

The Commercial Sexual Exploitation of Children

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Introduction

A number of events in recent years have placed the issue of commercial sexual exploitation of children high on the public agenda. Evidence that Australian tourists were travelling overseas for the purpose of having sex with children produced widespread public debate, and resulted in the *Crimes (Child Sex Tourism) Amendment Act 1994* (Cth). In 1996, the Wood Royal Commission sought evidence about the existence of organised paedophilia in New South Wales (Wood 1997).

While there have been efforts to stamp out 'the problem' prior to 1998, there had been no research at the national level to establish the nature and extent of commercial sexual exploitation of children in Australia. In 1998, the Australian Institute of Criminology was commissioned by the (then) Department of Health and Community Services to examine the issue. The AIC undertook an extensive literature review, completed a stock-take of legislation, policy and programs relevant to the issue around Australia, and interviewed key informants around Australia. From this wealth of information, the researchers gained a broad overview of the issues at the national level. This article will draw on that research, and paint a broad picture of the nature and extent of the commercial sexual exploitation of children in Australia. It is hoped that this information will provide a starting point for further research, and for informed discussion of these issues at the national level.

Background

Australia has significant international obligations with respect to ending the commercial sexual exploitation of children. In 1990, Australia ratified the *Convention on the Rights of the Child* ('CRC'). This important document imposes a number of obligations on Australia in relation to children, including the obligation to protect children from sexual exploitation (Article 34). A child is defined as a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier (Article 1).

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In 1996, Australian delegates attended the World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden. Participants in the Congress, including Australia, accepted a non-binding document known as the Declaration and Agenda for Action (Stockholm Declaration), as an indication of their continuing commitment to ending the commercial sexual exploitation of children. As part of the Stockholm Declaration, governments are reminded of their commitment to develop, strengthen or implement laws, policies and programs to:

- protect children and prohibit the commercial sexual exploitation of children, bearing in mind that the different types of perpetrators, ages and circumstances of the victims require differing legal and program responses;
- establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, and other unlawful sexual activity;
- protect child victims of commercial sexual exploitation from being penalised as criminals and ensure that they have access to child-friendly personnel and support services in all sectors, and particularly in the legal, social and health fields; and
- criminalise child sex tourism.

The Stockholm Declaration included the following definitions of key terms:

- ‘commercial sexual exploitation of children’ is the use of a child for sexual purposes in exchange for cash or in-kind favours between the child her or himself, the customer, intermediary or agent or others who profit from the trade in children for these purposes;
- ‘child prostitution’ is the act of engaging or offering the services of a child to perform sexual acts for money, or other consideration, with that person or any other person;
- ‘trafficking’ is the profitable business of transporting children for commercial sexual purposes, whether across borders or within countries, across state lines, from city to city, or from rural to urban centre; and
- ‘child pornography’ includes any visual or audio material which uses children in a sexual context. It consists of the visual depiction of a child engaged in explicit sexual conduct, real or simulated, or the lewd exhibition of the genitals intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material (WCCSEC 1996, 2-3).

Following the World Congress, Australia expressed its commitment to formulating a national agenda for action, in order to work towards implementing the Stockholm Declaration. It was recognised, however, that before a plan could be developed, more information about the nature and extent of the commercial sexual exploitation of children in Australia was needed. In 1998, the Commonwealth Department of Health and Community Services commissioned the Australian Institute of Criminology to undertake research into the nature and extent of the commercial sexual exploitation of children in Australia, and to conduct a ‘stock-take’ of all relevant laws, programs and policies around Australia.

Methodology

In designing the methodology, the researchers were mindful of the fact that, at the time, no research into this issue had been undertaken at the national level. Given that there was no basic description of what ‘the problem’ was, the researchers considered that it would be inappropriate to attempt to gain purely quantitative data.

Furthermore, it was recognised that there would be difficulties in gathering quantitative data in this area, because:

- the activities in question are generally illegal, and are, therefore, likely to be clandestine;
- children involved in these activities may not consider themselves victimised or exploited, therefore may not self-identify as members of target populations in surveys or other data-gathering exercises; and
- the wide range in differences in age of consent, conceptions of children, and understandings of prostitution.

Given these difficulties, the researchers decided to adopt a qualitative approach. The researchers produced a comprehensive literature review, and undertook a 'stock-take' or comprehensive list and analysis of relevant legislation, policy and programs around Australia. The researchers also conducted interviews with people who worked directly with children, some of whom may be subject to commercial sexual exploitation.

The interview process was developed in consultation with the working group that advised the (then) Commonwealth Department of Health and Community Services. Organisations and individuals were selected for interview on the basis that they provided social, therapeutic, legal, police or medical assistance to children and/or their families, or because the individuals were leaders or experts in a relevant field. The resulting list of informants included representatives of community, health and legal services, the police, academics, sex worker advocacy organisations, and non-government organisations that focus on children (see further, appendix 1).

A list of questions was drawn up by the AIC, following discussions with the working group about the issues that the working group considered to be of key importance. Between May and August 1998, the researchers visited each capital city, and conducted 82 interviews with 151 informants. The interviews ranged from thirty minutes to two and a half hours, with the average interview time being one hour.

