



## Submission to Parliamentary Joint Committee on Law Enforcement: Law Enforcement Capabilities in Relation to Child Exploitation 20 August 2021

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## 1. Introduction

Collective Shout ([www.collectiveshout.org](http://www.collectiveshout.org)) is a grassroots movement challenging the objectification of women and sexualisation of girls in media, advertising and popular culture. We target corporations, advertisers, marketers and media which exploit the bodies of women and girls to sell products and services, and campaign to change their behaviour. More broadly we engage in issues relating to other forms of sexploitation, including the inter-connected industries of pornography, prostitution and trafficking as well as Child Sexual Abuse Material (CSAM).

### 1.1 Summary of Recommendations

**Recommendation 1: We urge Australian law enforcement and legal professionals to use terminology according to the Luxembourg Guidelines, developed by a group of 18 international partners.**

**Recommendation 2: Increase funding and training for CSAM investigations.**

**Recommendation 3: Increase budgets to include specialist multidisciplinary teams and expert consultations.**

**Recommendation 4: The Federal Government fast-track an age-verification system**

**Recommendation 5: Provide courses on artificial intelligence, machine learning, software design, engineering, and data science into digital forensic programs.**

**Recommendation 6: Provide a continuous funding model for CSAM investigation teams.**

**Recommendation 7: Minimise exposure to CSAM for law enforcement and legal professionals by making investigations quicker; this could be done by implementing standardised workflow according to international models.**

**Recommendation 8: Train upper management of relevant departments to develop comprehensive knowledge of the complexity of investigations and the resources needed.**

**Recommendation 9: Australia must continue to work with the tech industry to create a balance between privacy and protection for children, without allowing end-to-end encryption to conceal CSAM activity.**

**Recommendation 10: The role of adult pornography in access to and interest in CSAM should be highlighted, with more done to reduce supply/demand of adult pornography.**

**Recommendation 11: Education campaigns should demonstrate that self-generating sexualised images is harmful for children and adolescents. Government should make available support and interventions for children and adolescents engaged in this activity.**

**Recommendation 12: Public awareness should be raised regarding the criminal nature of all CSAM.**

**Recommendation 13: Penalties for Live Distant Child Sexual Abuse should be strengthened and enforced.**

**Recommendation 14: The Federal Government should call on state parties to follow its lead and make all child sex abuse dolls and replica child body parts illegal.**

## 1.2 Human rights context for actively addressing CSAM

Australia is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), including the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Lanzarote Convention, the Budapest Convention (including the 2<sup>nd</sup> Additional Protocol which contains specific detailed measures as safeguards for online privacy), and the European Convention on Cybercrime. Among the relevant articles are:

- Article 3 of the UNCRC requires that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”
- In Article 3 UNCRC, States are required to “undertake to ensure that child such protection and care as is necessary for his or her well-being’ and ‘to take all appropriate legislative and administrative measures’ to this end.”
- Article 19(1) UNCRC requires that States “take all appropriate legislative measures to protect the child from all forms of physical or mental violence, injury or abuse... maltreatment or exploitation, including sexual abuse.”
- Article 19(2) UNCRC requires States to implement “protective measures” including “other forms of prevention and for identification, reporting, referral, investigation... and “for judicial involvement.”
- Article 34 UNCRC requires States to “protect the child from all forms of sexual exploitation and abuse.” It requires States to “take all appropriate national, bilateral and multilateral measures to prevent (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; (c) the exploitative use of children in pornographic performances and materials.”
- Article 36 UNCRC asserts that “State parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.”

It is now accepted that states or other parties (such as corporations) have duties to respect and protect rights, not merely a duty to desist from violating rights.<sup>1</sup> Australia therefore has a positive obligation to work to address CSAM.

In relation to the abhorrent and expanding reality of child exploitation, it is crucial to achieve cooperation between multiple stakeholders; the private sector, civil society, and public authorities including law enforcement agencies and the judiciary. As an advocacy group we also value our engagement with the above parties. We are pleased to contribute to this inquiry based on our decade of advocacy and campaigning to end sexual exploitation in all forms.

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<sup>1</sup> Lazarus L, Le Toquin JC, Aires MM, Nunes F, Staciwa K, Vermeulen G, Walden I and Sicilianos LA (2021). Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse: Independent Experts’ Report. *Council of Europe*. <https://rm.coe.int/respecting-human-rights-and-the-rule-of-law-when-using-automated-techn/1680a2f5ee>

We are partners in a joint global campaign calling on Facebook-owned Instagram to put a stop to the sexual exploitation, sexualisation, harassment and grooming of underage girls on its platform. Together with our campaign partners, the National Center on Sexual Exploitation (NCOSE, USA) and Defend Dignity (Canada), we have developed a working relationship with Instagram executives to identify gaps in policies and procedures, and enforcement of these which has allowed for widespread sexual exploitation and predatory activity on the platform.

We also participated in safety research to assist Instagram's efforts to improve safety of minors on the platform. We have a working relationship with Facebook Australia executives and report all child exploitation content we identify, directly to them. This allows for expedited takedown of almost 100 percent of content we report. This is a significant example of improved cooperation between civil society organisations and service providers (Prior to this, we documented a takedown rate of just 10 per cent through Instagram's in-app reporting system to report child exploitation activity and content). We have continued to document the inadequacy of the reporting system for achieving removal of content which features explicit or implicit exploitation of a child and are reliant on our relationship with Facebook to achieve content takedown.

