter and respond to the scourge of child exploitation and sexual abuse. The integrated, collective and collaborative capability ensures cohesion through the use of the expertise of federal, state and territory, non-government agencies and private industry, with collaborative approach on sharing information and resources.

For the purpose of my preliminary observations, I have identified the following issues within the scope of my work during the mission. These preliminary observations will be further elaborated in my final report to the UN Human Rights Council in March 2025.

- **Sale, sexual exploitation, and trafficking of children for the purpose of sexual exploitation**

While Australia has in place legislative and policy frameworks to prevent, detect, disrupt, investigate, and prosecute child sexual abuse and exploitation, including crimes that occur online, as well as the transnational trafficking in persons, more can be done to address the internal trafficking of children for the purpose of sexual exploitation. Discussions held with interlocutors reveal the emerging trend of young people being trafficked to and from residential care facilities and other places via taxis for sexual exploitation and transactional sex. This phenomenon requires urgent attention and rapid response. The implementation of laws that counter sexual activities for remuneration or other form of consideration, should be a priority in line with the Optional Protocol to the UN Convention on Rights of Children on the sale of children, to ensure that both the national dimensions including at the states and territories level and at transnational level, are equally enforced.

- **Sexual abuse of minors within the circle of trust and within communities**

Information gathered from interlocutors shows the continued existence of the sexual abuse of children especially within the child's circle of trust, at home, in school and amongst peers are common. One of the main barriers in responding to this phenomenon is non-disclosure due to fear and stigma. Children who feel alienated from parents or are in foster and residential care

arrangements with limited positive adult interactions, struggle to report abuse. The prevalence of child sexual abuse material and pornography, easy access to internet materials without age restrictions and overtly sexualised environment with greater exposure to these materials, uses of sexualised language and behaviours, have been identified as key issues needing attention.

- **Child sexual abuse materials and online sexual exploitation of children**

Incidences of online grooming, sexting, sextortion, are reportedly growing and on the rise among Australian children and teens. The unprecedented rise in screen time amongst children, have manifested common risks children face online, these relate to bullying, sharing sexually explicit materials, indecent invitations, photos and messages, as well as access to pornographic websites. Peer pressure has led children to self-generate sexualized materials, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child sexual abuse material.

- **Other issues falling within the scope of the mandate**

Slavery in all its forms involves the commodification of people. According to available data, forced marriage is the most commonly reported form of modern slavery in Australia. Reports show that approximately half of all forced marriage incidences involve children. This issue together with other manifestations such as slavery, servitude, orphanage trafficking as well as surrogacy and illegal adoptions were raised during meetings with interlocutors and will be addressed in detail in the report.

## **Vulnerable groups**

- **Children of Aboriginal and Torres Strait Islanders**

Aboriginal and Torres Strait Islander people are victims of generations of poverty and neglect, and children within this group, because of their circumstances are at greater risk of sexual abuse and exploitation. They are over- represented in out-of-home care facilities and the likelihood of them being removed from their families is significantly high.

The information received show that the incidences of sexual abuse of first nations children within the circle of trust and in out-of-home care is high, there is however little record of disclosures of such incidences. The fear of stigma and risks of family separation have been cited as possible reasons for non-disclosure.

- **Children in out-of-home care or residential settings**

There is limited oversight over children placed in out-of-home care facilities which increases the risk of these children going missing and exposing them to sexual exploitation and abuse outside these care facilities. These children and young people are usually at risk of assault, sexual exploitation, and abuse often by adult men including in organised paedophile rings actively targeting children and young people in residential care. These young people are also at risk of abuse by predators targeting missing children. There are also report of criminals targeting children in out-of-home care facilities with the offer of drugs, money, and other

incentives for them to leave the care facilities. Sexual abuse and assaults are common occurrences for these children, and the harms are compounded for first nations children and young people.

- **Children in detention**

Detention facilities in Australia may present higher levels of risk of child sexual abuse for children. The features of detention environments expose children to sexual abuse with limited privacy afforded to children. This can normalise behaviours that are potentially abusive or are precursors to abuse, such as when staff or others can have authority over children, disrespecting children or tolerating the humiliation and degrading treatment of children.

In terms the criminal justice system, I learned that the age of criminal responsibility for the Commonwealth, and some states and territories is as low as 10 years of age, it goes without saying that the long-term effect of incarcerating minors will be far reaching for the child and the country as a whole. It is therefore crucial that the age be raised to the minimum age of criminal responsibility, in accordance with the Convention on the Rights of the Child and the international standards.