The researchers proceeded from the starting point of the definitions of the commercial sexual exploitation of children that had been provided by the working party. In using these definitions, however, the researchers were mindful of the fact that public discourse about children and sex, and particularly commercial sex, is a minefield of ambiguity, inconsistency, and moralism. For example, who is a 'child', and when, how and why is this affected by legal and social context? When is the exchange of sex for material reward 'commercial', as distinct from part of an intimate relationship? When does a friendship or relationship become exploitative? What is child pornography? Does it include images that have been digitally altered, or images of young adults who may look under-age? (Grant, David & Grabosky 1997).

Given the variety of possible answers to these questions, the researchers used the definitions as a starting point for discussions, but allowed the informants to digress into discussions about the usefulness and appropriateness of the definitions themselves.

The findings outlined below about the nature and extent of the commercial sexual exploitation of children in Australia are based on this research. As such, the findings reflect the perceptions of people 'on the ground', working with children in capital cities around Australia. Where possible, it is indicated whether the existing literature supports or contradicts these perceptions.

Findings

Definitions

Throughout the research project, it was apparent that there is little agreement about the meanings of key terms - children, child prostitution, child pornography. Many of those interviewed noted the problems inherent in the criminal law with respect to defining these issues. Respondents noted that:

- within Australia, there are eight jurisdictions for the purposes of the criminal law, and each has laws setting a different age of consent to sexual activity, ranging from 16 to 21 years;
- within each jurisdiction, the age of consent varies again, according to context. For example, the type of sexual activity in question, the gender of the parties involved, the existence of any relationship of care, or the presence or absence of any commercial element in the transaction, can all affect the age of consent within any given jurisdiction.

These issues add to the difficulties in coordinating service-providers, and result in gaps in service-provision not only within States and Territories, but also across the country.

The issue of differences in the age of consent has been canvassed extensively in the literature. In the Australian context, there have been calls for the introduction of a common age of consent. For example, the NSW Wood Royal Commission recommended that:

Consideration be given, with appropriate community consultation, to the introduction of legislation under which;

- a gender-neutral approach is taken, and in which the existing distinctions between heterosexual and male homosexual activity involving children, including the defences and maximum penalties available, is removed;
- the common age of consent is set at 16 years, subject to exceptions in relation to child prostitution and to adults standing in special relationships, in each of which cases it is set at 18 years (Wood 1997:1087).

Aside from these inconsistencies, some respondents, particularly those who worked with children in the age range of 12-18 years, noted that legal definitions of children frequently bear little relationship to the reality of the lives of the 'children' that they come into contact with. These respondents noted the wide variety of life-experience and maturity that is fitted into the category of 'children'. It was noted that, generally speaking, a seventeen year old 'child' is in a different position to a seven year old child, in terms of their capacity to make informed decisions. It was further noted that there are 14 or 15 year old 'children' who appear to have maturity well beyond their years, perhaps because of their particular life experiences, social skills, intelligence and so on. As such, there are dangers involved in making decisions on behalf of 'children' as a group, when there is such a diversity of maturity, experiences, and capacity. This suggests that decision-makers need to allow workers 'on the ground' some flexibility to respond to the needs of particular cases, rather than on the basis of a fixed conception of age.

Nature of Commercial Sexual Exploitation of Children (CSEC)

Trafficking

From the interviews and the literature, it appears that trafficking in children to or from Australia is extremely rare, if it occurs at all. The researchers were not able to identify any literature that suggested a trade in children to or from Australia. The researchers noted the stringent legal requirements that make it very difficult for adults to bring children into the country, unless the children are part of a family group.

A number of respondents referred to sensational allegations which have been made at various times but which remain unsubstantiated. The researchers questioned relevant participants about the practice of sponsoring children to visit Australia from overseas, ostensibly for purposes of education or holiday but with the ulterior motive of sexual exploitation. The research team was advised that they have no knowledge of this occurring, or that this practice is rare.

Child Pornography

Similarly, the researchers were not made aware of any evidence of organised production of child pornography in Australia. Child pornography is available to Australian users via the Internet. According to police sources, the material available on the Internet tends to fall into two categories. Firstly, there are images that are clearly the result of the sexual abuse of children, possibly by family members or other persons close to home. Secondly, there are images that were professionally produced by the (then) legal industry that existed in northern Europe and the United States in the 1960's and 1970's. Much of the material presently in circulation dates from that period of production, and continues to be recycled.

Outside of these two major categories, the researchers were also told of material coming out of Japan in cartoon format, and photographs taken by tourists who engaged in sexual activities with children overseas. Indeed, the success of several prosecutions under the Australian child sex tourism offences has hinged on photographs taken by the tourist himself, whilst engaging in sexual activity with children overseas (see further, David 2000).

With respect to distribution of child pornography in Australia, the interviews suggested that distribution appears to occur on a quasi-commercial basis, with images being bartered in return for other images, rather than being sold. It was noted that the development of electronic payment systems on the Internet might one day facilitate the sale of images, with little chance of detection.

Child Prostitution

According to those interviewed, it is relatively rare for persons under the age of eighteen to work in parlours, escort agencies, or in any organised manner¹. This is not to say that there are not instances of sixteen or seventeen year olds working in the organised sex industry, probably using falsified identification, and trading on their 'adult' appearance. There are, however, strong disincentives for knowingly employing 'children' in the sex industry – whether the industry is legal, decriminalised or illegal.