We welcomed Instagram's recently announced protections including default privacy settings for teens and the blocking of 'suspicious adults' from finding and connecting with minors. However, we are aware of several gaps in Instagram's safety standards which are putting underage girls at risk of sexual harassment and exploitation. We continue to call for changes to and enforcement of policies to close these gaps and protect children from predators.

We continue to advocate for Instagram to prohibit the advertising of paid content via subscription and websites, to prohibit sexualised comments/emojis, to prohibit the sharing of minors' content on accounts which also share sexualised and porn-themed content featuring adults, and to have zero tolerance for predatory activity directed at minors.<sup>2</sup> In July we celebrated another win as Instagram announced new default privacy settings for under-16s, as well as the move to block suspicious accounts from finding teens in Explore, Reels, or 'Accounts suggested for you.'<sup>3</sup>

### 1.3 Self-regulation failures

We are pleased to contribute to improved safety standards for children in the online environment. However, we are acutely aware of the general failure of corporates to prioritise child safety over profit under self-regulation.

In our submission to the European Commission's Public Consultation on Child Sexual Abuse Online,<sup>4</sup> we pointed out that voluntary codes have limited capacity for requiring corporates to place the safety, needs and rights of children above profit. We continue to document the widespread failings of corporates to exercise social responsibility voluntarily and outside legislated mandates.<sup>5</sup>

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<sup>2</sup> Kennedy, Lyn (19 March 2021). WIN: New measures to help protect minors from predators on Instagram. *Collective Shout*, [https://www.collectiveshout.org/\\_wakeupinstagram\\_win](https://www.collectiveshout.org/_wakeupinstagram_win); Liszewski, Melinda (5 December 2019). Insta must act on predators: Collective Shout letter to platform heads. *Collective Shout*, [https://www.collectiveshout.org/insta\\_must\\_act\\_on\\_predators\\_collective\\_shout\\_letter\\_to\\_platform\\_heads](https://www.collectiveshout.org/insta_must_act_on_predators_collective_shout_letter_to_platform_heads).

<sup>3</sup> Collective Shout (2 August 2021, 02:10). \*WIN\* Instagram rolls out new safety measures for teens. Facebook Post, <https://www.facebook.com/collectiveshout>

<sup>4</sup> Collective Shout (5 July 2021). Submission to European Commission Public Consultation on Child sexual abuse online – detection, removal and reporting. *Collective Shout*.

[https://www.collectiveshout.org/submission\\_eu\\_commission\\_public\\_consultation\\_online\\_child\\_abuse](https://www.collectiveshout.org/submission_eu_commission_public_consultation_online_child_abuse)

<sup>5</sup> [https://www.collectiveshout.org/tags/ad\\_standards](https://www.collectiveshout.org/tags/ad_standards)

Self-regulation is a failed experiment. Mandatory rather than voluntary detection and reporting is required. “Safety by design”,<sup>6</sup> principles to guide platforms and services in incorporating, assessing, and enhancing user safety, is a welcome development. But this is a long way from removing the need for mandatory protective measures, as noted by John Carr, Secretary to the UK’s Children’s Charities’ Coalition on internet safety.<sup>7</sup>

For example, in our 2021 brief to Canada’s House of Commons Standing Committee on Access to Information, Privacy and Ethics submitted for its investigation into MindGeek/Pornhub for alleged criminal activity, we highlighted Pornhub’s failures to moderate and remove CSAM.<sup>8</sup> MindGeek appeared before the Canadian Parliament’s ethics committee on 5 February 2021. Following that, we were joint signatories, along with 104 sexual abuse survivors and 525 NGOs from 65 countries, to a letter sent on 22 February 2021 calling for a criminal investigation of MindGeek executives for profiting from child exploitation.<sup>9</sup> MindGeek systematically failed to moderate, review and report CSAM and other criminal content on its platform. MindGeek serves as a prime example that agents of the predatory and exploitative online pornography industry cannot be trusted to self-regulate.

It is unreasonable for wealthy and well-resourced tech companies to place the onus of monitoring and reporting child exploitation and predatory activity on their platforms on citizens like ourselves. State parties globally should implement uniform regulations to prevent and penalise Big Tech companies which continue to profit from the trade in child exploitation. We believe that governments should have much higher expectations of tech companies. We commend the Australian government for leading the way, for example then Minister for Home Affairs, Peter Dutton, challenging Facebook to take action on child abuse on its platforms and speaking out against encryption.<sup>10</sup> The Australian government’s success in forcing Facebook to pay for Australian news content also shows that Governments can bring Big Tech into line.<sup>11</sup>

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<sup>6</sup> eSafety Commissioner (2021). Principles and background, Safety by Design.

<https://www.esafety.gov.au/about-us/safety-by-design/principles-and-background>

<sup>7</sup> Carr, John (2 July 2021). States, CSAM and grooming. A proactive future? *Desiderata Blog*.

<https://johncarr.blog/2021/07/02/states-csam-and-grooming-a-proactive-future/>

<sup>8</sup> Collective Shout (23 March 2021). Briefing and Recommendations: Protection of Privacy and Reputation on Platforms Such as Pornhub.

[https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/7206/attachments/original/1614748310/CollectiveShout\\_ETHI\\_brief.pdf?1614748310](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/7206/attachments/original/1614748310/CollectiveShout_ETHI_brief.pdf?1614748310)

<sup>9</sup> Letter signed by 104 survivors, 525 NGOs from 65 countries. To the Standing Committee on Access to Information, Privacy and Ethics re Protection of Privacy and Reputation on Platforms such as Pornhub.

