



The
Commonwealth
Treasury

2024-25
Pre-Budget
Submission



PRE-BUDGET SUBMISSION

25 January 2024

The Hon Stephen Jones, MP

Assistant Treasurer and Minister for Financial Services

Parliament House,

Canberra, ACT, 2600

Destiny Rescue Limited (Australia) - Pre-budget Submission, 2024-25

Dear Assistant Treasurer,

Thank you for your invitation for organisations such as Destiny Rescue Ltd, to provide their views regarding priorities for the Commonwealth Government's 2024-25 budget.

Destiny Rescue Ltd is an Australia-based international NGO with more than 20 years of experience in countering child trafficking. To date, we have rescued over 14,000 individuals from human trafficking and child sexual exploitation.

Launched on the Sunshine Coast in 2001, Destiny Rescue focuses solely on the child sex trafficking aspect of modern slavery. We work with governments, law enforcement agencies and NGOs across five regions and are one of the few organisations internationally to conduct direct rescues via a network of trained rescue agents.

We are pleased to provide Destiny Rescue's Pre-Budget Submission for 2024-25. Our submission calls for funding investment for a *Safe Children, Safe Traveller* campaign directed at departing Australian tourists travelling to Thailand and other ASEAN countries.

Our submission also recommends that funding be provided to enable capacity building for the Royal Thai Police to strengthen processes to counter online sexual exploitation of children (OSEC) by Australia-based perpetrators. Other legislative recommendations are also included.

Yours sincerely,



A stylized, handwritten signature in black ink, appearing to read 'Paul Mergard'.

Paul Mergard MAICD

CEO Destiny Rescue Australia

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Government policy actions

Destiny Rescue acknowledges the First Commonwealth Action Plan to Prevent and Respond to Child Sexual Abuse.¹ This Plan sets out the Government's priorities and actions to prevent and mitigate the challenges of child sexual abuse by Australia-based perpetrators in our community, including human trafficking and modern slavery. There have been many positive actions under the Plan during 2023.

Destiny Rescue believes that several recent academic studies and Commonwealth Parliamentary Inquiries provide insights on critical priorities to further strengthen the effectiveness of the Plan.

Growing prevalence of online sexual abuse of children (OSEC)

The increasing prevalence of OSEC, including live streaming, is a serious and growing concern that requires urgent attention from law enforcement, technology companies and society as a whole.

Efforts to combat this issue need to focus on the detection and removal of abusive content and the implementation of effective measures to protect children from online exploitation and abuse.

A comprehensive approach to address OSEC requires collaboration between various government departments, law enforcement, financial institutions, social media

platforms and telecommunication companies to combat this form of exploitation effectively.²

A recent report (Nov 2023) into the behaviours and attitudes of Australian men highlights the growing risk and prevalence of abuse locally, with around **one in six** (15.1 per cent) Australian men reporting sexual feelings towards children.³

The study also highlighted that around **one in 10** (9.4 per cent) Australian men have sexually offended against children (including technologically facilitated and contact abuse). Many of these men are very active online, including using social media, encrypted apps and cryptocurrency to facilitate access to CSAM (Child Sexual Abuse Material).

Proposed Safe Children, Safe Traveller Campaign

The sexual exploitation of children by Australian travellers overseas is an ongoing issue of concern. Australia has not funded a Child Safe Tourism campaign in ASEAN since 2012-2014.

There is significant international air travel by departing Australians into the ASEAN region, with Indonesia, Thailand, Singapore and Vietnam being a key focus for Australians in terms of outbound tourism. In 2022-23, Thailand was the fifth most popular global destination for departing Australian tourists, with over 380,000 Australians visiting Thailand that year.⁴

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Now is the time to follow the recommendations of earlier child-safe traveller studies around the benefits of such campaigns for departing Australian tourists.

Recommendation 1

That funding be allocated from DFAT or elsewhere to fund a 'Safe Children, Safe Traveller' campaign directed at departing Australian tourists travelling to Thailand and other ASEAN countries.

Capacity Building for Thai law enforcement

The Indo-Pacific Child Protection Program (the Program), located in the Attorney-General's Department (AGD), is a law and justice capacity-building program designed to assist our regional neighbours in responding to OSEC. Destiny Rescue recommends that the Australian government provide additional funding resources, through the Program or otherwise, to enable Thai law enforcement agencies to strengthen their anti-OSEC capabilities further.

Recommendation 2

That the Australian government provide immediate funding to strengthen Thai law enforcement capability to counter OSEC, ensuring the continual uploading of Thai-based CSAM to maximise the detection of Australia-based offenders.

Support for overseas-based child sexual abuse material (CSAM) victims of Australia-based perpetrators

Destiny Rescue has embedded child/victim advocates on the ground, in particular in ASEAN countries, who ensure adherence to a child-focused trauma-informed care policy. This dimension to our resources ensures that we are sensitive to the needs of victims/survivors of CSAM, as well as victims/survivors of human trafficking.

Overseas-based CSAM victims of Australia-based perpetrators do not currently have clear legal pathways to seek civil remedies (including compensation and restitution) from the perpetrator.

Overseas-based CSAM victims of Australia-based

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perpetrators should not be prevented from seeking civil remedies where either prosecutors have chosen not to prosecute or perpetrators have been acquitted due to lack of evidence.

In the USA, victims of CSAM have clear legal processes to take civil action for remedies, including compensation and restitution.

Recommendation 3

That the Government legislate to provide legal pathways that enable CSAM victims (including those in overseas jurisdictions) to seek civil remedies from Australia-based perpetrators, including compensation and restitution.



Chapter 1: Destiny Rescue Background

Background: Destiny Rescue

Destiny Rescue is an international NGO whose mission is to rescue children from sexual exploitation (including online exploitation facilitated by cyber criminals) and help them stay free.

Founded in 2001 and operating for over 22 years, Destiny Rescue has rescued increasing numbers of victims each year since 2011 – and has now rescued over 14,000 survivors.