In those jurisdictions where the sex industry is legal and subject to regulation, to be identified as employing children as sex workers can lead to loss of licence. In those jurisdictions where the sex industry is illegal, and subject to a policy of containment, the employment of children is likely to attract police attention. Enterprises that do not employ children are therefore inclined to advise police when they become aware that their competitors are engaging in such conduct. Even for those who may find work with the sex industry, the discipline of formal working arrangements and restrictions on the consumption of drugs which characterise work in a parlour can be less attractive to children than the autonomy of working on the street.

1 While it is not clear in all jurisdictions, around Australia the law generally sets the age of consent to sex with a commercial aspect at eighteen years of age.

It appears that there are, however, two forms of activity in Australia's capital cities that fall within the definition of child prostitution. First, it appears that children, male and female, participate in street solicitation in all Australian capital cities. In the case of street solicitation, the 'children' involved are likely to be in the upper age range, that is, fifteen to seventeen years of age. Solicitation may occur literally on the street, or in other public places such as parks, lavatories and railway stations. Most capital cities have locations that are known through word of mouth, where these transactions take place.

Second, it appears that children engage in quasi-commercial sexual transactions, rather than transactions in the regulated sex industry. Included here are situations where a child trades sexual activity of any kind for drugs, accommodation, food or other favours. In other instances, the young person might simply want the affection and attention of another person. Many of these transactions occur in an ad hoc manner as the opportunity presents itself. Other children are involved in on-going sexual relationships with persons, typically adults, who are in a position to furnish the child with material resources. As a result of the complex nature of these relationships, it is not always possible to distinguish between an explicit exchange relationship of a quasi-commercial nature and a consensual sexual relationship, particularly where the child has reached the age of consent to non-commercial sexual activity².

Some of the literature also notes the difficulties of drawing a clear line between 'commercial' sexual transactions, and non-commercial sexual transactions. This is particularly true in cases of what has been termed 'sex for favours', 'opportunistic prostitution' or 'survival sex'. In the Australian context, opportunistic prostitution has been described as:

... the activities of people who do not identify as workers in the commercial sex industry, but are involved in the exchange of sexual acts or associated actions for goods, services, favours or out of a sense of obligation (Tschorren et al. 1996:7).

The phrase 'survival sex' has also been used to refer to youth who are perceived or who perceive themselves as having no alternatives or options other than to exchange sex for their basic needs. Tschorren et al note that there may be situations where it is not appropriate to term informal, quasi-commercial sexual exchanges as survival sex. Tschorren et al argue that:

when a young person exchanges sex for something that makes his/her life more pleasant and enjoyable, or for emotional security, it is inappropriate to term this behaviour as survival (1996:8).

Tschorren et al studied a number of young men in Adelaide who engaged in sex for non-financial reward. They found that the motivations behind the men's behaviour differed across the group. Some of the young men engaged in sex for economic reasons linked to accommodation and homelessness, whereas others appeared to have had sex with men as a form of experimentation and/or as a way of receiving money, alcohol and other drugs. This suggests that young people have various and complex motivations for engaging in sex for non-financial gain. Tschorren et al argue that the term 'survival sex' does not sufficiently illuminate the depth of this complexity (1996:8). They prefer the use of the term 'sex for favours' as it permits greater flexibility when describing what young people might be seeking through their exchanges.

2 In several jurisdictions, the age of consent to sex generally (that is, non-commercial sex) is set at 16 or 17.

Sex for favours is defined as:

instances where young people engage in sexual activities for gains, which may include accommodation, food, clothing, safety, drugs or transport (Tschirren et al 1996:8).

Research undertaken by the Brisbane Youth Service suggests that in that city (and by implication, in other capital cities of Australia), sex for favours differs from commercial sex work in a number of ways. The Brisbane Youth Service found that:

commercial sex work is organised, and workers in the commercial sex industry generally see their work as their main source of income and their preferred career. They generally regard themselves as professional workers. On the other hand, young people engaging in opportunistic sex do not generally do so in an organised way and use this work primarily to supplement their income or meet some other immediate need. Young people engaging in opportunistic prostitution generally do not identify as sex workers and do not regard sex work as their preferred career (Brisbane Youth Service 1993:5).

The causes of child prostitution, including sex for favours and street prostitution, appear to be complex, involving social and economic factors such as family breakdown, poor parenting, physical and/or sexual abuse within the family, homelessness, poverty, unemployment and drug use. These factors appear to compound one another, leading to a cycle of further exploitation and abuse.

Those interviewed were generally in agreement as to what they considered to be the causes of child prostitution:

- prior sexual and/ or physical abuse within the family, or at a young age;
- multiple experiences of disadvantage, for example, a combination of family conflict, substance abuse and mental illness within the family; and
- parental rejection, particularly where a child's developing sexuality is rejected by their family.

It was noted that these root causes can become mixed up in a messy scenario involving homelessness, low self-esteem, poverty, lack of social skills, mental illness, unemployment, drug use and so on.

There was less agreement among those interviewed about the role of drug use in child prostitution. Some participants believed that children turn to drugs to escape the circumstances in which they find themselves, and others believed the children were resorting to commercial or quasi-commercial sexual activity in order to obtain drugs. A third view was that the lifestyle and social context in which these young people found themselves contributed to their drug use. Finding and using drugs increased the level of social contact that young people were having, and gave an increased sense of purpose and community.

The majority of participants agreed, however, that the lifestyle associated with drug use compounded other problems such as unemployment and homelessness. There was also agreement that an important connection between drug use and commercial sexual activity appeared to be the use of drugs as an 'emotional anaesthesia'.