<https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/7205/attachments/original/1614572555/CollectiveOf104Survivors525Non-GovernmentOrganisationsFrom65Countries-e.pdf?1614572555>

<sup>10</sup> Dutton, Peter (12 December 2019). Address at the Global Summit to Tackle Online Child Sexual Exploitation, Addis Ababa, Ethiopia.

<sup>11</sup> Meade, A (9 December 2020). Australia is making Google and Facebook pay for news: what difference will the code make? *The Guardian*.

<https://www.theguardian.com/media/2020/dec/09/australia-is-making-google-and-facebook-pay-for-news-what-difference-will-the-code-make>

## 2. Trends and changes in relation to the crime of online child exploitation.

A spike in child sexual abuse material has been observed during the COVID-19 pandemic.<sup>12</sup> Whether the number of offenders has increased is difficult to measure, however offenders have certainly been given access to a broader group of potential victims. This expanded vulnerability includes time spent receiving education via remote learning.<sup>13</sup> Experts including ECPATT, EUROPOL and UNICEF warned at the beginning of the lockdowns that this would occur, due to a combination of increased opportunity plus heightened risk factors of stress, social isolation, and boredom.<sup>14</sup>

Indicators showing an increase in CSAM include:<sup>15</sup>

- referrals from National Center for Missing and Exploited Children (NCMEC)
- number of attempts to access online CSAM
- activity on P2P networks
- the number of reports from the public to law enforcement or other institutions
- the volume of new posts on online forums dedicated to child sexual abuse compared to established baselines
- activity on dark web forums

It is extremely disturbing to note that more horrific sexual content featuring children has emerged over time.<sup>16</sup>

Prior to COVID-19, other disturbing trends had been observed. INTERPOL's Child Sexual Exploitation database allows specialised investigators to exchange information around the world and share data with colleagues to facilitate international investigations. Detectives can locate victims of CSAM by analysing digital, visual, and audio content. This database contains over 2.7 million images and videos. It has enabled identification of 23,564 victims around the world. A sample of this database showed:<sup>17</sup>

- The younger the victim, the more severe the abuse.

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<sup>12</sup> Lazarus et al., 2021.

<sup>13</sup> EUROPOL (19 June 2020). Exploiting Isolation: offenders and victims of online child sexual abuse during the COVID-19 pandemic.

<https://www.europol.europa.eu/publications-documents/exploiting-isolation-offenders-and-victims-of-online-child-sexual-abuse-during-covid-19-pandemic>

<sup>14</sup> Parks, A., Sparre, C., Soderquist, E., Arver, S., Andersson, G., Kaldo, V., Gorts-Oberg, K., and Rahm, C. (2020). Illegal online sexual behavior during the COVID-19 pandemic: a call for action based on experiences from the ongoing Prevent It research study. *Archives of Sexual Behavior* 49(5):1433-1435.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7266414/>

<sup>15</sup> EUROPOL, 2020.

<sup>16</sup> Cale, J., Holt, T., Leclerc, B., Singh, S. and Drew, J. (February 2021). Crime commission processes in child sexual abuse material production and distribution: a systematic review. *Trends and Issues in Crime and Criminal Justice* No. 617. Australian Institute of Criminology.

<https://research-repository.griffith.edu.au/bitstream/handle/10072/402044/Cale461420Published.pdf?sequence=3>

<sup>17</sup> INTERPOL (2018). International Child Sexual Exploitation database.

<https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>

- 84% of images contained explicit sexual activity.
- More than 60% of unidentified victims were prepubescent, including infants and toddlers.
- 65% of unidentified victims were girls.
- Severe abuse images were likely to feature boys.
- 92% of visible offenders were male.

These figures highlight the urgency of intervention from the highest levels of government globally.

## 2.1 Terminology

Correct terminology is important to observe to ensure global and cross-disciplinary uniformity in approaches and to centre the victim.

**Recommendation 1: We urge Australian law enforcement and legal professionals to use terminology according to the Luxembourg Guidelines, developed by a group of 18 international partners.<sup>18</sup>**

Term to be used with caution, or avoided completely	Recommended
Child pornography	Child sexual abuse
Child sex tourism	Sexual exploitation of children in the context of travel and tourism
Child sex tourist	Travelling perpetrators of child sexual offences
Child prostitution	Exploitation of children in/for prostitution
Child prostitute, child sex worker	Victim of sexual exploitation
Customer, client, John	Abuser, child sex offender
Webcam child sex tourism/webcam child sex abuse	Live online child sexual abuse

## 3. Reviewing the efficacy of and any gaps in the legislative tools and tactics of law enforcement used to investigate and prosecute offenders.

