



19 August 2021

To: Parliamentary Joint Committee on Law Enforcement
Dr Sean Turner, Committee Secretary

Thank you for the invitation to make a submission to the enquiry of law enforcement capabilities in relationship to child exploitation. The following submission addresses all terms of reference.

I am the founder and Chief Executive officer of Project Karma, a Melbourne based charity focused on combatting child sexual exploitation through investigation, education and awareness, rescue and rehabilitation, and advocacy and consultation. Project Karma work in Australia and key areas of Southeast Asia.

I have been involved in the field of investigation and the prevention of child sex offences for 20 years in a law enforcement capacity with Victoria Police and as a licensed private investigator, founder of a global charity and advisor to government agencies, mainstream media, social media platform companies and associated non-government organisations in Australia and overseas.

I have found there to be very clear links across all the terms of reference, namely the need for improved collaboration, working relationships and information sharing across key stakeholders (government and non-government). These include state/territory/federal government legislations and law enforcement, non-government organisations and charities, technology providers, tourism, and behavior/psychology fields.

Other key points raised in our submission include:

- Positive developments observed across the child exploitation landscape over the last 7 years
- The important role of the WeProtect Alliance in legal communication and relationships between law enforcement and technology providers.
- The role of 'tourism' (e.g., low-cost flights, hotels), increased English language acquisition and increased internet access in more vulnerable regions, where children are more likely to be victims of online exploitation.

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- The need for mirrored approaches and legislation across Australian state/territory and federal governments.
- Increased research and involvement of the medical fraternity with respect to different psychology and behaviors of offenders and preventative strategies.
- Better advocacy, understanding and preventative support for those who may be susceptible to performing a child sex offence, and/or those with Paedophilic Disorder.

We trust the Parliamentary Joint Committee on Law Enforcement will give due consideration to this submission with respect to the terms of reference.

To discuss any of the information raised please do not hesitate to contact me.

With thanks,

Glen Hulley
Founder/CEO
Project Karma

Inquiry into law enforcement capabilities in relation to child exploitation *Project Karma - Responses to terms of reference*

A: trends and changes in relation to the crime of online child exploitation.

In commenting on the trends and changes in relation to the crime of online child exploitation it is important to understand the history and background of Project Karma (PK) and its founder/CEO Glen Hulley to provide context credentials and qualifications of the following statements.

PK (founded 2015 by Glen Hulley) is registered with the Australian Charities and Not-for-profits Commission (2016) and listed on the Australian Government Register of Harm Prevention Charities - Deductible Gift Register (2018). PK is also registered in Bali as a charitable foundation (Yayasan PK Indonesia) under the Ministry of Law and Human Rights, and Department of Social Services (2018).

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Prior to forming PK Glen Hulley [1] spent 13 years in the Victorian Police force in both uniformed and covert capacities. His interest and dedication to combatting child sexual exploitation (CSE) was sparked following an experience in Cambodia where he was offered a child for sexual services. Glen has since worked with other non-government organisation's (NGO's) over 6 different counties. At one time Hulley oversaw 10 investigation teams across Southeast Asia (SE Asia). He started his own charity PK and developed an innovative and sustainability-based model for action known as 'the Sentinel Model' [2]. This model involves 3 pillars of action including 1. Community Awareness and Education, 2 Investigation, and 3 Rescue and Rehabilitation, with local ownership a key priority. In addition, PK is also heavily involved in advocacy and consultation with public, corporate and government stakeholders in Australian and overseas.

PK is an official Trust and Safety partner for Facebook (FB) including FB, Messenger, WhatsApp and Instagram). This role involves relevant monitoring and reporting to their dedicated portal with alerts and information being raised with FB and relative global law enforcement. PK also has strong relationships and consults with other online platforms such as TikTok and Roblox and Discord around protection of children against sexual exploitation.