There is a school of thought that child pornography is more or less an extension of adult pornography, which is a form of exploitation of women. This school of thought appears to offer little explanation for the involvement of male children in prostitution. Furthermore, this school of thought is premised on the assumption that child prostitution is caused by a male demand for female sexual services. The present research suggests that the reality in Australia is far more complex. It is difficult to separate the issue of child prostitution from the issues of abuse within the family, homelessness, substance abuse, mental illness,

poverty, and unemployment. It appears that male demand for sexual services presents the opportunity for children to engage in commercial or quasi-commercial sexual services, but it does not appear that child prostitution is organised or structured by men to meet this demand.

There is another body of literature that focuses on the complex set of relations that are involved in sex for favours, and other forms of child prostitution (Hancock 1992; Tschirren et al. 1996; Brisbane Youth Service 1993; Trinity Youth Options 1997; Marsland 1988). This second set of literature appears to reflect the nature of child prostitution in Australia. In the Australian context, these studies note the importance of factors such as poverty, drugs, lack of food and accommodation in influencing children to trade sex for favours in Australia's capital cities. They describe a cycle of exploitation, similar in nature to the 'chain effect' described by Muntarbhorn:

... family disintegration often compels children to leave their homes and families which as a result leaves the child vulnerable to exploitation, sexual and otherwise. The child may become involved in opportunistic prostitution, which may evolve into participation in child pornography. Children in such vulnerable situations may become dependent on drugs as a means of coping, which in turn leads to greater dependence on prostitution and/or pornography as a means of income and thus the purchase of drugs. The child's attachment to criminal patterns thus intensifies over time. This 'chain effect' directs the question of commercial sexual exploitation as a growing dynamic, which has a range of consequences (Muntarbhorn 1996:4).

The Australian studies also note the importance of prior experiences of abuse within the family. In a study of sexually exploited youth in Brisbane, the Brisbane Youth Service noted that:

every young person we interviewed has similar stories of abuse, and few felt that they had received useful support or intervention to deal with the abuse they had experienced. There was a general feeling of disillusionment and bitterness regarding the conventional intervention of the Department of Family Services and Aboriginal and Islander Affairs, psychiatrists, social workers and police (BYS 1993:26).

As noted by Campagna, familial abuse may foster further abuse in a number of ways, for example:

- abuse within the family may propel the young person from the family and into a transient existence;
- abuse lowers self-esteem, making the young person vulnerable to mistreatment;
- abuse within the home may affect the sexual development of the young person and distort their view of sex and sexual behaviour (Campagna & Poffenberger 1988:84).

Clearly, family abuse and/or breakdown can result in a child becoming homeless. As noted in the Burdekin report into homelessness in 1989:

Homeless children and young people who cannot return to their families, cannot find employment and cannot get income support are sometimes forced, in a matter of days (not weeks) into criminal activity or prostitution (Burdekin 1989:162).

One research study indicated that by the second week on the streets, 75 percent of the young people had become involved in some aspect of exploitative activity including prostitution, pornography, theft and drugs (Forst & Blomquist 1991:198). The ramifications of this finding is considerable, given that an estimated 25,000 to 30,000 Australian young people experience some form of homelessness each year (Prime Ministerial Youth Homelessness Taskforce 1996:3).

As noted by Brisbane Youth Service,

The problems of inadequate income and homelessness are closely linked. Without an adequate income, it is extremely difficult to access stable accommodation; without stable accommodation, it is extremely difficult to access an adequate income (BYS 1993:28).

Combine this cycle with the lack of opportunity in current employment for unskilled youth who most probably have not completed formal education and the situation for such young people can seem hopeless.

The literature also supports the existence of a connection between child prostitution and drug use. As noted by Brisbane Youth Service, however, the relationship is a complex one:

Many young people said that they had either 'worked' for drugs, or took drugs to cope with having to 'work'. Whichever way, young people felt like they were caught in a vicious cycle (BYS 1993:30).

The types of drug use identified in studies such as BYS include a wide range of legal and illegal substances.

Brisbane Youth Service identified some basic problems associated with youth and drugs including the lack of available drug and alcohol detoxification programs and follow up services specifically for young people. Many of the youth on the street who were using drugs lacked the basic necessities, or level of support to make a drug-free life a realistic possibility. These youth needed access to basic things like support, understanding and accommodation before they could even think of getting off drugs (BYS 1993:32).

According to the information provided from the interviews, depending upon the severity of the circumstances which drove or led them to become vulnerable, children involved in prostitution are likely to be suspicious of adults, contemptuous of authority, and disinclined to submit to any regime of control or discipline. A significant proportion suffer from mental health problems such as depression, schizophrenia, or a personality disorder. The majority suffer from extremely low self-esteem. Some engage in high-risk activities and self-destructive behaviour.

Some of the respondents noted the relationship between popular perceptions of troubled youth, and the experiences of these people. Many of the children who experience exploitation attract both sympathy and condemnation. Some will have a substance abuse problem, others may also resort to various forms of crime to avoid the necessity of engaging in exploitative behaviour. To the extent that they are visible, some community members may regard them as threatening. In some cases these children may in fact become a danger to other members of the public. In any event, stigmatisation of these children does occur and, for some children, stereotyping becomes a self-fulfilling prophecy.