Destiny Rescue focuses on the child sex trafficking aspect of modern slavery. Destiny Rescue works with governments and partner NGOs and collaborate with local law enforcement agencies to assist in removing children from harm and supporting their recovery and reintegration.

Destiny Rescue is currently operating in five regions across Asia, Africa and Latin America, partnering with law enforcement, governments, civil society organisations and NGOs that bring local expertise and cultural understanding to the fight against exploitation.

See the *Quarterly Updates 2023* (Jan - March & April - Appendix 1. See *Annual Report 2022* Appendix 2.



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Policy contributions

Destiny Rescue is contributing to the development of policy to counter child sexual exploitation (including of trafficked children) and to assist with child rescue. In 2023 and 2024, Destiny Rescue made submissions to:



the Attorney-General's Department's (AGD) targeted review of Divisions 270 and 271 of the Criminal Code Act 1995 (whose findings have been released);

the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) current inquiry into Tourism and International Education;



the Joint Parliamentary Law Enforcement Committee's inquiry into Law Enforcement Capability in relation to Child Exploitation (which recently reported);



the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) Inquiry into the rights of women and children (which recently reported);



the Joint Parliamentary Law Enforcement Committee's current inquiry into Law Enforcement Capability to respond to Cybercrime; and



the Senate Legal and Constitutional Affairs Legislation Committee's current inquiry into the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023.



This submission is structured as follows:

Chapter 2:

Australia-based perpetrators of child sex abuse (locally and overseas)

Chapter 3:

Proposed *Safe Children, Safe Traveller* Campaign

Chapter 4:

Regional capacity building to counter OSEC in Thailand

Chapter 5:

Legislative Framework Proposals

Conclusion



Chapter 2: Australia-based perpetrators of child sex abuse (locally and overseas)

Australian policy to prevent and respond to child sexual abuse

Destiny Rescue acknowledges the *First Commonwealth Action Plan to Prevent and Respond to Child Sexual Abuse*. This Plan sets out the Government's priorities and actions to prevent and mitigate the challenges of child sexual abuse by Australia-based perpetrators in our community, including human trafficking and modern slavery.

There have been many positive actions under the Plan during 2023.

AGD has released the findings of the targeted review of Divisions 270 and 271 of the Criminal Code Act 1995 (the Code), and the McMillan review of the Modern Slavery Act has reported (June 2023).

The 2023 Trafficking in Persons Report (2023 TIP) commended Australia (2023 TIP: Country Report, Australia) for fully meeting the minimum standards for the elimination of trafficking and for continuing to demonstrate "... serious and sustained efforts during the reporting period ...".

Whilst Australia meets the minimum standards to remain a Tier 1 country, the report noted Australia did not convict any perpetrators under its anti-trafficking law, and the overall number of cases law enforcement pursued remained disproportionately low compared to the scope of the crime.⁵

Destiny Rescue believes that several recent academic studies and Commonwealth Parliamentary Inquiry reports provide insights on critical priorities to strengthen the effectiveness of the Plan further.

Interrelation between online child sexual abuse and contact offending

Destiny Rescue considers that there is credible evidence of a rapidly evolving interrelation between OSEC and face-to-face contact offending. This view is shared by a number of influential researchers in this area:

*Child sexual exploitation continues to be framed in Australian policy discourse as solely an 'online' problem when it is far more complex than this, and includes the intersection of technology with face-to-face exploitation, as well as new and evolving forms of online exploitation.... Child sexual exploitation in Australia needs to be addressed by policy-makers in its totality rather than solely via its 'online' dimensions.*⁶

A comprehensive approach to address OSEC requires collaboration between various government departments, law enforcement, financial institutions, social media platforms and telecommunication companies to combat this form of exploitation effectively.⁷

A recent 2023 study into the behaviours and attitudes of Australian men, led by UNSW and Jesuit Social Services, highlights the growing risk and prevalence of abuse locally. The study found that around **one in six** (15.1 per cent) Australian men report sexual feelings towards children.⁸

The study also highlighted that around **one in 10** (9.4 per cent) Australian men have sexually offended against children (including technologically facilitated and contact abuse). Many of these are very active online, including using social media, encrypted apps and cryptocurrency to facilitate access to CSAM.⁹

Child sexual abuse material (CSAM) distribution ecosystems evolving rapidly

Destiny Rescue is encountering cases where perpetrators are using technology providers to commit the crime of OSEC in all five regions where it operates.

Technology has not only enhanced and facilitated traditional forms of sexual exploitation of children, but it has also spawned rapidly evolving new forms and variations of this crime type.

The previous simple exploitation model has now evolved into a more sophisticated model, under which the recruiter (of victims) is a primary distributor of the exploitation material. This material is made available to secondary distributors, who then distribute it to their groups of users/offenders.

This more complex CSAM ecosystem is set out in Figure 1.¹⁰ In this example, the recruiter/primary

distributor has multiple victims. There are also four secondary distributors, each with separate online distributor groups. Numerous members of each of the four distributor groups will likely be in Australia.