Where Hulley and PK are only able to provide in person connection to CSE specifically over the last 7 years, the following comments are made with respects to trends and changes of online CSE over that time. With respect to the context with the above credentials and experience PK has observed and would like to comment on the following gaps and issues:

1. NGO's and charities, focused on the same or similar purposes are in competition with each other for donations and support. Whilst they ultimately fight the same battle this can create competitiveness and disjointed relationships between them, result in poor communication, lack of collaborative relationships and critical information sharing.
2. Such organisations receive critical information around these crimes, which may be fundamental to law enforcement agencies in investigating and prosecuting perpetrators. However, were relationships and partnering agreements are not in place this fundamental information can be roadblocked and delayed in reaching the required law enforcement personnel or not reach them at all. If this critical information does not reach in a timely

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- manner or cannot be shared with relevant law enforcement more freely the perpetrators are often long gone, or the number of children effected by the abuse is higher.
3. An example of the above points can be seen in PKs involvement in the Philippines (2016) where they (PK) and the International Justice Mission were surveying and working on the same case. As information was not shared, and there was no knowledge or discussion between to the two stakeholders, critical delays of action resulted, and precious resources being duplicated and wasted from both parties.

There are clear improvements regarding NGO's and government agencies over the last 7 years, which must be given credit for the improvements over this period. However, whilst there is improvement, there is still much to do. These crimes are still occurring, the market for these crimes is still there and relevant crimes have increased significantly, this is not a secret.

Communication and co-ordination between NGO's, law enforcement agencies, international borders and jurisdictions, government networks are lacking and disjointed. This results in less effective 'on the ground' investigations and prosecutions. PK recommend improved strategies for sharing of information and intelligence across such stakeholders in order to achieve better outcomes.

In addition, the level of involvement of social media platforms and internet companies such as Google and Microsoft also fall into this category. Where previously they have not been active, and their concerns lay in profits, there have been some major changes meaning they brought social responsibility and safety into the game. Whether it be for the safety of the community or business risk management decisions with growing government pressure, these changes have somewhat improved with significant investment on part of these companies into the safety of children. These include the need for safety and response departments and teams, around the world to review and act on reports received about potential threats of these crimes being facilitated by their platforms. The history of FB is a key example which provided a major platform for these crimes particularly between around 2011-2014. They have since developed and implemented protection departments and strategies [3, 4].

Unfortunately, COVID-19 has also introduced an additional obstacle, where such teams, due to lockdowns are having to work from home and do not have the resources normally available at the workplace. This may result in slower working processes across all major social media and gaming platforms, and thus may reflect their capacity to protect children relative to online exploitation.

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B: reviewing the efficacy of and any gaps in the legislative tools and tactics of law enforcement used to investigate and prosecute offenders

Positive changes and improvements have been observed relative to legislative tools and law enforcement tactics relative to investigations and prosecution of child sex offenders. Notably the significant Australian Government investment into establishing the Australian Center to Counter Child Exploitation (ACCCE), and Daniels Law.

However, there is still significant gaps particularly in collaboration and mutual sharing of information among key law enforcement and non-government national and international stakeholders, which impact the efficiency and outcomes of actions taken by respective parties.

In Hulley's experience within Australia in particular, the legislative red-tape restrictions around obtaining information for investigations from government-based sources has led to lengthy detrimental delays in our ability to take critical action. One example of this is the 'triage' reporting system with the ACCCE, where non-government stakeholders such as PK can only communicate with the ACCCE via a public reporting portal. This creates major limitations and inefficiencies, particularly where information is highly involved, complex and/or urgent. A perpetrator may be here today and gone tomorrow, and such hurdles can create opportunities for a perpetrator to disappear. More direct communication channels and better collaboration, working relationships, contact and reporting with the Australian Federal Police (AFP) and ACCCE and may assist greatly in reducing these hurdles and the hinderance to time dependent investigations that lead to prosecutions.

It is disappointing to note that PK have developed stronger more efficient working relationships with law enforcement agencies overseas and are able to directly communicate with foreign government offices and departments immediately more effectively than they can in Australia. Where PK has proven itself time and again as an experienced, knowledgeable, and highly qualified partner in the fight against CSE, it is disheartening that the Australian government and legislation have restricted our capacity for increased contribution to the same fight of protecting children.

It is understood and appreciated that communication channel between Australian government law enforcement and non-government parties is and should be subject to very strict legal regulations around

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information sharing and privacy. These legislations serve to protect also. However, there needs to be some considered allowance and/or contingency, especially where it becomes a matter of immediate time-dependent and productive outcomes relative to investigation and prosecution.