Extent of CSEC

The majority of those interviewed agreed that it is not possible to quantify precisely the size and scale of the commercial sexual exploitation of children in Australia, for the following reasons;

- definitional ambiguities that make it difficult to determine what types of behaviour are in fact commercial and/or exploitative;
- the clandestine nature of sexual relations, particularly sexual relations involving children. All parties to such a transaction, including the child, tend to go to great lengths to ensure that they do not attract attention to themselves or their activities; and
- the absence of data collection generally.

Even though many agencies had the capacity to record data upon the subject of commercial sexual exploitation of children, very few did so. Reasons for the lack of data collection included:

- individuals' reluctance to ask such questions;
- reluctance of children to report;
- the belief that due to the lack of reporting, data collection would be a waste of time and resources;
- reluctance to make a judgement or opinion;
- lack of suitable coordination amongst departments and agencies; and
- the administrative burden of data collection.

There were also discussions relating to the difficulties of double-counting amongst agencies, privacy and confidentiality issues for the children involved, and lack of perceived usefulness, reliability and validity of such data due to collection and analysis obstacles. In summary, the researchers found that whilst people believed data collection on this issue in general was a worthwhile concept, actual implementation was perceived as being unlikely or unreasonably difficult.

Nonetheless, the researchers asked those interviewed to provide an estimate of the number of children they thought might be involved in commercial sexual activities in their State or Territory, on any given day. The researchers received estimates that, on a given day, somewhere between 300 and 450 children in New South Wales were living in circumstances where they were at 'high risk' of commercial sexual exploitation. Studies of children at risk in Adelaide and Brisbane reported between 30 and 40 percent of their respective samples had engaged, at some time, in commercial or quasi-commercial sex. The Sex-Worker Outreach Project in Sydney advised that there were between 10,000 and 15,000 sex workers in Australia at the time, of whom 4-5 percent reported having experienced commercial sexual exploitation as children. That is, an estimated figure of 400-750 sex workers in mid-1998 had engaged in some form of commercial sexual activity before the age of 18.

The study also received rough estimates from agencies visited of approximately 100 children each in Victoria and Queensland, fifty each in South Australia and Western Australia, and ten or fewer in each of Tasmania, the Australian Capital Territory and the Northern Territory, as engaging in some form of commercial sex on any given night. Conservative estimates were then made by the researchers using a combination of the above approximations, resulting in an estimate of approximately 400-450 children across Australia believed to be engaged in commercial or quasi-commercial sexual activity during a typical 24 hour period.

It was noted that the nature of the activity is such that it occurs intermittently. As such, the actual number of children involved would depend on general social conditions, and case-specific risk factors.

After the above estimates were derived, ECPAT Australia conducted additional research to try to ascertain the scale of the commercial sexual exploitation of children. Based on a survey of agencies and service providers who deal with children at risk, ECPAT reported that 57.2 percent of responding agencies were aware of young people engaging in commercial sexual exploitation. The agencies working directly with young people such as Youth Services, Accommodation and Support and Family Services reported the highest number of incidences (ECPAT Australia 1998:32).

ECPAT's research produced preliminary estimates of 3704 children across Australia engaged in commercial sexual activity over the period of a year. A breakdown of the 3100 by each State and Territory is as follows; New South Wales 754, Queensland 320, South Australia 375, Tasmania 140, Victoria 1205, Western Australia 166, Australian Capital Territory 117 and Northern Territory 52. An age breakdown is also provided in their report. The majority of the instances of commercial sexual exploitation identified in this study appear to be for those aged from 13-17 years of age and this is similar for both males and females. The findings further reported that approximately 68 percent of the 3704 were female (ECPAT 1998:32-34).

Future studies and data collection by agencies should be made aware of the limitations and difficulties experienced in this area, some of which have already been discussed. This may be due in part the differing methods of data collection and the difficulties in definition, identification and analysis of such data. The ECPAT report identified a number of problems with its methodology. Based as it is on a survey of aggregate numbers of agency and service provider caseloads, the ECPAT estimate may reflect a degree of multiple counting. Whilst the ECPAT estimates appeared to differ from the findings of the present research, it is possible that the 400-450 in any given 24 hour period could equate with the wider estimate of 3704 during a year.

Trends

Notwithstanding the difficulties in quantification, the study attempted to determine whether any trends in the commercial sexual exploitation of children were discernible over past years. Although many of the participants agreed that there was an increase in youth homelessness over the past two decades, the respondents were less definite about an increase in commercial sexual exploitation. A common opinion expressed was that the problem was more visible today, due to a heightened community and agency awareness of this and related behaviours. It did not, however, appear more prevalent than in years past. Moreover, it was suggested that a certain proportion of incidents which are reported to police today are historical reports based on experiences which occurred some time ago, often years earlier.

Findings also supported the belief that the increase in the number of children vulnerable to commercial sexual exploitation may be a reflection of changes in child welfare policies. As recently as two decades ago, the use of institutional care and 'statutory offences' to deal with children at risk was not uncommon. Australian children who were considered at risk, usually young girls and indigenous children, were liable to be prosecuted on the grounds that they were 'exposed to moral danger' (HREOC 1997). These children were then placed in a variety of institutions, ranging from orphanages to detention centres to hospitals. Recent recognition of, and deference to, the child's right to a degree of autonomy, and the growing awareness of the adverse effects of institutionalisation has led to a decreased reliance upon this form of intervention. However, it is also a common belief that such changes have subsequently increased the presence and the visibility of such children upon the streets. The phenomenon of youth homelessness, largely unknown since the nineteenth century, is once again apparent in Australia.