### 3.1 Problems faced by law enforcement in CSAM investigations

Lack of resources is a common barrier identified by law enforcement and the judiciary working on CSAM in the USA.<sup>19</sup> Additionally, high turnover of staff is a problem, and trauma and burnout occur even amongst support staff.<sup>20</sup> Unfortunately, we need human eyes to make assessments and

<sup>18</sup> ECPAT (2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse. Interagency Working Group on Sexual Exploitation of Children. <http://luxembourguidelines.org/>

<sup>19</sup> Cullen, O., Ernst, K. Z., Dawes, N., Binford, W. and Dimitropoulos, G. (2020). "Our laws have not caught up with the technology": Understanding challenges and facilitators in investigating and prosecuting child sexual abuse materials in the United States. *Laws*. 9(4):28. <https://www.mdpi.com/2075-471X/9/4/28/htm>

<sup>20</sup> Cullen et al., 2020.

judgments on content. Artificial Intelligence cannot make the necessary granular distinctions to identify victims.<sup>21</sup>

The largest problems in the USA law enforcement study were the quantity of evidence requiring examination, and the lack of funding and staffing. Some law enforcement agencies are resorting to crowdsourcing to develop leads, and relying on volunteers to deter and solve crimes.<sup>22</sup>

Research shows investigators are not well trained in data science and artificial intelligence – yet these are essential tools to implement, especially new developments in automated detection of child nudity, age estimation, and skin tone.<sup>23</sup>

Cross-border operations can also be difficult and require international cooperation. We commend the combined activities and operations of the Office of the eSafety Commissioner (eSafety) and the Australian Federal Police-led Australian Centre to Counter Child Exploitation (ACCCE) as a model. We also commend the Five Eyes Security Alliance global cooperation to address child sexual exploitation and the work of the WePROTECT Global Alliance.

**Recommendation 2: Increase funding and training for CSAM investigations.**

### 3.2 What works in law enforcement capabilities<sup>24</sup>

- Having a designated cybercrime task force/department.<sup>25</sup>
- Training is associated with an increase in arrests, as long as the department has the resources to support CSAM investigations.<sup>26</sup>
- Training of police in the UK, Ireland, Italy and the Netherlands made police officers more prepared and more knowledgeable.<sup>27</sup>
- Having a budget for expert consultation is associated with more prosecutions than not having a budget.<sup>28</sup>
- Multidisciplinary teams enable effective, complex, victim-centred investigations and coordinated efforts: this includes legal representatives, law enforcement, Health Department, child protection workers, schools, healthcare, hospital personnel, advocacy groups.<sup>29</sup>

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<sup>21</sup> Lazarus et al., 2021.

<sup>22</sup> Yerkes, Elisabeth (2021). Stepping out of the shadows: Leveraging the community to stop the sexual exploitation of minors. *Homeland Security Affairs* Vol. XVII. <https://www.hsaj.org/articles/17478>

<sup>23</sup> Sanchez, L., Grajeda, C., Baggili, I. and Hall, C. (2019). A practitioner survey exploring the value of forensic tools, AI, filtering, and safer presentation for investigating Child Sexual Abuse Material (CSAM). *Digital Investigation* 29:S124-S142.

<sup>24</sup> Eggins, E., Mazerolle, L., Higginson, A., Hine, L., Walsh, K., Sydes, M., McEwan, J., Hassall, G., Roetman, S., Wallis, R. and Williams, J. (April 2021). Criminal justice responses to child sexual abuse material offending: a systematic review and evidence and gap map. *Trends and Issues in Crime and Criminal Justice* No. 623. Australian Institute of Criminology.

[https://www.aic.gov.au/sites/default/files/2021-03/ti623\\_criminal\\_justice\\_responses\\_to\\_csam\\_offending.pdf](https://www.aic.gov.au/sites/default/files/2021-03/ti623_criminal_justice_responses_to_csam_offending.pdf)

<sup>25</sup> Eggins et al., 2021.

<sup>26</sup> Eggins et al., 2021.

<sup>27</sup> Cullen et al., 2020.

<sup>28</sup> Eggins et al., 2021.

<sup>29</sup> Cullen et al., 2020.



- This multidisciplinary approach also minimises the need for repeat interviews with the victims.<sup>30</sup>

**Recommendation 3: Increase budgets to include specialist multidisciplinary teams and expert consultations.**

### 3.3 Uniform approach to Age Verification required

We have long highlighted the links between pornography and the normalisation of child sexual abuse.<sup>31</sup> Movement Director Melinda Tankard Reist has documented the rise of sexual assault, sexual harassment, coercion and other inappropriate behaviours between young people.<sup>32</sup> Global research points to the global pornography industry as a significant driver of this abuse.<sup>33</sup> Boys' sexual templates are being shaped by the porn industry which has become the world's largest sex educator.<sup>34</sup> Much of the content is violent, depicting rape, torture, incest, and child abuse.<sup>35</sup> Exposing children to pornography is itself an act of abuse. We have called for an age verification system as part of a multi-pronged approach to protect children from online pornography. (Refer to our submission to the Australian Inquiry into Age Verification for Online Wagering and Pornography (2019).)<sup>36</sup>

We welcomed the Government's June 2021 response to the Inquiry Committee's report *Protecting the Age of Innocence*, released February 2020, in which it supported the development of a roadmap for the roll out of an age verification system to help protect children from exposure to online pornography.

In its final report on the inquiry into age verification for online wagering and pornography, the Committee said there was "widespread and genuine concern... about the serious impacts on the welfare of children" associated with porn exposure. Age verification "could create a significant

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<sup>30</sup> Cullen et al., 2020.

<sup>31</sup> See Evans, James (1 February 2021). We need to talk about 'teen' porn. *Collective Shout* [https://www.collectiveshout.org/we\\_need\\_to\\_talk\\_about\\_teen\\_porn](https://www.collectiveshout.org/we_need_to_talk_about_teen_porn); Izaakson, Jen (5 March 2021). Bell Delphine: Product of a culture that eroticises children and monetises their sexualisation. *Collective Shout* [https://www.collectiveshout.org/belle\\_delphine\\_culture\\_eroticises\\_children](https://www.collectiveshout.org/belle_delphine_culture_eroticises_children); Tankard Reist, Melinda (13 April 2014). The dark world of paedophilia exposed. *The Sydney Morning Herald* <https://www.smh.com.au/opinion/the-dark-world-of-paedophilia-exposed-20140413-zqu8v.html>.