One example of how these limited communication channels can affect investigation and prosecution of CSO can be seen in the case of Peter Dundas Walbran [5] of which PK was heavily involved in. Walbran was initially incarcerated for 2+ years in Lombok, Indonesia (2012) for CSE crimes. Upon release he was deported to his 'home' country Australia in 2014, where he was summoned to attend a hearing around his crimes and if appropriate placed on the CSO register. He did not attend. Instead, he sought a New Zealand (NZ) passport (as appropriate to his birth certificate) and travelled to Thailand, where PK with other authorities found him teaching in schools and abusing children. Information around his passport was not, and according to Australian legislation, could not be released to PK or other key stakeholders. It took external sources to establish this key information. Again, this was a disappointing outcome where the Australian Government may have contributed to faster and more effective results.

Due to lack of communication, information sharing, and legislation details of Walbran's place of birth, nationality and passport was not available until it was too late, delaying investigation and prosecution. As a NZ citizen, and according to NZ law (aside from COVID restrictions) he is free to travel. Where Australian has a legislative travel ban for CSO, NZ does not. Had established and direct communication and reporting channels between government and proven, valuable non-government stakeholders had been established, this may not have occurred.

From our perspective, a major gap, affecting the efficacy of legislative tools and tactics of law enforcement used to investigate and prosecute offenders is the lack of working relationships and direct communication channels between key government and non-government stakeholders.

We highly recommend that the Australian government address legislation that restricts working relationships and information sharing between proven ethical and valuable non-government parties and government law enforcement agencies, and in turn tactics of law enforcement. Attention and improvements in this area may enhance collaboration and working relationships and result in more effective time-efficient investigation and better prosecution of CSO's.

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C: considering opportunities and suitability of streamlining legislative constraints to enable faster investigations that can better respond to rapidly evolving trends in offending.

PK strongly believe that better streamlining legislative constraints across Australian federal and state/territory governments would results in improved capacity to respond to rapidly evolving trends in offending and contribute to better outcomes in the future.

As outlined in the previous points, there are significant gaps in reporting platforms, collaboration and information sharing between key stakeholders including government and non-government relevant parties. These limitations to working relationships are largely impacted by restrictions imposed by current legislation. Further to the previous points, PK believe a more unified approach between state and federal governments would result in more effective working processes and outcomes, including improved control and management, and time efficient investigations.

Where state and territory legislations are not unified in their approach, there are increased opportunities for offenders to elude investigations and prosecution and commit further offences across Australian states and territories. Internet and GPS monitoring legislation for example is defined independently between states and territories. If states and territories had a more collaborative approach and mirrored a national legislation, an offender would be subject to the same repercussions no matter where they were in Australia, which may deter their movement. PK advocate for a '2 strikes out your out' policy for mandatory sentencing of CSO. If such a policy was mirrored nationally an offender would have less room to incentive to move and avoid being caught.

As a society and a government, if Australia cannot collaborate and agree on set of rules that govern how to deal with CSO in the community, there is something majorly wrong. Following this notion, PK strongly advise that a joint statement across federal and state/territory governments is needed. Should state and federal governments develop better collaborative legislation this would certainly provide evasion barriers for offenders and enhance the capacity of those such as the AFP and ACCCE.

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D: considering the use by offenders of encryption, encryption devices and anonymising technologies, and Remote Access Trojans to facilitate their criminality, along with the resources of law enforcement to address their use.

Whilst PK have limited credentials in this area, they do support current international perspectives around the need for safer encryption technologies, and the dangers of end-to-end encryption with respect to CSE, restricting law enforcement from gaining critical information of offenders acting online [6, 7].

PK echo and strongly recommend the Australian government observe and consider the following statements with respect to encryption and child safety from The WeProtect Global Alliance (WPGA). This organisation works to ‘transform the global response to child sexual exploitation and abuse online’ as a coalition of 98 countries, including Australia [8].