Conclusion

There is little evidence of trafficking in children, either to or from Australia, for the purposes of commercial sexual exploitation. Similarly, whilst child pornography is available to users in Australia via the Internet, there does not appear to be an industry, or other organised system of commercial production or distribution of child pornography in Australia. Where child pornography involves real images of sexual abuse of children, there does not appear to be a commercial motivation behind its production.

The research found that the most prevalent form of commercial sexual exploitation of children in Australia was 'child prostitution', where that term was understood to include quasi-commercial transactions, described in the literature as opportunistic prostitution or sex for favours. The research found that where sexual transactions were strictly commercial in nature, they were likely to occur as part of street solicitation. Where sexual transactions were quasi-commercial, they were likely to be opportunistic and individualistic in nature. The research found that child prostitution results from complex interrelated factors such as family breakdown, abuse within the home, homelessness, poverty, mental illness, low self esteem, unemployment and substance abuse. There was no evidence to suggest that child prostitution is organised to meet a demand from a particular client base, although the existence of a demand clearly presents an opportunity.

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Appendix 1: List of Field Research Participants

NB: some governmental department names may have changed since the time of the research.

Australian Capital Territory

Department of Industry, Science & Tourism

AusAID

Children's Protection Service, Department of Education & Community Services

Australian Customs Service

Consultant Psychiatrist

Department of Workplace Relations and Small Business

Eros Foundation

Australian Federal Police

Australian Bureau of Criminal Intelligence

Department of Social Security

Department Of Immigration and Multicultural Affairs

Child at Risk Assessment Unit, Canberra Hospital

New South Wales

UNICEF

Office of Film and Literature Classification

The Come In Youth Resource Centre

Collaborative Research Unit, Department Of Juvenile Justice

Office of Children and Young People

StreetSmart

Drug Awareness and Relief Movement

Lifeforce

Child Protection Enforcement Agency, NSW Police

Department of Health

National Children and Youth Law Centre

Sex Workers Outreach Project

Child Protection, Department of Community Services

Kirketon Road Centre

National Crime Authority

Northern Territory

Department of Family & Children's Services

Sex Industry Association

Attorney General's Department

Northern Territory Police

NT Taxi Drivers Association Incorporated

Queensland

Brisbane Youth Service

Youth Advocacy Centre

QCORR – Juvenile Operations

Department of Families, Youth and Community Care

SQWISI (Self Health for QLD Workers in the Sex Industry)

Children's Commission

Victims of Crime Association

Queensland Police

Queensland Crime Commission
Department of Health
Brisbane Sexual Health Clinic
Young Parent's Program
Aboriginal and Islander Health Service
Young Women's Place
Gold Coast Youth Service
Youth and Family Services (Woodridge/Logan)
Kids Helpline

South Australia

Australasian Centre for Policing Research
National Crime Authority
Mission SA
Office of Multicultural and Ethnic Affairs
SA Police
Children's Interests Bureau
Department of Education, Training and Education
Second Storey Youth Project

Tasmania

Department of Premier and Cabinet
Community and Health Services
Australian Red Cross
Tasmanian Police

Victoria

Child Exploitation Squad, VIC Police
Computer Crime Squad, VIC Police
ECPAT
OZ Child Australia
University of Melbourne Consultant Psychiatrist
Department of Human Services

Prostitutes Collective of Victoria
 Juvenile Justice
 Department of Education
 Children's Protection Society
 MAPPS Program

Western Australia

Youth Affairs Council of WA
 Trinity Youth Option
 WA Police
 Cottesloe Counselling Centre
 Perth City Mission
 Women's Refuges Multicultural Service
 Department of Family and Children's Services
 Perth Inner City Youth Service
 Secretariat National Aboriginal & Islander Child Care Council

References

- Barker, M & Morgan, R (1993) *Sex Offenders: A framework for the evaluation of community based treatment*, Home Office, London.
- Barbot, I (1991) 'Stepping up the struggle against child exploitation - Interpol's new challenge', *International Criminal Police Review*, vol 28, no 4, pp 4-5.
- Baron, S (1997) 'Risky lifestyles and the link between offending and victimisation', *Studies on Crime and Crime Prevention*, vol 6, no 1, pp 53-71.
- Beattie, P (1993) 'Our Homeless Children from the King's Cross Perspective', *Caring*, vol 17, no 1, pp 18-25.
- Blagg, H & Wilkie, M (1997) 'Young People and Policing in Australia: the Relevance of the UN Convention on the Rights of the Child', *Australian Journal of Human Rights*, vol 3, no 2, pp 134-143.
- Briggs, F (1995) *From Victim to Offender: How Child Sexual Abuse Victims Become Offenders*, Allen and Unwin, New South Wales.
- Brisbane Youth Service (1993) *Between a Rock and a Hard Place*, BYS, Brisbane.
- Broadbent, A & Bentley, R (1997) *Child Abuse and Neglect Australia 1995-96*, Australian Institute of Health and Welfare, Canberra.

