

# CRIMES AGAINST THE PERSON

## THEME SUMMARY

Crimes against the person include the sexual exploitation of children, human trafficking and slavery. Measuring the extent and financial cost of such crimes is difficult, and this is compounded by under-reporting. In 2013–14, the then Australian Crime Commission conservatively estimated the cost at A\$89 million. However, this figure does not factor in the social, health and welfare costs for victims and their families, and represents a partial estimate at best. Severe and long-term psychological, physical and behavioural harms have been reported in victims. Investigations are often made more complex by offences occurring in multiple jurisdictions, domestically and overseas.

The online sexual exploitation of children is a global crime market that is evolving rapidly alongside technological advances. Sophisticated criminal groups and individual offenders increasingly exploit anonymous networks and encryption tools to engage in child sex offences. Offenders are often early adopters of new technologies, and the uptake of mobile and data technology by younger people enables unprecedented online access to children.

Human trafficking and slavery is a global concern, and the mass movement of refugees and migrants in the last two years has escalated the threat. While under-reporting is endemic within this crime type, increased outreach and awareness programs funded by the Australian Government have likely contributed to a growth in referrals to law enforcement for these offences.

## SEXUAL EXPLOITATION OF CHILDREN

The number of reports to Australian law enforcement relating to child sexual exploitation (CSE) and the availability of child exploitation material (CEM) has increased. These crimes are enabled by technological advancements in mobile phones that provide increased numbers of platforms to access CEM, by an overall increased availability of online CEM, and by greater access to encryption and anonymity tools to disguise online activities. The uptake of social media platforms and online game forums, combined with a growth in access to broadband internet and mobile phones, provides unprecedented access to children online. Australia's Office of the Children's eSafety Commissioner reportedly conducted 7,400 investigations into online child sexual abuse content in 2016, with the vast majority of content displaying images of children of primary school age or younger. The rapid evolution of social media and gaming platforms poses challenges in monitoring online safety of children.

The infiltration of legitimate websites by offenders for child grooming, for child sex extortion ('sextortion') and for the dissemination of CEM is an increasing trend. Child sextortion—where children are deceived or coerced into providing sexually comprising imagery, and then extorted to provide more explicit images or money—is likely under-reported due to the victim's fear and shame. Sextortion may also be related to grooming children for the purposes of committing a contact offence.

## CASE STUDY: OFFENDER ARRESTED FOR CEM AND CSE OFFENCES

A South Australian child protection officer was convicted and sentenced to 35 years imprisonment in August 2015 for sexually abusing seven children in his care. The children were predominantly aged between 18 months and three years. The offender was also identified as the head administrator of a sophisticated global CEM network with approximately 1,000 members.

Child exploitation investigations frequently traverse physical borders. Australian offenders are commonly involved as online members, customers, administrators and/or organisers of online global networks featuring CEM. Collaboration between Europol and the AFP using victim identification techniques recently led to the arrest of an Australian man, who had abused two young relatives and his twin baby girls, who were born through surrogacy arrangements. The man subsequently pleaded guilty to 38 charges, including trafficking children, incest, and producing, accessing or transmitting child abuse material and was sentenced to 22 years in prison.

Online CEM is frequently exchanged through peer-to-peer networks. Forums and networks on the darknet that facilitate CEM exchange are growing in number as users become more technologically proficient. Membership to CEM sites can reportedly require regular production and uploading of new CEM, effectively increasing the volume of material available. Methodologies to evade and hinder law enforcement attention are shared by offenders within these forums. Tools such as internet protocol anonymisation, device and communication encryption, cloud storage, and wiping software are often employed by offenders to avoid detection. The involvement of the darknet in the production and distribution of CEM will continue to grow. Disruption of the top-tier members of online CEM sites actively involved in the production, supply and distribution of new CEM on the darknet is an ongoing focus for law enforcement.

Live online streaming of child sexual abuse to paying customers through video-sharing platforms is an emerging issue that is targeting regions with widespread poverty, limited child protection measures and increased access to the internet. The South-East Asia region is known to be targeted by travelling Australian child sex offenders. Offending can comprise either short-stay opportunistic events or long-term embedded offending, and/or online child exploitation. AFP notifications to foreign jurisdictions of pending travel by known Australian child sex offenders<sup>38</sup> aim to reduce offending. Border restrictions for registered child sex offenders, such as passport cancellations and international denial of entry, could potentially lead to an increase in live online streaming of abuse. The sexual exploitation of children will continue to be an issue, and the online environment continues to present challenges in detection as technological advancements in anonymisation and encryption tools are increasingly utilised by offenders.

<sup>38</sup> Recorded in the Australian National Child Sex Offender System.

## HUMAN TRAFFICKING AND SLAVERY

Human trafficking and slavery offences include the movement of persons, either domestically or internationally, for the purposes of exploitation and the subjection of persons to exploitative practices including servitude, forced labour and forced marriage.

Human trafficking differs from people smuggling, where people are moved across borders in an organised but irregular manner using a fee-for-service arrangement that does not involve ongoing exploitation.

On an international scale, the exploitation of vulnerable people by human traffickers has significantly escalated in the last two years, due to the mass movement of refugees and migrants as part of the global refugee crisis. When compared to global trends, incidents of human trafficking and slavery in Australia remain uncommon. This is likely explained by a range of factors including strong migration controls, workforce regulations, law enforcement and compliance programs as well as Australia's geographical isolation. Australian Government initiatives including the *National Action Plan to Combat Human Trafficking and Slavery 2015–19* have also played a key role.

The extent of human trafficking and slavery is difficult to quantify and is likely to be under-reported. Successful prosecutions are limited, due both to the complexity of such investigations and the reluctance of victims to speak out. Victims of sexual exploitation have historically dominated referrals for investigation in Australia. Referrals of forced marriage and labour exploitation in the construction, hospitality and domestic service industries have increased and now outnumber referrals relating to sexual exploitation. The AFP received 169 human trafficking referrals in 2015–16, 130 of which related to forms of exploitation outside of the sex industry.

The increase in the number of referrals to the AFP for human trafficking and slavery offences may be, in part, a result of recent legislative amendments. In February 2013, the Australian Parliament passed the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, which made forced marriage a crime punishable by a jail sentence of four to seven years. Since this legislation was passed, the number of referrals to the AFP for investigations into forced marriage and to the Australian Government's Support for Trafficked People Program has risen. Legislative changes introduced in 2015 have further increased the penalties for forced marriage. Additional funding to non-government organisations to administer outreach and awareness-raising programs has also likely contributed to a greater number of referrals. Within the context of forced marriage, Australia's human trafficking profile may change to both a destination and source country. In those few instances identified by the Australian Government where young girls from Australia are taken overseas to marry, the primary offenders are often family members.

Small opportunistic crime groups are more likely to be involved in human trafficking and slavery offences in Australia than large organised crime groups, and typically use overseas family and business contacts to recruit and facilitate the movement of people. Victims often share similar cultural, language, employment and socio-economic backgrounds with offenders.

The visa framework for human trafficking and slavery victims was amended in 2015. The reforms included changes to visa titles to minimise stigmatisation of victims and increase their access to government support and benefits.

While human trafficking and exploitation of vulnerable people in Australia is uncommon, the impact on the individual is significant. The Australian Government remains committed to preventing human trafficking and slavery through the detection and prosecution of offenders, and to providing support for trafficked people.