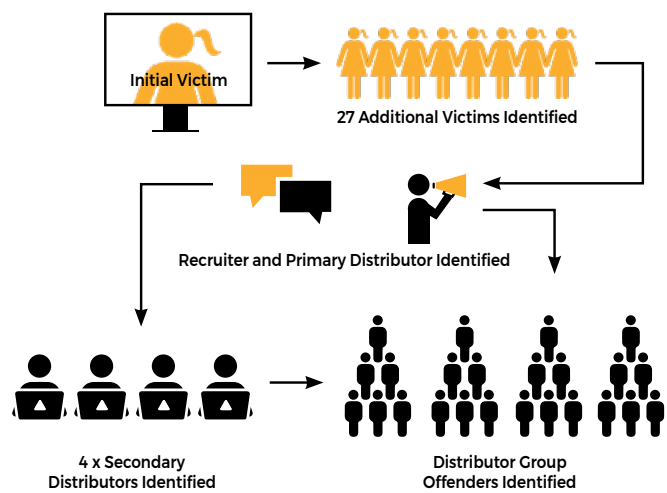


Figure 1: Evolving ecosystems of Primary and Secondary Distributors of CSAM

Live streaming child sexual abuse (LSCSA) and the risk of contact offending

It is important to recognise that CSAM is a consequence of, and fuel for, further abuse, and it is crucial to take measures to prevent its production and distribution.¹¹

Live streaming is a serious and complex issue that involves broadcasting acts of sexual abuse of children live over a webcam to people anywhere in the world. Offenders are increasingly using encrypted communication platforms, making it difficult for law enforcement to investigate and detect these crimes. In recent years, an increase in live streamed child abuse has been noted,¹²

“... with the pandemic seeing an uptick in live streaming with overseas victims.”¹³

A recent Australian Institute of Criminology (AIC) study of seven Australia-based men who had committed 145 CSA live streaming offences concluded that law enforcement agencies should consider the use of CSAM and CSA live streaming as potential risk factors for contact offending. This study emphasised the interrelation between child sexual abuse live streaming, contact abuse, and other forms of child exploitation, indicating the complexity of the problem.¹⁴

Four of the seven live streaming Australia-based offenders in the study discussed travelling or actually booked flights to travel to offend against the children in person.¹⁵

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Parliamentary Joint Committee on Law Enforcement - Inquiry into Cybercrime

The *Parliamentary Joint Committee on Law Enforcement* (the Joint Committee) is currently inquiring into issues relating to Cybercrime.

Destiny Rescue recently submitted a response exploring key trends and issues relating to OSEC, including the overlap between live streaming offences and contact abuse.

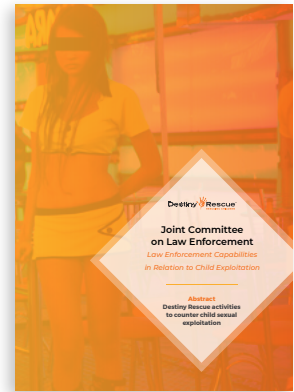
The submission highlights the need for a comprehensive, multi-faceted approach to address this issue.

Parliamentary Joint Committee on Law Enforcement - Inquiry into law enforcement capabilities in relation to child exploitation

The Joint Committee’s inquiry into law enforcement capabilities in relation to child exploitation has now reported.¹⁶ The Joint Committee made several observations regarding the extent of OSEC in Australia, as follows:

- “... *child exploitation and online child abuse material are vast scourges across our society.*”¹⁷
- “*Australians are some of the most prolific consumers of child abuse material. There are offenders in Australia and the crime harms children in Australia.*”¹⁸

Relevant recommendations from the Joint Committee are set out in Appendix 3.



The Pursuit of Equality

The Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) has now completed its inquiry into the rights of women and children. Its final report, *The Pursuit of Equality*, outlines how technology-facilitated abuse of children is a human rights violation.¹⁹ The JSCFADT made several observations regarding technology-based harms, including:

- “... *child sexual exploitation involves a number of perpetrators, often from a range of jurisdictions, and is distributed via online channels, further extending the harm to transnational platforms.*”²⁰



Relevant recommendations from the JSCFADT are set out in Appendix 3.

Chapter 3: Proposed Safe Children, Safe Traveller Campaign

Australian Government Initiatives to Educate Departing Travellers

Destiny Rescue commends the Government for its efforts to reduce the demand for participation in child sexual exploitation in travel and tourism by providing material for passport applicants outlining the application of Australian child sex trafficking laws to Australians overseas.²¹

Child exploitation in tourism in ASEAN

Australia has a history of funding child-safe tourism campaigns in ASEAN prior to the establishment of the ASEAN-Australia Counter-Trafficking (ASEAN-ACT) Initiative. This history was summarised in Destiny Rescue's 2023-24 Pre-budget submission.

The most recent Australian Government-funded study on child sex exploitation in the tourism industry in ASEAN was *The Child Safe Traveller 2013*. The study recommended that tourists (including Australian tourists) be provided with:

1. More information about how children are vulnerable to child abuse and exploitation in tourism; and
2. How to be a child-safe traveller (amongst other recommendations).²²

Destiny Rescue considers that one option for implementing these recommendations would be to fund a new *Safe Children, Safe Traveller* campaign. The proposed campaign would also complement the Thai government's Child Safe Friendly Tourism Project (see below).

Destiny Rescue's capability

Bringing over 20 years of operational expertise in rescuing and reintegrating victims of child exploitation and human trafficking, Destiny Rescue is strongly positioned to manage the delivery of a successful *Safe Children, Safe Traveller* Campaign.

Ambassador Support

"Ever since winning X-Factor Australia in 2013, I have been mindful of using my voice and profile for something significant and worthwhile.

I am inspired by the courage of the girls who are being rescued from human trafficking. They have overcome so much trauma, and yet they are so resilient. Destiny Rescue's submission to target Australian tourists travelling to Thailand and other ASEAN countries resonates with my passion for their cause."



Dami Im
Australian singer
and songwriter



Collaboration with the tourism industry

The global tourism industry has developed an action framework for preventing human trafficking.²³ The second pillar of the framework focuses on educating travellers: *“aiming to (educate) travellers ... on how to identify and report suspected cases of human trafficking...”*²⁴

The Australian Travel Industry Association (ATIA) supports the development of an outbound traveller awareness campaign along the lines being proposed. Destiny Rescue proposes to fully collaborate with the outbound Australian travel industry and key corporate members of that industry on the development of the messaging for the Australian campaign.

UN Special Representative of the Secretary-General for Violence against children

The current UN Special Rapporteur on the sexual exploitation of children, Mama Fatima Singhateh, was appointed by the UN Human Rights Council in 2023.