<sup>32</sup> Tankard Reist, Melinda (7 March 2016). Growing up in Pornland: Girls have had it with porn conditioned boys. *ABC Religion and Ethics*.

<https://www.abc.net.au/religion/growing-up-in-pornland-girls-have-had-it-with-porn-conditioned-b/10097244>  
<sup>33</sup> CEASE (July 2021). Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation.

[https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/7292/attachments/original/1626410196/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf?1626410196](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/7292/attachments/original/1626410196/210607_CEASE_Expose_Big_Porn_Report.pdf?1626410196). See also Tankard Reist, Melinda (3 July 2018). Never Again? Addressing sexual violence must include pornography. *ABC Religion and Ethics*.

<https://www.abc.net.au/religion/never-again-addressing-sexual-violence-must-include-pornography/10094568>  
<sup>34</sup> Tankard Reist, Melinda (6 July 2016). Early sexualisation and pornography exposure: the detrimental impacts on children. *Australian Childhood Foundation Blog*.

<https://professionals.childhood.org.au/prosody/2016/07/melinda-tankard-reist/>

<sup>35</sup> Tankard Reist, Melinda (9 March 2021). Why "consent" doesn't stand a chance against porn culture. *ABC Religion and Ethics*.

<https://www.abc.net.au/religion/consent-education-does-not-stand-a-chance-against-pornography/13231364>

<sup>36</sup> Collective Shout (2019). Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into age verification for online wagering and online pornography.

[https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3258/attachments/original/1575331635/Age\\_Verification\\_Submission.pdf?1575331635](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3258/attachments/original/1575331635/Age_Verification_Submission.pdf?1575331635)

barrier to prevent young people...from exposure to harmful online content.”<sup>37</sup> We have since called on the Federal Government to fast-track an age-verification system, given the harm being done to young people with every day of delay.<sup>38</sup> For it to be effective and contribute to protecting as many children as possible, proof-of-age protections need to be applied by all state parties.<sup>39</sup>

Data indicates that there is growing interest in CSAM. It is driven by exposure to extreme porn, and may be triggered by accidental exposure to it, more powerful even than pathological motivations or drivers such as sexual urges (although convicted CSAM offenders do exhibit high rates of paedophilic interests).<sup>40</sup> Child abuse expert Michael Sheath believes he is seeing “a dangerous cultural shift in the profile of offenders, brought about by the enormous change that increasingly extreme pornography is having on the developing teenage mind.”<sup>41</sup> Almost half of the 3,035 offenders in the criminal justice system for possessing CSAM (in Queensland, 2018) were themselves children under the age of 17.<sup>42</sup>

Age verification is recommended as a preventative measure by the WePROTECT Global Alliance in its report *Global Threat Assessment 2019: Working together to end the sexual exploitation of children online*.<sup>43</sup>

On June 28, 2021, the Senate of Canada passed Bill S-203, *An Act to restrict young persons’ online access to sexually explicit material*.<sup>44</sup> The Bill makes it an offence to make sexually explicit material available to young persons on the Internet. Provisions of this Act include regulations prescribing age-verification methods for accessing online pornography. An offence is punishable by a fine up to \$20,000 and/or up to six months imprisonment for individuals (for second offence) and a maximum fine of \$500,000 for corporations (second offence). Germany’s rollout of age verification is marked for 2022, in keeping with child protection law reform.<sup>45</sup>

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<sup>37</sup> Collective Shout (1 June 2021). Media Release: Overdue Federal Government announcement on porn protections for kids welcomed. *Collective Shout*

[https://www.collectiveshout.org/media\\_release\\_gov\\_support\\_for\\_age\\_verification](https://www.collectiveshout.org/media_release_gov_support_for_age_verification)

<sup>38</sup> Collective Shout (19 June 2021). Federal Member Julian Simmonds launches petition to fast-track porn protections for kids. *Collective Shout*

[https://www.collectiveshout.org/julian\\_simmonds\\_mp\\_age\\_verification\\_petition](https://www.collectiveshout.org/julian_simmonds_mp_age_verification_petition)

<sup>39</sup> Collective Shout. Briefing and Recommendations: Pornhub, 2021.

<sup>40</sup> Hunn, C., Spiranovic, C., Prichard, J. et al. (2020). Why internet users’ perceptions of viewing child exploitation material matter for prevention policies. *J Criminology* 20<sup>th</sup> February, 53(2).

<https://journals.sagepub.com/doi/10.1177/0004865820903794>

<sup>41</sup> Grant, Harriet (15 December 2020). How extreme porn has become a gateway drug into child abuse. *The Guardian*

<https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse>

<sup>42</sup> WePROTECT Global Alliance (2019). *Global Threat Assessment 2019: Working together to end the sexual exploitation of children online*.

<https://www.end-violence.org/sites/default/files/paragraphs/download/Global%20Threat%20Assessment%202019.pdf>

<sup>43</sup> WePROTECT Global Alliance, 2019.