- Broadhurst, R & Maller, R (1991) *Sex Offending and Recidivism*, Crime Research Centre, University of Western Australia, WA.
- Burdekin, B (1989) *Our Homeless Children*, Human Rights and Equal Opportunity Commission, Australian Government Publishing Service, Canberra.
- Burgess, AW & Clark, ML (1984) *Child Pornography and Sex Rings*, Lexington Books, Toronto.
- Campagna, DS & Poffenberger, DL (1988) *The Sexual Trafficking in Children*, Auburn House Publishing Company, Massachusetts.
- Carpenter, D, Peed, S & Eastman, B (1995) 'Personality Characteristics of Adolescent Sexual Offenders: A Pilot Study in Sexual Abuse', *Journal of Research and Treatment*, vol 7, no 3, pp 195-203.
- Children's Commission of Queensland (1997) *Paedophilia in Queensland*, Queensland Government, Brisbane.
- Community Law Reform Committee Australian Capital Territory (1994) *Sexual Assault: A Discussion Paper*, ACT Attorney General's Department, Canberra.
- Connolly, M & Wolf, S (1995) 'Services for Juvenile Sex Offenders: Issues in Establishing Programs', *Australian Social Work*, vol 48, no 3, pp 3-10.
- Criminal Justice Commission (1991) *Review of Prostitution-Related Laws in Queensland: information and issues paper*, Criminal Justice Commission, Toowong.
- David, F (2000) 'Child Sex Tourism', *Trends and Issues in Crime and Criminal Justice*, no 156, Australian Institute of Criminology, Canberra.
- Davidson, J (1996) *The Sex Exploiter*, <<http://www.usis.usemb.se/children/csec/2166.htm>>
- Deisher, R, Robinson, G & Boyer, D (1982) 'The Adolescent Female and Male Prostitute', *Pediatric Annals*, vol 11, no 10, pp 819-825.
- Department of Foreign Affairs and Trade (1991) *Convention on the Rights of the Child*, Australian Treaty Series, no 4, Australian Government Publishing Service, Canberra.
- Department of Foreign Affairs and Trade (1995) *Australia's Report Under the Convention on the Rights of the Child*, Australian Government Publishing Service, Canberra.
- Department of Foreign Affairs and Trade, ECPAT & Defence for Children International (1996) *Proceedings of the National NGO and Government Consultation on the World Congress Against the Commercial Sexual Exploitation of Children*, Australian Government Publishing Service, Canberra.
- ECPAT Australia (1998) *Youth For Sale*, ECPAT, Melbourne.
- ECPAT Australia (1995), *Child sex tourism, travel agents and the law: A travel industry guide*, ECPAT, Melbourne.
- ECPAT International (1988) *Moving to Action*, ECPAT, Thailand.

- Elliot, M, Browne, K, & Kilcoyne, J (1995) 'Child Sexual Abuse Prevention: What offenders tell us', *Child Abuse and Neglect*, vol 19, no 5, pp 579-595.
- Finkelhor, D (1982) 'Sexual Abuse: A Sociological Perspective', *Child Abuse and Neglect*, vol 6, no 1, pp 95-102.
- Finkelhor, D (1980) 'Risk factors in the sexual victimisation of Children', *Child Abuse and Neglect*, vol 4, no 4, pp 265-273.
- Forst, M & Blomquist, M-E (1991) *Missing Children: Rhetoric and Reality*, Lexington Books, New York.
- Freckelton, I (1997) 'Child Sexual Abuse Accommodation Evidence: The Travails of Counterintuitive Evidence in Australia and New Zealand', *Behavioural Sciences and the Law*, vol 15, pp 247-283.
- Glaser, W (1993) *Effective Treatment for Sex Offenders*, unpublished.
- Grabosky, P & Smith, RG (1998) *Crime in the Digital Age: Controlling Telecommunications and Cyberspace Illegalities*, The Federation Press, Sydney.
- Grant, A, David, F, & Grabosky, P (1997) 'Child Pornography in the Digital Age', *Transnational Organized Crime*, vol 3, no 4, pp 171-188.
- Hiller, PC & Goddard, CR (1990) 'The Sexually Abused Child: Female and Male Victims Compared', *Children Australia*, vol 15, no 3, pp 20-24.
- Hancock, L (1995) 'Young Women, Prostitution and the Culture of Structural Exploitation', in Bessant, J, Carrington, K & Cook, S (ed) *Cultures of Crime and Violence: The Australian Experience*, La Trobe University Press, South Australia.
- Hancock, L (1992) *Young People in Prostitution in Victoria*, Deakin University, Victoria.
- Healy, MA (1997) *Child pornography: an international perspective*, <<http://www.usis.usemb.se/children/csec/215e.htm>>
- Hodgson, D (1994) 'Sex Tourism and Child Prostitution in Asia. Legal responses and strategies', *Melbourne University Law Review*, vol 19, no 3, pp 512-544.
- Hoghugh, M (1997) *Working with Sexually Abusive Adolescents*, Sage Publications, London.
- House of Representatives Standing Committee on Community Affairs (1995) *Report on Aspects of Youth Homelessness*, Australian Government Publishing Service, Canberra.
- Howitt, D (1995), *Paedophiles and Sexual Offences Against Children*, John Wiley and Sons, New York.
- Human Services Department (1998) *Male Adolescent Program for Positive Sexuality*, Juvenile Justice Evaluation Report, Victorian Government, Melbourne.
- Human Rights and Equal Opportunity Commission and Australian Law Reform Commission (1997) *A Matter of Priority: Children and the Legal Process*, Australian Government Publishing Service, Canberra.