The mandate of the Special Rapporteur primarily focuses on issues, trends and effects related to the sale and sexual exploitation of children, including child abuse images and other forms of child sexual abuse material.

The Special Rapporteur is required to submit reports on their findings to the General Assembly and the United Nations Commission on Human Rights, providing recommendations for protecting the rights of the children concerned. The mandate has been regularly renewed and extended, with a recent thematic study focusing on the exploitation and sexual abuse of children in the context of travel and tourism, including a closer look at the phenomenon of voluntourism.²⁶

Key recommendations from this report include:

- Companies involved in travel and tourism must incorporate child protection measures into their business models;
- Countries should implement legal, regulatory and inspection frameworks to ensure children's protection in person and online; and
- Law enforcement agencies need major investment to ensure that they have the capacity to deal with critical issues.²⁷

Notably, one of the insights from the report is that some countries are evaluating the behaviour of their nationals and tourists travelling to destinations that are most at risk for human rights violations. For example, the Government of the Netherlands launched the *Don't Look Away* campaign, aimed at raising awareness and encouraging Dutch travellers to report directly to the police any suspected child sexual abuse and exploitation witnessed in the Netherlands or abroad.²⁸

Child Safe Friendly Tourism Project: Thailand

In Thailand, with the support of UNICEF and the local administrations, *ChildSafe Thailand* has piloted a new Community Based Tourism (CBT) program in Chiang Mai and Chonburi Provinces.²⁹ This program aimed to empower the community to mitigate the risks of child exploitation and to enjoy tourism as a boost to the prosperity of the local economy in a child-safe environment.

ChildSafe Thailand's goal was to raise awareness of the inherent risks to the community as well as the potential risks arising from travellers and to empower the community to develop and implement their own action plan to address these.

Parliamentary Inquiry Support for Awareness Campaigns

The Joint Committee noted Destiny Rescue's recommendation for an education campaign aimed at Australians travelling to Southeast Asia and sexually abusing children.³⁰ The Joint Committee also noted our intention to further collaborate with Australian law enforcement agencies concerning implementing any such awareness-raising campaign.³¹

The Joint Committee recommends that the Australian Government implement ongoing efforts to increase public awareness of the risks of child exploitation, particularly among parents, including how to reduce and respond to these risks.³²

2023 Trafficking in Persons (TIP) Report: Australia

The US 2023 TIP Report highlights two key priority recommendations for Australia:

- a. *"Implement or fund awareness campaigns for individuals vulnerable to forced labor, particularly among rural communities and migrant populations, including international students."*

Destiny Rescue believes this should be expanded to encompass awareness campaigns to counter child sex offending in the context of travel and tourism, targeted at departing Australian travellers.

- b. *"Strengthen efforts to prosecute and convict Australian child sex tourists".³³*

It was noted in the Report that Australian authorities continued prosecutions of 33 Australia-based child sex tourists initiated in prior years. Three child sex tourists were convicted in 2022 (compared with four convictions in 2021). Courts sentenced the three child sex tourists to sentences ranging from two years and three months to eight years imprisonment.

These recommendations align with Destiny Rescue's Recommendation #1, outlined below.



Outbound tourism to ASEAN

There is significant international air travel by departing Australians into the ASEAN region, with Indonesia, Thailand, Singapore and Vietnam and other Asian countries being a key focus for Australians in terms of outbound travel. In 2022-23, Thailand was the fifth most popular global destination for departing Australian travellers, with over 380,000 Australians visiting Thailand that year.³⁴

Now is the time to follow through on the recommendations of the earlier Australian-funded child-safe traveller studies about the benefits of such public campaigns for Australian travellers to Thailand and other ASEAN countries.

Recommendation 1: That funding be allocated from DFAT or elsewhere to fund a 'Safe Children, Safe Traveller' campaign directed at departing Australian tourists travelling to Thailand and other ASEAN countries.

Chapter 4: Regional capacity building to counter online sexual exploitation of children (OSEC) in Thailand

Indo-Pacific focus of the Australian government

Destiny Rescue commends the Albanese government for providing support to regional neighbours in addressing OSEC. This support includes the Indo-Pacific Child Protection Program (the Program) located in the AGD. This vital Program is a law and justice capacity-building program designed to assist our regional neighbours in responding to international child protection and cybercrime.

Destiny Rescue supports the objectives of the Program, which include:

*“... build greater awareness of child sexual abuse issues, support the reform of institutional frameworks and support services, and **drive engagement between regional and international partners, non-government organisations and other key stakeholders.**”*
(Emphasis added)³⁵

In its recent report, *The Pursuit Of Equality, Inquiry Into The Rights Of Women And Children*, the JSCFADT noted Australia’s need to assist our regional neighbours in education and implementing their anti-CSAM strategies (para 3.107).

Destiny Rescue’s collaboration with local law enforcement agencies in the Indo-Pacific region spans over 20 years. Destiny Rescue supports all government initiatives that will strengthen collaboration and engagement between Australian and regional law enforcement and NGOs working to address the region’s CSAM and OSEC.

2023 Trafficking in Persons (TIP) Report: Australia

In 2022, 323 Australian offenders were convicted for online child abuse, including online sexual exploitation of children (OSEC).³⁶

Destiny Rescue observes that only a very small percentage of offenders are convicted. For example, a single recent Destiny Rescue case (*unidentified ASEAN nation) identified around 395 Australian suspects.

THIS SINGLE CASE HAS RESULTED IN THE FOLLOWING OUTCOMES:

- **395 Australian suspects identified**
- **Multiple Australians arrested (to date)**
- **Additional suspects in four western nations**
- **Multiple children removed from harm (to date)**

The 2023 TIP Report highlights a priority recommendation for Australia to “*Train police, immigration officials, and other front-line officers, both offshore and onshore, to recognize indicators of trafficking and proactively respond to suspected cases of both sex and Labor trafficking.*”

This recommendation aligns with Destiny Rescue’s Recommendation #2 below.