‘In light of these threats, there is increasing consensus across governments and international institutions that action must be taken: while encryption is vital and privacy and cyber security must be protected, that should not come at the expense of wholly precluding law enforcement, and the tech industry itself, from being able to act against the most serious illegal content and activity online.’

‘The WPGA, National Center for Missing and Exploited Children (US) and a coalition of more than 100 child protection organisations and experts from around the world have all called for action to ensure that measures to increase privacy – including end-to-end encryption – should not come at the expense of children’s safety’ [7].

PK can vouch from experience that different online platforms facilitate grooming and child exploitation, this is also supported by research [9-11]. Where there are restrictions around the information that can be sourced by and from these online platforms by respective law enforcement agencies, the capacity to investigate and prosecute offenders is hindered. This being said, it is also fully appreciated that encryption safety measures to protect the privacy and online security of the community is also paramount.

Access to a device or screen shot of social media messages from a general encrypted platform (e.g., WhatsApp) may be sufficient to commence an investigation, however needed information such as the IP address or the tower that information came from can only be sourced from the actual company holding the

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server. When that companies' hands are legally tied' from releasing such information, even to legitimate law enforcement agencies, they become part of the problem.

'Publicly-accessible social media and communications platforms remain the most common methods for meeting and grooming children online' [7].

For the general public, information, research and discussion around encryption may not appear relevant with views made based on blanket statements released. Where many assume their personal information is protected by encryption, it is currently not so. Many are likely unaware of current FB status or potential developments to make Messenger encrypted. Where FB are currently increasing Messenger encryption [12], there is likely less understanding from the general community around the consequences this action may mean for criminal activity.

'In 2018, Facebook Mesenger was responsible for nearly 12 million of the 18.4 million worldwide reports of child sexual abuse material to the US National Center for Missing and Exploited Children' [7].

CSO's who depend on these platforms to commit their offences and run their criminal businesses however will be paying careful attention. Currently encrypted platforms cannot legally provide information to law enforcement around their activities. Those platforms where messages and information disappear immediately provide an even more disturbing opportunity for offenders to eradicate potential critical evidence.

Supporting the emerging theme of PK's submission, is the need for further communication, information sharing and stronger working relationships across key stakeholders, including technology companies are vital.

E: considering the role technology providers have in assisting law enforcement agencies to combat child exploitation, including but not limited to the policies of social media providers and the classification of material on streaming services.

Many of the concerns around this issue link with and are raised in the previous point. Technology providers as a whole have made significant progress over recent years. PK acknowledge these developments and

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encourage providers to continue their work in the area of combatting child exploitation within their platforms. The introduction of new features on key social media platforms are now subject to review and recommendations from their own Trust and Safety Divisions. Results from these child safety and exploitation online initiatives speak for themselves. When PK first began working in this area, Safety and Trust Divisions of social media platforms for example were not actively present and there was not the consultation there is today around child safety prior to implementing new services or initiatives [3, 7]. PK believe, if emulated and built upon internationally the positive effects of these and other recent initiatives could be even greater.

The market for online CSE will sadly always be present. There will always be those with sexual tendencies towards children, children in vulnerable positions, and those willing to exploit both factors for personal and/or business gain. Whilst it can never be stopped, strategies can be put in place to massively regress these criminal activities and reduce this horrific industry.

Whilst PK has observed positive changes over recent years, it feels confident the continuance of such developments and action is critical in order to result in a better safer landscape in the future.

It is critical that government and public pressure continue to enforce the protection of children as a primary responsibility of technology providers. These companies must continue to prioritise their resources and invest in combatting these crimes as a key component of their development and delivery of services. As technology advancement continues, so does that of perpetrators. Where the operation and profitability of such businesses are subject to strict legal obligations, these priorities will continue to be given due consideration.

Again, PK refer the WPGA [8] as a key resource for strengthening relevant policies and strategies and developing industry accountability from both legislative government and technology providers. Should technology providers establish a unified clear set of standards and guidelines, it would remove the unnecessary use of valuable resources and competitive expenditure that may be more effectively invested from both a business and social responsibility sense.

Technology provider companies have a massive influence and better collaboration and working relationships with law-enforcement and other key stakeholder is needed.