Human Rights and Equal Opportunity Commission (1997) *Submission to the Inquiry by the Joint Standing Committee on Treaties Into the Status of the United Nations Convention on the Rights of the Child*, Australian Government Publishing Service, Canberra.

International Labour Office (1998) *Child Labour: Targeting the Intolerable*, Geneva.

Ireland, K (1993) 'Wish you weren't here', *Working Paper no 7*, Save The Children, Victoria.

Jenkins, S (1997) 'Sexual Abuse: A Process, not an Event: a view from practice', *Psychiatry, Psychology and Law*, vol 4, no 1, pp 65-71.

Kaufman, K, Wallace, A, Johnson, C & Reeder, M (1995) 'Comparing Female and Male Perpetrators Modus Operandi: victims' reports of sexual abuse', *Journal of Interpersonal Violence*, vol 10, no 3, pp 322-333.

Koonin, R (1995) 'Breaking the last taboo: child sexual abuse by female perpetrators', *Australian Journal of Social Issues*, vol 30, no 2, pp 195-210.

Ludbrook, R (1995) 'The Child's Right to Bodily Integrity', *Current Issues in Criminal Justice*, vol 7, no 2, pp 123-132.

Marsland, D (1988) *A Report on Juvenile Prostitution in the Inner City of Perth*, PICYS, Perth.

Muntarbhorn, V (1996) *Sexual Exploitation of Children*, United Nations, New York.

Muntarbhorn, V (1998) *Extra-Territorial Criminal Laws against Child Sexual Exploitation*, United Nations, Geneva.

National Crime Authority (1997) *Operation Bodega: A National Strategic Assessment of Organised Paedophile Activity*, unpublished.

National Institute of Correction (1988) *Questions and Answers on Issues Related to the Incarcerated Male Sex Offender*, US Department of Justice.

Neave, M (1985) *Victorian Inquiry into Prostitution*, Government Printer, Melbourne.

New South Wales Law Reform Commission (1997) *Review of Section 409B of the Crimes Act 1900 (NSW)*, New South Wales Law Reform Commission, Sydney.

New South Wales Legislative Assembly (1860) 'Report from the Select Committee on the Condition of the Working Classes of the Metropolis', *Votes and Proceedings of the Legislative Assembly of New South Wales 1859-60*, vol 4.

O'Grady, R (1994) *The Rape of the Innocent*, End Child Prostitution in Asian Tourism (ECPAT), Thailand.

Oliver, L, Hall, GN & Neuhaus, S (1993) 'A comparison of the personality and background characteristics of adolescent sex offenders and other adolescent offenders', *Criminal Justice and Behaviour*, vol 20, no 4, pp 359-370.

Parliament of Victoria, Drugs and Crime Prevention Committee (1995) *Combating Sexual Assault: An Integrated Model*, Government Printer, Melbourne.

- Parliamentary Joint Committee on the National Crime Authority (1995) *Organised Criminal Paedophile Activity*, Australian Government Publishing Service, Canberra.
- Patterson, A (1996) 'Paedophilia in Western Australia', *The ISA Journal*, Spring 1996, pp 7-13.
- Piotrowicz, R (1998) 'International Focus: Australia Gets Tougher on Sex Tourism', *Australian Law Journal*, vol 72, p 84.
- Potter, LH & Potter, RH (1995) 'The Impact of Childhood Abuse Experience on Adult Survivors, an Empirical Study of a Non-clinical Sample', *Current Issues in Criminal Justice*, vol 7, no 2, pp 133-152.
- Prestage, G (1994) 'Male and Transsexual Prostitution', in Perkins, R, Prestage, G, Sharp, R & Lovejoy, F (eds) *Sex and Sex Workers in Australia*, UNSW Press, Sydney.
- Prime Ministerial Youth Homeless Taskforce (1996) *Framework for the Youth Homelessness Pilot Program*, Australian Government Publishing Service, Canberra.
- Prison Reform Trust (1992) *Beyond Containment: The Penal Response to Sex Offending*, Home Office, London.
- Sancton, T (1996) 'Preying on the Young', *Time*, 2 September 1996.
- Staebler, M (1996) *Tourism and children in prostitution*, <<http://www.usis.usemb.se/children/csec/216a.htm>>
- Tedisco, J & Paludi, M (1996) *Missing Children: A psychological approach to understanding the causes and consequences of stranger and non-stranger abduction of children*, State University of New York Press, New York.
- Trinity Youth Options (1997) *Young People and Street Prostitution: Exploring the Culture of Young People Engaged in On-Street Prostitution*, Trinity Youth Options, Perth.
- Tschirren, R, Hammet, K & Saunders, P (1996) *Sex for Favours: The On the Job Youth Project: The Definitive Report*, Sex Industry Network, Adelaide.
- Weisberg, K (1984) 'Children of the Night: The adequacy of statutory treatment of juvenile prostitution', *American Journal of Criminal Law*, vol 12, no 1, pp1-67.
- Wilson, P (1982) *Runaway behaviour and its consequences*, University of Queensland Press, St Lucia.
- Wood, J (1997) Wood Royal Commission into the New South Wales Police Service, *The Paedophile Inquiry*, vol V, Government Printers, Sydney.
- World Congress against Commercial Sexual Exploitation of Children (WCCSEC) (1996) 'Various', <<http://www.usis.usemb.se/children/csec/224ah>>.