Australia-US Joint Council on Combatting Online Child Exploitation – Indo-Pacific focus

Destiny Rescue welcomes the first meeting of the *Australia-United States Joint Council on Combating Online Child Exploitation* (Joint Council), held on 16 November 2023. The AFP and the Department of Homeland Security are among the lead members of the Joint Council. It is understood that joint operations, intelligence sharing and harnessing new technologies were key points discussed at the meeting.

In particular, Destiny Rescue note the Joint Council’s decision to prioritise Joint Law Enforcement Cooperation in the Indo-Pacific Region.³⁷

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Stakeholder support for regional capacity building

A wide range of stakeholders in the area of countering child exploitation in the Indo-Pacific region have focussed on Australia's obligations in the region. For example, Dr Michael Salter has stated that Australia's engagement with the Southeast Asian region is critical and that Australia has particular responsibilities to the region due to the specific power dynamics between the neighbouring nations:

*"Australia has an obligation to ensure that Australian child sex offenders do not predate on children overseas. ..."*³⁸

Joint Law Enforcement Committee support for regional capacity building

The Joint Committee agreed with several inquiry participants who emphasised the *"... importance of collaboration (between NGOs) (and) law enforcement agencies."*³⁹

The Joint Committee noted one submission supporting increased funding for the AFP internationally and recommending that Australia should *'... support better training and resources in other countries, especially where it is Australian offenders exploiting their children'*.⁴⁰

The Joint Committee recorded its strong support for **"... the continuation of ... capacity building in our region"**.⁴¹ (Emphasis added).

Disrupting Harm in Thailand

A growing trend of significant demand for CSAM from both within and directed toward Thailand has been identified. This issue has been highlighted by the National Center for Missing & Exploited Children (NCMEC), together with the use of advanced technology such as Peer to Peer (p2p) analysis.

Thai Hotline (a Destiny Rescue Partner), Thailand's largest domestic reporting agency for OSEC reports, confirms they received over 12,000 individual tip-offs in 2022 concerning OSEC.

The recent *Disrupting Harm in Thailand* report estimates that 9% of Thai children aged 12-17 (approximately 400,000 children) were victims of grave instances of online sexual exploitation and abuse in 2021.⁴²

The report identified that the current approach to addressing OSEC in Thailand is hindered by a number of impediments within the prevention, intervention and enforcement sectors, including isolated interventions and constrained capabilities.

The key stakeholders seeking to combat these rapidly evolving models of sexual exploitation of children include:

- Law enforcement organisations (LEOs) in the regional (source) country and in the overseas (demand) countries (such as Australia, US, EU, UK);
- Non-government organisations (NGOs) such as Destiny Rescue; and
- Private sector organisations (PSOs) that have adopted counter-human trafficking policies and action plans (e.g. corporate members of the World Travel and Tourism Council).

The key insight derived from reviewing the current efforts of these stakeholders is that:

"Cross-sector collaboration and enhanced intelligence capabilities are the most effective way to increase the effectiveness of current counter human trafficking, exploitation and slavery endeavours".⁴³

The challenge is how to enhance intelligence capabilities and improve the effectiveness of cross-sector collaboration between law enforcement agencies and these other organisations (the partner organisations).

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Enhancing Australia’s OSEC response by improving cyber tip reporting to Australia from source countries.

Australia, as a leading consumer of CSAM within the Indo-Pacific region, faces a critical opportunity to enhance the detection and reporting of OSEC significantly.

‘Line’, Thailand’s most used social and messaging platform, is used by 70% of the population (approximately 50 million users).

The platform is currently non-compliant with international cyber tip reporting guidelines and does not report exploitative content to NCMEC. This leaves a substantial amount of non-indexed OSEC material (particularly involving Thai children) beyond the reach of conventional global reporting mechanisms.

This reporting deficiency hinders the identification of Australia-based involvement in the OSEC crime cycle.

Thai law enforcement currently lacks the necessary infrastructure and capacity to store, assess and submit newly found CSAM material, much of which is stored by police on personal computers and hard drives.

Destiny Rescue has noted a significant gap in post-arrest intelligence sharing and estimates that more than 500,000 exploitative images and videos are inadequately stored and/or indexed locally. See Figure 2.

This gap is caused by a lack of trained personnel to properly finalise investigations with outward-facing intelligence sharing and referrals.

A further limitation is that Interpol, NCMEC, and other cyber tip providers are closed or not utilised by over 75% of local Thai agencies that are mandated to investigate CSAM.

Destiny Rescue is trained and certified to index and analyse CSAM.

Destiny Rescue OSEC Agents are certified as Interpol Content Assessors, holding the relevant skills to classify

exploitative images for inclusion in Interpol, NCMEC, and other cybertip provider portals.

Destiny Rescue currently provides intelligence training to Thai law enforcement agencies to increase analytical capabilities for more effective OSEC victim identification. Over the last 18 months, we have trained more than **767 Thai Police**.