- **Migrant, refugee, asylum-seeking and minority children**

Children on the move, undocumented, living in poverty and minority children may be at heightened risk. They can face challenges in accessing social services, which can amplify their vulnerabilities to sexual abuse and exploitation. Physical assaults, sexual abuse, self-harm attempts, and poor living conditions usually experienced by these children, are areas of concern.

- **Children with disabilities**

While the law and services available for persons with disability exist, children with disabilities often experience multiple and ongoing episodes of violence, exploitation, and abuse. More can be done in terms of protective measures for children with mental health issues, intellectual or physical disabilities, neuro-developmental disorders or learning difficulties as they are also at greater risks or vulnerable to abuse and exploitation including restrictive practices.

## **Systems Response**

I had the opportunity to visit Out-of-Home Care facilities; The Parkerville Children and Youth Care in Western Australia, The Anglicare Therapeutic Care services (Keep Embracing Your Success- KEYS) in Victoria and a Sexual Assault Referral Centre (SARC) in Northern Territory. These facilities provide response therapeutic services and care for children with trauma. The Parkerville Children and Youth Care facility stands out as a model because of the integrated approach of co-design and lived experiences along with its advocacy centres and therapeutic services.

More can however be done to support the work of these facilities with financial and human resources.

## **Gaps**

- **Comprehensive National legislation and Policy on children**

The absence of National Children's Act and a National Action Plan for children makes it difficult to ensure consistency and harmony in law and practice particularly in the definition of sale, sexual abuse and exploitation of children in the law and other issues relating to children across the country. The domestication of the UN Convention on the Rights of the Child (CRC) will contribute towards addressing this problem.

- **Data**

There is a need for further advancement in data collection.

The Government can support the establishment of a proper system for national comprehensive, systematically collected reliable and disaggregated data with emphasis on children who are particularly vulnerable including children with disabilities on the phenomena of child sexual abuse and sexual exploitation and its different manifestations, including data on reported cases and the successful prosecutions of the different manifestations of sale and sexual exploitation of children.

There is also a need to establish a national database or record of children who have been supported by the system, in order to support their transition into independence and follow up on their situation and provide them with further relevant support.

- **Stronger oversight of care and detention facilities**

I learned with concern that there is limited oversight by child protection agencies after children have been placed in out-of-home care, detention or locked facilities. This exposes children within the custody of the state to risks of abuse, maltreatment, neglect or high incidences of reported missing children. There is therefore a need for stronger independent oversight and monitoring of the human rights of children in each state and territory.

- **Care and support gap for indigenous children and those in remote communities**

I learned during my visit that there is little or no statutory services in remote areas across the country. This creates a gap in the delivery of services for children in need or at risk of violence and those who are victims of sexual abuse and exploitation. More can be done to reach these communities through adequate budgetary allocation based on the needs of the community. More can also be done on training on preventative measures factoring the language and cultural sensitivities within these communities.

- **Shelters**

There is a need to establish shelters with long term services for child survivors and victims of modern-day slavery including sexual abuse and exploitation. I learned with great concern that the absence of appropriate shelter and support services may force children to return to the places where they suffered abuse.

- **Cooperation**

There is a need for better sharing of information and effective coordination to better develop child protection strategies and this can be done through cooperation, communication and collaboration amongst government institutions, and between the Commonwealth, and the states and territories.

- **Training, education, and awareness raising**

Sustained specialised training and capacity building is essential in all States and territories for professionals working with or in contact with children. Some areas have introduced good practices of mandatory and continuous trainings, which can be improved in others as well. It is crucial that efforts are accelerated for public and nationwide sensitization and awareness raising on issues surrounding the different manifestations of sale, sexual abuse, and sexual exploitation of children.

Moreover, efforts should be made to intensify and ensure education among children and care professionals on the concept of healthy relationships, consent, harmful behaviours, reproductive health education and services for children and youth to address the gaps in learnings and behaviours.

- **Capacity enhancement and resources allocation**

There is a need for regular capacity enhancement for important stakeholders such as Children Commissioners and Guardians, as well as child frontline workers, to enable them undertake their monitoring and responsive roles effectively. Raising awareness on and incorporating a gender dimension to the sale, sexual abuse and exploitation of children is imperative for professionals and officials, working with or in contact with children. Additionally, expertise building, and retention of the experienced staff is also needed for officials, social workers, teachers, guidance counsellors, medical and other professionals.

## **Conclusion**

Let me conclude by reiterating that I am very grateful to the Government of Australia for inviting me to visit the country. This invitation – and the cooperation provided during my visit – indicates that there is a commitment to address sexual abuse and violence and providing victims with the requisite care and support. I am encouraged by the significant work already done and hope that my visit and my report will contribute to the Government's commitment to addressing these issues and the gaps that exist.

Thank you for your attention.