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It is often in the best interests of technology providers to remove particular information off their servers as quickly as possible such as that around child exploitation material to avoid significant fines, business license restrictions and/or removal and industry embarrassment. From a business perspective significant prompt removal of such information from their servers also alleviates these businesses from accountability, risk, and responsibility. However, these are subject to rules and standards as defined by technology providers, such as those by FB, TikTok and Twitter [13-15] as accepted and agreed by users, versus legal obligations set up with law enforcement teams.

This identifies another gap between distinction of the two and potential underreporting. What information is reported to one and not the other? Again, mutual rules, international standards and ideally a recognised international body around this would assist in accountability across technology companies. However, PK acknowledges such ideologies are difficult to put in place.

The potential capacity for technology providers to assist law enforcement is huge. The better their administration and departments in these areas become, the better their assistance to law enforcement and relevant government departments investigating and prosecuting these types of crime can become. This is a very prominent area where legislation may enhance the capacity of fighting child exploitation crimes with collaborative efforts between government law enforcement and private technology provision.

F: considering the link between accessing online child abuse material and contact offending, and the current state of research into and understanding of that link.

The links between online access to child abuse material and contact offending are more pertinent to the exploitation of children overseas relative to Australian children, however Australian offenders are important clientele in this criminal industry market—This is largely due to Australia having stronger more law enforcement, more dedicated resources and less vulnerable populations compared to counties in Southeast (SE) Asia for example, where exploitation of children is easier.

An Australian offender may access live streaming or video of a child being sexually abused from such a region, do some research to find out where the information came from and attain information on how to access the information source and a particular child. PK have experienced this in their investigation firsthand. Prior to the recent COVID travel restrictions it was not difficult or relatively for such an offender to fly to a particular location and organise direct contact with a child/children for the purposes of sexual

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exploitation. Whilst COVID may limit current international travel, and thus such occurrences, it is only a matter of time before border re-open and direct contact offending such as this resumes. This temporary obstacle provides a time-urgent window for increased action by the Australian government to address these issues.

The concept of what is known as ‘Child Rape Holidays’ is not a secret. The passed legislation to ban international travel by Australian Registered Child Sex Offenders (RCSO), implemented by Senator Derryn Hinch and the Justice Party in 2017 [16, 17] of which PK was a key consultant, displays the highest level of acknowledgement of this issues and active support by the Australian Government.

With respect to links between access to online child abuse material and contact offending PK have observed several key factors that contribute to this criminal behavior and subsequent growth over the last 5 years. These include increased English language acquisition in foreign countries, increased mobile internet data coverage access at decreased costs, budget airlines increasing foreign child access affordability; and lack of relevant education/and or training to key stakeholders on the ground (such as hotels).

Where there are higher rates of English language skills in foreign countries, there is improved communication capacity and services among the child exploitation industries and their international target markets. Increased mobile internet data and lower costs in Australia and in foreign countries also contributes to better service and access provision between CE providers (online and in person) and offenders.

Budget airlines offer very cost-effective opportunities for direct access and contact with children in vulnerable locations such as those in SE Asia. It is not unusual for travel costs between Australia and SE Asia to cost less than travel within Australia itself. Further, in such country’s other costs such as accommodation, transport and food are incredibly inexpensive, making the investment of a ‘child rape holiday’ more financially viable to those offenders in Australia who do not necessarily have significant resources, and have not be a RCSO but are committing these crimes uncaught.

Knowledge and/or training around these crimes in key contact locations (such as international hotels) is also a variable that must be considered. To their credit there are several larger hotels and accommodation business that do provide specific workplace training and recognition and action skills to their staff around CSE and trafficking. The We Protect Children in Travel and Tourism’ is an important provider of these

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educational and training services [18] and is another key stakeholder in the international fight against CSE in this realm.

Smaller less resourced businesses do not share the same affordability's. Where child victims are taken to, for the purpose of sexual exploitation by international 'visiting' offenders, and the capacity of that venue to recognise and act, may influence the outcome of the potentially criminal incident, and whether a child is or is not physically harmed by an Australian, or other offender.

Non-government organisations (NGO's) such as Core, the WPGA and PK itself are key stakeholders in combatting child exploitation relevant to offences in Australia and by Australian.