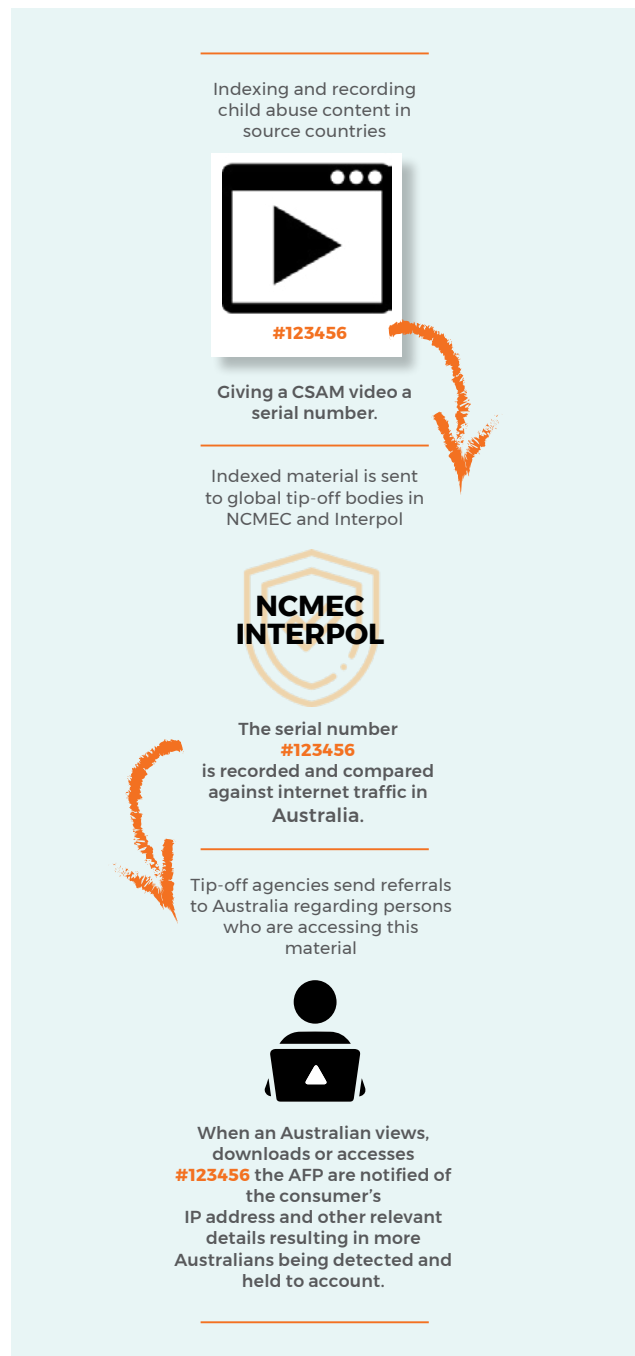


Figure 2: Indexing CSAM Flowchart

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Immediate need for action

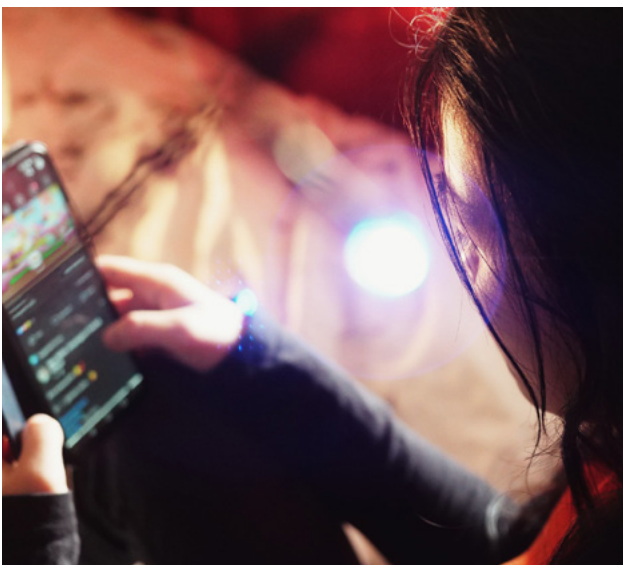
In a recent case (*Operation Accord*), in which Destiny Rescue partnered with the Royal Thai Police, it was revealed that organised criminal networks distributed over 100,000 child exploitation videos to 3,400 individuals through 'Line', with indicators of material being distributed to Australia-based offenders.

Enquiries reveal that none of this newly discovered CSAM content was submitted to cyber tip agencies or adequately stored and/or indexed.

Destiny Rescue has identified the need to facilitate and strengthen the connection between victims, reporting agencies and Thai law enforcement through data compatibility with NCMEC.

There is an urgent need to address the reporting gap and strengthen the monitoring and reporting capability of Thai law enforcement.

By addressing these issues, cyber tips relating to Australia-based offenders will increase.



Case Study



In December 2022, Destiny Rescue was requested to support three OSEC cases in rural Thailand.

On analysis, the offender had 102,000 pieces of CSAM material within 'Line'.

The offender's distribution network showed multiple foreign perpetrators who had purchased access to a closed group. Almost all of this content is related to local Thai children.

- **35 of the videos showed unique identifiers of the children**
- **all were assessed as current (and ongoing) victims of child sexual exploitation**
- **all were removed from harm by government social workers.**

In interviews, many of the victims reported they were also victimised directly by Western-based perpetrators (online), meaning that content had been distributed to foreign countries without the hashes flagging or being detected.

This is one snapshot of over 75 different cases Destiny Rescue have supported.

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The Australia-based dimension

As highlighted in *Figure 1* on page 14, multiple Australia-based offenders are members of the separate Distribution Groups accessing the CSAM obtained by the Secondary Distributors from the Primary Distributor.

The lack of formal capacity within Thai law enforcement to index and refer CSAM images to NCMEC/Interpol significantly diminishes the ability to detect and report such material. This leaves Australian authorities with reduced intelligence and information to act upon in relation to Australia-based offenders.

Recommendation: Resources to strengthen Thai police capability

Destiny Rescue commends the Joint Committee for its strong support of the continuation of collaboration by the Australian Federal Police (AFP) and the Australian Centre to Counter Child Exploitation (ACCCE) with foreign law enforcement agencies, **“including capacity building in our region”** (para 7.78).

Destiny Rescue recommends that the Australian government provide funding resources to enable Thai law enforcement agencies to strengthen their anti-OSEC capabilities further. The objectives of the additional funding would include:

1. **Infrastructure Enhancement:** Provide Thai law enforcement with the necessary tools and infrastructure to index and refer CSAM material detected on the ‘Line’ platform, with a specific focus on identifying and reporting cases involving Australia-based offenders;

2. **Formal Capacity Building:** Empower Thai law enforcement with the formal capacity to effectively index and refer CSAM images related to Australia-based offenders to reporting agencies; and
3. **Estimated Impact:** Destiny Rescue estimates that by initiating this project, **over a quarter of a million unique media containing child exploitation content can be indexed**, significantly improving the detection of Australia-based offenders involved in OSEC.