<sup>44</sup> <https://parl.ca/DocumentViewer/en/43-2/bill/S-203/third-reading>

<sup>45</sup> Crossland, David (22 July 2021). German plan for age filters across web to stop under-80s accessing pornography. *The Times*.

<https://www.thetimes.co.uk/article/german-plan-age-stop-under-18s-accessing-pornography-w9xpd19rm>

Further to the actions above we have also partnered in a global campaign calling on governments to adopt proof-of-age protections as a matter of urgency.<sup>46</sup>

#### **Recommendation 4: The Federal Government fast-track an age-verification system**

### 3.4 Additional recommendations

We support the recommendations from a study of practitioners in the USA in 2019:<sup>47</sup>

**Recommendation 5: Provide courses on artificial intelligence, machine learning, software design, engineering, and data science into digital forensic programs.**

**Recommendation 6: Provide a continuous funding model for CSAM investigation teams.**

**Recommendation 7: Minimise exposure to CSAM for law enforcement and legal professionals by making investigations quicker; this could be done by implementing standardised workflow according to international models.**

**Recommendation 8: Train upper management of relevant departments to develop comprehensive knowledge of the complexity of investigations and the resources needed.**

## 4. 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.

CSAM is currently distributed by P2P networks, virtual reality, Tor, darknet, live streaming, cloud storage, messaging apps, social media platforms, and even bitcoin blockchain.<sup>48</sup> Not all webpages that host/distribute CSAM even attempt to avoid detection.<sup>49</sup>

CSAM law enforcement officers are often several steps behind perpetrators in producing and distributing material. New apps, software and programs frequently arise. Cracking passwords on encrypted devices is difficult. Decreasing size of devices makes them easier to hide. ISPs often seem to prioritise client privacy over prosecuting perpetrators and protecting children. Some companies are more cooperative, indicating that it might be a function of the attitude of individual corporate managers. One problem is that the ISP notifies a user that their account is being shut down, giving them time to cover their tracks before they are contacted by law enforcement.<sup>50</sup>

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<sup>46</sup> Collective Shout (13 August, 2021). New petition: Protect Children Not Porn.  
[https://www.collectiveshout.org/petition\\_protect\\_children](https://www.collectiveshout.org/petition_protect_children)

<sup>47</sup> Sanchez et al., 2019.

<sup>48</sup> Cale et al., 2021.

<sup>49</sup> Cale et al., 2021.

<sup>50</sup> Cullen et al., 2020.

Users of CSAM forums assist each other to avoid detection by law enforcement. For example, as Europol explains:

*Users regularly publish information and safety manuals aimed at avoiding detection by law enforcement authorities. Some users are also attentive to law enforcement operations and regularly publish news articles or even summary reports of the techniques used during successful operations. Cross-posting across various boards and forums highlights a collective approach to improve operational security for all.*<sup>51</sup>

In 2019 the Five Eyes alliance accused some companies of deliberately designing systems to prevent access to even the most serious criminal content, CSAM included. *The Australian* reported that then-Minister for Home Affairs Peter Dutton “led discussions on the growing problem of child exploitation, insisting ‘tech companies, which have resisted regulation and calls for backdoor encryption keys, begin co-operating under a moral obligation’.”<sup>52</sup>

#### 4.1 End-to-end encryption (E2EE)

We are concerned that ISPs are moving ahead with implementation of E2EE, including the encryption of websites being requested. This will have flow on impacts for example where the parent/school filter won’t recognise CSAM content because it will be fully encrypted.<sup>53</sup> Meeting and grooming children online is still most commonly carried out on publicly-accessible social media platforms, while CSAM material is shared mostly via P2P file sharing.<sup>54</sup> The application of E2EE by industry would mean that these companies will be increasingly unable to identify and flag malicious use of their own platforms.<sup>55</sup>

Experts on the frontline battle against online child exploitation have repeatedly urged against E2EE. For example, in February this year, UK man David Wilson was imprisoned for 25 years after he admitted to 96 sex offences against boys aged 4 to 14. Wilson primarily used Facebook to find his victims. In response to the news, Director of Threat Leadership for the National Crime Agency (UK) Rob Jones warned against Facebook’s intended rollout of E2EE across its messaging services:

*Facebook’s plans (for E2EE) are a disaster for child safety and law enforcement and mean the very many other David Wilsons out there will not be caught. Their plans will create a haven for child sex offenders to congregate to target children.*<sup>56</sup>

Our experience working in schools all over Australia shows that online and text grooming is endemic and a daily experience for many children online, especially girls. This has been acknowledged by Instagram which has just recently changed terms for children under 18.

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<sup>51</sup> EUROPOL, 2020.

<sup>52</sup> [https://www.collectiveshout.org/five\\_eyes\\_intelligence\\_tech\\_giants\\_provide\\_access\\_encryption](https://www.collectiveshout.org/five_eyes_intelligence_tech_giants_provide_access_encryption)

<sup>53</sup> WePROTECT Global Alliance, 2019.

<sup>54</sup> WePROTECT Global Alliance, 2019.

<sup>55</sup> WePROTECT Global Alliance, 2019.