To reiterate, stronger communication, information sharing channels and working relationships across Australian Law Enforcement, relevant NGO's and groups, and technology providers may well result in better and faster outcomes, and less capacity for future offences to be committed.

An additional area for comment is the need for further investment and collaboration with the medical fraternity, including psychological and psychiatry around the progressive behavioral link between accessing online abuse material to physical contact offending.

PK are again not qualified in this area beyond making comment based on observations from their experiences in this field which is that this behavioral link is an unfortunate but obvious and complex one.

The patterns driving offender behaviors can differ greatly [19]. Some may not fall within the legal definition of a 'paedophile' (i.e., with some level of Paedophilic Disorder - PD) which ranges across varying thoughts, behaviors, and activities [20]. Those performing online (or otherwise) CSO may have no prior convictions and have never touched a child before, or even thought about it until an opportunity arises. This does not make them a 'paedophile'. Others will have a long a history of these characteristics. There is a lack of knowledge in community at every level, [19] around this disorder. In order to make better safer futures for children, we need to better understand the offenders of these crimes. Only then can we create effective policies and procedures that provide stronger prevention and protection.

The more that is known about the perpetrators from a medical psychiatric perspective the more governments, NGO's and law enforcement will be able to tailor their resources to prevention of contact

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abuse. Those with appropriate expertise in behavior and PD are in a far stronger position to identify key variables in this progression and contribute to preventative strategies. Whilst there have been commendable developments and research in this area PK believe they (the medical fraternity) need a bigger seat at the table in the development of Australian government and law enforcement strategies that aim to understand and disrupt the psychosocial factors of this link. The Australian government must further engage this medical sector and again, build stronger communication channels and collaborative working relationships with this industry in order to build more powerful and effective strategies.

Fears in society around diagnosed 'psychological' conditions and the risk of criminal repercussions may present barriers. However better knowledge and understanding around these areas, particularly from a preventative perspective, may assist in slowing the growth of the CSE industry.

G: any related matters.

In addition to the above points PK would like to add the following views in relations to law enforcement capabilities in relation to child exploitation.

1. The Australian Government needs to support better training and resources in other countries, especially where it is Australian offenders exploiting their children. PK request increased funding and investment by the Australian Government to the AFP internationally in relation to these crimes. PK focus their work and activities where they can use their limited resources to create the most impact, which as close international neighbors, is SE Asia. The Australian government should possibly consider the same principle of investing their resources where the largest impact can be made, where 'impact' is defined by number of children subjected to sexual exploitation by Australians.
2. Ad-hoc 'hit and miss initiatives do not result in long term change. Shorter term law enforcement training programs are not effective where police are transient and rotate every two to three years. A permanent presence and increased investment by the Australian Government, dedicated to child sex exploitation divisions in higher risk countries is needed.
3. Advocacy of why Australia is and should further invest in these crimes overseas – because Australians are committing these crimes against their children. We as Australians have many expatriots residing in these countries and many transient Australian citizen visiting. Increased law enforcement capacity in other relevant counties may not result in protecting Australian children,

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but it will result in protecting children elsewhere from Australian offenders who may evade prosecution where there are gaps between key international stakeholders and communication. Surely it is our responsibility to implement as many measures as possible to protect children from exploitation by Australian citizens.

4. Where Australian offenders are prosecuted overseas, and subjected to sentence times in those countries, they may be less likely to re-offend.
5. PD (as listed in the Diagnostic and Statistical Manual of Mental Disorders) is a diagnosable psychiatric condition that cannot be ‘cured’ through rehabilitation or sentencing. It can only be managed with medication, therapy etc. [20]. Despite the obvious links it is important to note that those with PD and CSO’s are two different things. One may or may not have harmed a child online or otherwise (but suffers from a psychiatric disorder) and the other has (by committing an offence). In Australia there is little acknowledgement or support for those with PD, online or otherwise, that have not harmed a child in any way, to manage this disorder or prevent them from progressing to a CSO. PK feel strongly that the Australian Government need to address this distinction/gap in their strategic planning and action against child exploitation.

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