Recommendation 2: That the Australian Government provide immediate funding to strengthen Thai law enforcement capability to counter OSEC, ensuring the continual uploading of Thai-based CSAM to maximise the detection of Australia-based offenders.



Chapter 5: Legislative Framework Proposals

There are a number of dimensions to Australia's legislative framework for dealing with the cybercrime of OSEC. These threads run through various provisions of the Criminal Code Act 1995 (the Code) and the Modern Slavery Act 2018.

Criminal Code Act 1995

Destiny Rescue provided a response to the AGD Targeted Review of Divisions 270 and 271 of the Code regarding slavery, slavery-like offences and trafficking offences (March 2023).

That submission identified several possible gaps in the legislative tools available to law enforcement to investigate and prosecute offenders in cases of child trafficking for sexual exploitation. The *Findings Report* has been released.

In particular, Destiny Rescue contends that the term "sexual service" is inappropriate in the context of Australia's child trafficking offences (see Division 271 of the Code). This term should be replaced with the term "sexual exploitation". This would remove a gap in the legislative provisions of the child trafficking laws in Australia (see Destiny Rescue's submission to the Targeted Review).

Modern Slavery Act 2018 review

In the context of the recent review of the Modern Slavery Act 2018, Destiny Rescue believes that the definition of modern slavery should be extended to cover the sexual exploitation of children specifically. This would remove a gap in the legislative provisions of the modern slavery laws in Australia.

Support for overseas-based CSAM victims of Australia-based perpetrators

Destiny Rescue has embedded child/victim advocates

on the ground, in particular in ASEAN countries, who ensure adherence to a child-focused trauma-informed care policy. This dimension to our programmatic work ensures that we are sensitive to the needs of victims/survivors of CSAM, as well as victims/survivors of human trafficking.

Overseas-based CSAM victims of Australia-based perpetrators do not currently have clear legal pathways to seek civil remedies (including compensation and restitution) from the perpetrator. Dr Michael Salter has observed that:

*...victims and survivors of technology-facilitated child sexual exploitation by Australian offenders (whether in Australia or in the region) **currently lack adequate***

access to restitution, compensation and support,

*limiting their opportunity to recover from their exploitation and live healthy and safe lives.*⁴⁴

(Emphasis added)

Dr Salter points out that, in the US, *The Amy, Vicky, and Andy Child Pornography Victim Assistance Act 2018* (the US Act) creates a systematic legal pathway for civil remedies, compensation and restitution that is specifically designed for the crime of CSAM.

Overseas-based CSAM victims of Australia-based perpetrators should not be prevented from seeking civil remedies where either prosecutors have chosen not to prosecute the perpetrator or perpetrators have been acquitted due to a lack of the evidence necessary to establish the offence 'beyond reasonable doubt'.

Destiny Rescue notes that the JSCFADT Committee also recommends "the provision of legal pathways to enable victims (including those in overseas jurisdictions) to seek civil penalties from the perpetrator, including compensation and restitution".⁴⁵

Recommendation 3: That the Australian Government legislates to provide legal pathways to enable CSAM victims (including those in overseas jurisdictions) to seek civil remedies from Australia-based perpetrators, including compensation and restitution

Conclusion

There has been a significant resumption of international air travel by departing Australians to the ASEAN region. Now is the time to follow through on the recommendations of earlier child-safe traveller studies about the benefits of child exploitation awareness campaigns for departing travellers.

Destiny Rescue recommends that funding be allocated within DFAT or elsewhere to fund a '*Safe Children, Safe Traveller*' campaign directed at departing Australians travelling to Thailand and other ASEAN countries.

Destiny Rescue recommends that the Australian government provide additional funding resources through the AGD's Indo-Pacific Child Protection Program or otherwise to enable Thai law enforcement agencies to strengthen their anti-OSEC capabilities further.

Destiny Rescue recommends that the Government legislate to provide legal pathways to enable CSAM victims (including those in overseas jurisdictions) to seek civil remedies from Australia-based perpetrators, including compensation and restitution.

January 2024

Appendix 1:

Destiny Rescue Quarterly Updates Jan - June 2023

JANUARY - MARCH Report - [CLICK HERE](#)

APRIL - JUNE Report - [CLICK HERE](#)



Appendix 2:

Destiny Rescue Australia, Annual Report, 2022

To view the Annual Report - [CLICK HERE](#)



Appendix 3: Parliamentary Inquiries

Parliamentary Joint Committee on Law Enforcement - Inquiry into law enforcement capabilities in relation to child exploitation - recommendations

The Parliamentary Joint Committee on Law Enforcement (the Joint Committee) inquiry into law enforcement capabilities in relation to child exploitation has now reported. The Joint Committee made 15 recommendations to improve law enforcement's capability in relation to child exploitation.

Destiny Rescue supports the Joint Committee's recommendations, in particular:

Recommendation 1

7.30. The committee recommends that the Australian Government regularly monitor whether the criminal offence framework adequately covers predatory conduct in relation to child abuse material and child exploitation and, if inadequacies are identified, prioritise legislation to remedy them.

Recommendation 2

7.38. The committee recommends that the Australian Government ensure that data is recorded that reflects the total effective sentence handed down to child sex offenders and continually monitor the appropriateness of these sentences.

Recommendation 9

7.98. The committee recommends that the Australian Centre to Counter Child Exploitation or, if necessary, another appropriate law enforcement body: monitor the number and quality of reports of child abuse material being made by technology companies in order to identify any deficiencies in detection processes, particularly where end-to-end encryption may be associated with the deficiencies; and if deficiencies are identified, liaise with the eSafety Commissioner

about improving the detection processes applied by technology companies.

Recommendation 12

7.129. The committee recommends that the Australian Government commission further research into the links between contact and non-contact child sex offending to better inform how law enforcement and other agencies detect, investigate, and prevent this crime.