<sup>56</sup> Dodd, Vikram (10 February 2021). Facebook under fire over encryption plans as man is jailed for abusing 52 children. *The Guardian*.  
<https://www.theguardian.com/uk-news/2021/feb/10/man-who-posed-as-girl-online-jailed-for-abusing-51-children>

We have joined the calls made by governments and child safety advocates to block Facebook's plans for eE2EE across all its messaging services for this very reason: child exploitation will go undetected. In the weeks following the enactment of EU's ePrivacy Directive in December 2020, the National Center for Missing and Exploited Children, US (NCMEC) reported a drop of 46 per cent in reports of child exploitation material from tech companies.<sup>57</sup> These reporting figures are expected to drop further if Facebook proceeds with its plans.<sup>58</sup>

We understand that even with E2EE, tech companies are able to screen certain features of accounts for child exploitation material and activity. We urge that all obligations to detect, remove and report CSAM must apply to all service providers, regardless of their employment of E2EE. We urge that legislation must not serve to incentivise service providers to hide under the cover of E2EE for exemption from mandatory CSAM detection, removal, and reporting requirements.

WePROTECT published a Global Threat Assessment in 2019, finding:<sup>59</sup>

- Two thirds of the total 18.4 million referrals (to NCMEC of CSAM by US technology companies) originated in messaging services, at risk of disappearing if E2EE is implemented.
- 94% of CSAM material found online by the Internet Watch Foundation (IWF) contains images of children aged 13 or under, while 39% contains images of children 10 or under.
- 750,000 individuals across the globe are estimated to be looking to connect with children for sexual purposes at any one time.

According to the USA's Missing Kids, the EU is the largest geographical hub of CSAM globally, hosting almost 90% of reported URLs. The vast majority (94%) of these cases were on Facebook platforms: Messenger, Instagram, WhatsApp. That same year, Facebook announced its intention to deploy end-to-end encryption across its services. Child welfare advocates say that this would make 70% of CSAM cases impossible to detect by law enforcement as well as FB itself.<sup>60</sup>

The EU is considering whether it is legal for tech platforms in the EU to filter electronic communications for CSAM. In the absence of clarity, the European Commission proposed a derogation from the safeguards of the ePrivacy Directive, so that tech companies can continue to filter content for CSAM.

Notwithstanding these challenges, the European Council adopted a resolution on encryption in November 2020. This signals EU member states' willingness to work with industry, create a balance between security "despite and through encryption," design a regulatory framework, and innovate investigative capabilities around encryption.<sup>61</sup> The European Parliament Intergroup on Children's Rights warned that without this balance, the EU would become a "safe haven for paedophiles."<sup>62</sup>

**Recommendation 9: Australia must continue to work with the tech industry to create a balance between privacy and protection for children, without allowing end-to-end encryption to conceal CSAM activity.**

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<sup>57</sup> Missing Kids (29 April 2021). A battle won, but not the war in the global fight for child safety. *Missing Kids Blog*. <https://www.missingkids.org/blog/2020/we-are-in-danger-of-losing-the-global-battle-for-child-safety>

<sup>58</sup> See our submission to Online Safety Bill Exposure Draft here for more information: [https://www.collectiveshout.org/submission\\_exposure\\_draft\\_online\\_safety\\_bill\\_2020](https://www.collectiveshout.org/submission_exposure_draft_online_safety_bill_2020)

<sup>59</sup> WePROTECT Global Alliance, 2019.

<sup>60</sup> Koomen, Maria (March 2021). The Encryption Debate in the European Union: 2021 Update. International Encryption Brief. Carnegie Endowment for International Peace. [https://carnegieendowment.org/files/202104-EU\\_Country\\_Brief.pdf](https://carnegieendowment.org/files/202104-EU_Country_Brief.pdf)

<sup>61</sup> Koomen, 2021.

<sup>62</sup> Koomen, 2021.

## 4.2 CSAM image hash matching on iPhone and iCloud

We welcome Apple's decision to scan for child abuse images on iPhones and iCloud. Rather than 'scanning' user photos, this tool matches images with identical hash ID tags from a database provided by the National Center for Missing and Exploited Children.<sup>63</sup> This is part of a greater push around child safety from the company. For example, a new communication tool will also warn users under age 18 when they're about to send or receive a message with an explicit image. Parents can turn on a feature that will send a notification if their child (under 13) is about to send or receive a nude image.

## 5. 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

Involvement of technology providers in detection, removing, and reporting is absolutely essential. Children almost never report their own abuse. For example:

*Internet companies were the most frequent reporter of online enticement to the CyberTipline (71%), followed distantly by parents/guardians (14%) and members of the general public unknown to the child victim (4%). The child victims only reported to the CyberTipline on their own behalf in ~2% of reports.<sup>64</sup>*

In the USA, it is estimated that 60-80% of CSAM victims do not disclose the existence of photographs or videos until adulthood. In fact, few report to law enforcement and even fewer make it to court. This is attributed to shame, fear of consequences if the footage is found, or a belief that the images will somehow incriminate them as well. It is most often disclosed to a therapist (86%), rarely discovered by a police investigation (12%).<sup>65</sup>

## 6. Considering the link between accessing online child abuse material and contact offending, and the current state of research into and understanding of that link

CSAM consumers directly contribute to the sexual abuse of a child.

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<sup>63</sup> Kelly, SM (6<sup>th</sup> August 2021). Apple to start checking iPhone and iCloud photos for child abuse imagery. *CNN Business* <https://edition.cnn.com/2021/08/05/tech/apple-photos-child-abuse-imagery/index.html>

<sup>64</sup> National Center for Missing and Exploited Children (2015). The online enticement of children: an in-depth analysis of CyberTipline reports. <https://www.missingkids.org/content/dam/missingkids/pdfs/ncmec-analysis/Online%20Enticement%20Pre-Tra vel1.pdf>

<sup>65</sup> Cullen et al., 2020.