Recommendation 14

7.142. Notwithstanding the current 'One Talk at a Time' public information campaign, the committee recommends that the Australian Government implement ongoing efforts to increase public awareness of the risks of child exploitation, particularly among parents, including how to reduce and respond to these risks.

The Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) - inquiry into the rights of women and children.

The JSCFADT inquiry into the rights of women and children has now reported. The final report, *The Pursuit of Equality*, outlines how technology-facilitated abuse of children is a human rights violation.

The JSCFADT made several observations regarding technology-based harms, including 10 recommendations. Destiny Rescue supports the Committee's recommendations, in particular:

Recommendation 5

3.106. The Committee recommends the Australian Government develop and implement strategies to counteract orphanage trafficking and tourism, including:

- The adoption of a whole-of-government position explicitly condemning the practice of orphanage trafficking and orphanage tourism;
- Developing stronger guidance material for

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travellers in relation to potential risks in relation to orphanage tourism and volunteering;

- Working with multilateral partners (including via interparliamentary working groups and the Interparliamentary Union) to eliminate orphanage trafficking and tourism.

Recommendation 6

3.110 The Committee recommends the Australian Government develop legislation addressed to the rights of the victims of child sexual abuse material, including:

- The provision of legal pathways to enable victims (including those in overseas jurisdictions) to seek civil penalties from the perpetrator, including compensation and restitution.

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Endnotes:

- 1 <https://www.childsafety.gov.au/resources/first-commonwealth-action-plan>
- 2 <https://www.resilientgus.ph/content/war-on-online-sexual-abuse-and-exploitation-of-children>
- 3 Michael Salter et al 2023. *Identifying and understanding child sexual offending behaviour and attitudes among Australian men*, Nov 2023, UNSW Human Rights Institute, UNSW, Jesuit Social Services, the men's project, Stop It Now! <https://www.humanrights.unsw.edu.au>
- 4 Statista 2024, Australia-outbound-tourists-by-destination – Viewed 11 January 2024
- 5 US State Dept, Trafficking In Persons Report 2023 <https://www.state.gov/reports/2023-trafficking-in-persons-report/australia/>
- 6 https://www.commissionofinquiry.tas.gov.au/_data/assets/pdf_file/0006/658878/Statement-of-Dr-Michael-Salter-Scientia-Associate-Professor-Criminology-7-April-2022.pdf Dr Michael Salter, Evidence to Tasmanian Royal Commission into child sexual abuse, para 33.
- 7 <https://www.resilientgus.ph/content/war-on-online-sexual-abuse-and-exploitation-of-children>
- 8 Salter et al., 2023.
- 9 Salter et al., 2023.
- 10 *The Program* (Leading intelligence firm, currently unpublished).
- 11 *United Nations Office on Drugs and Crime (UNODC) 2023. Concept note for Expert Group Meeting On Removal Of Child Sexual Abuse Material From The Internet, Vienna, June 2023* <https://www.unodc.org>
- 12 Virtual Global Taskforce (2019). *2019 Environmental Scan*
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- 14 Teunisen C & Napier S 2023. *The overlap between child sexual abuse live streaming, contact abuse and other forms of child exploitation.* Trends & issues in crime and criminal justice no. 671. Canberra: Australian Institute of Criminology. www.aic.gov.au/publications/tandi/tandi671
- 15 Catharina Drejer, et al. (Sage 2023).
- 16 Joint Law Enforcement Committee, *Law enforcement capabilities in relation to child exploitation.* www.aph.gov.au
- 17 *Ibid.*, p. ix
- 18 *Ibid.*, p. x
- 19 *The pursuit of equality: Inquiry into the rights of women and children, Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade, para 3.77.* www.aph.gov.au
- 20 *Ibid.*, para 2.11
- 21 <https://www.state.gov/reports/2023-trafficking-in-persons-report/australia/>
- 22 *The Child Safe Traveller* (World Vision, 2013), p. 25.
- 23 <https://wtcc.org/Portals/0/Documents/Reports/2021/Human-Trafficking-Framework.pdf?ver=2021-07-27-113613-803>
- 24 *Ibid.*, p. 8.
- 25 Destiny Rescue submission to *Joint Standing Committee on Foreign Affairs, Defence and Trade, Tourism Inquiry*, p. 12
- 26 Mama Fatima Singhateh 2023. "A thematic study on the exploitation and sexual abuse of children in the context of travel and tourism, including a closer look at the phenomena of voluntourism" A/78/137 <https://www.ohchr.org/en/special-procedures/sr-sale-of-children>
- 27 *Ibid.*, p. 19
- 28 <https://dontlookaway.report>
- 29 <https://thinkchildsafesafe.org/childsafesafe-in-community-based-tourism/>
- 30 Parliamentary Joint Committee on Law Enforcement: *Law enforcement capabilities in relation to child exploitation*, Nov 2023, para 6.101.
- 31 *Ibid.*, para 6.102.
- 32 *Ibid.*, Recommendation 14, para 7.142.
- 33 <https://www.state.gov/reports/2023-trafficking-in-persons-report/australia/>
- 34 Statista 2024, Australia-outbound-tourists-by-destination – Viewed 11 January 2024
- 35 Attorney-General's Department Submission 35, p. 7 to the JSCFADT inquiry into the rights of women and children; www.aph.gov.au
- 36 <https://www.state.gov/reports/2023-trafficking-in-persons-report/australia/>
- 37 Joint Statement from Australia and the United States on the Inaugural meeting of the Joint Council on Combatting Online Child Sexual Exploitation; www.ministers.ag.gov.au
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- 44 Dr Michael Salter submission No. 39, p. 4, to the JSCFADT inquiry into the rights of women and children, pg. 1
- 45 Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade, *The pursuit of equality: Inquiry into the rights of women and children*, Recommendation 6, para 3.110. www.aph.gov.au





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