Law enforcement is seeing increases in the severity, scale, and complexity of child sexual abuse offending. There is a direct link between viewing abuse images and contact abuse, as well as offenders using the dark web and encryption to hide their activity and identities. The direct link is that members must produce new material to have access to the group.<sup>66</sup>

WePROTECT has pointed out:

*From a safeguarding perspective, distinguishing between ‘contact’ and ‘non-contact’ abuse is misleading. Where the offender is not physically present in the room but directing the conduct remotely, these victims of ‘contact abuse by self-touch’ may report a heightened sense of guilt and shame, making recovery difficult.<sup>67</sup>*

For contact offenders, CSAM is central to the grooming process, engendering a bond with the victim, demonstrating that there is nothing wrong or unnatural about sex acts, and providing material to potentially blackmail the victim.<sup>68</sup>

Researchers Fortin and colleagues developed scripted pathways that move from consumption of adult porn to CSAM consumption, on to CSAM distribution, to child luring, to child sexual abuse and CSAM offending.<sup>69</sup> They point out that only a small proportion of individuals who follow the scripts described move on to the next step, and causality between the steps has not been proven.

## 7. Any related matters

We urge the committee to consider multiple ways of preventing CSAM. Detection, reporting, and removal cannot be the sole approach – we must be more proactive in stopping it in the first place.

InHOPE has outlined various levels of prevention initiatives; primary, secondary, and tertiary.<sup>70</sup> Collective Shout has been working for many years in primary prevention by tackling sexually abusive norms such as pornography, sexting, and sentencing of CSAM offenders.

### 7.1 Adult pornography sites containing CSAM

CSAM is endemic and extremely accessible, widely available on adult pornography websites.

Researchers point to online availability and accessibility of CSAM online as a key driver – that is, the expansion is not driven by an increase in demand, but by an increase in supply of CSAM.

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<sup>66</sup> WePROTECT Global Alliance, 2019.

<sup>67</sup> WePROTECT Global Alliance, 2019.

<sup>68</sup> Cale et al., 2021.

<sup>69</sup> Fortin, F., Paquette, S. and Dupont, B. (2018). From online to offline sexual offending: episodes and obstacles. *Aggression and Violent Behavior* 39 (March-April 2018):33-41.

<sup>70</sup> InHOPE (27<sup>th</sup> October 2020). Prevention Initiatives Report. [https://inhope.org/media/pages/prevention/background/4d5a82679f-1603804543/preventionreport\\_inhope\\_27.10.2020.pdf](https://inhope.org/media/pages/prevention/background/4d5a82679f-1603804543/preventionreport_inhope_27.10.2020.pdf)

*Participants who used adult pornography were twice as unlikely to identify an effect on the unknowing child-victim, compared with participants who did not use adult pornography. If this finding is replicated and shown to be robust in further independent research, this would suggest that individuals who use legal pornography are at an increased risk of onset. This is underlined by research indicating that (a) it is not uncommon for individuals who view adult pornography to encounter opportunities to view CEM (Ray et al, 2014) and (b) the risk of onset increases if an individual encounters CEM while in a sexually aroused state (Quayle, Vaughan, and Taylor 2006; Wortley and Smallbone, 2012).<sup>71</sup>*

**Recommendation 10: The role of adult pornography in access to and interest in CSAM should be highlighted, with more done to reduce supply/demand of adult pornography.**

## 7.2 Normalisation of sexting

Young people are being given unsupervised access to devices at younger ages. This makes them vulnerable to harmful online interactions on social media and online gaming. It also makes them vulnerable to receiving and being asked for self-generated sexual images. This may occur by deception, coercion, peer-to-peer, or for social affirmation. This material frequently becomes available to offenders. Children may become victims of exploitation and abuse by adults. Organised criminals and scammers now target children in order to obtain sexual images and videos, and these are shared in CSAM networks more rapidly and widely than ever before.<sup>72</sup>

Large numbers of children are producing sexualised images of themselves, which can be shared widely or harvested and redistributed by those with a sexual interest in children. In the first six months of 2019, the IWF dealt with 22,484 reports of self-generated child sexual abuse material.<sup>73</sup>

The IWF has reported that this behaviour is being emulated by children and is beginning to play a significant role in victim vulnerability.<sup>74</sup>

Self-generated material, initially shared with peers, often ends up on CSAM platforms. Sometimes it is shared together with the personal information of the underage victim.<sup>75</sup>

While we do not agree that these children/adolescents should not in every case be labelled as 'sex offenders' for producing and distributing sexualised images of themselves, the behaviour puts them at significant risk. WePROTECT urges support and therapeutic intervention.

**Recommendation 11: Education campaigns should demonstrate that self-generating sexualised images is harmful for children and adolescents. Government should make available support and interventions for children and adolescents engaged in this activity.**

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<sup>71</sup> Hunn et al., 2020.

<sup>72</sup> WePROTECT Global Alliance, 2019.

<sup>73</sup> WePROTECT Global Alliance, 2019.

<sup>74</sup> WePROTECT Global Alliance, 2019.

<sup>75</sup> EUROPOL, 2020.



### 7.3 Poor public awareness of CSAM as a crime

Research suggests that CSAM viewers think that viewing CSAM is “at the extreme lower end of the harm dimension”, that CSAM is “only an image”, and that CSAM is not “morally wrong.” Such beliefs are more common among males.<sup>76</sup>

Younger people are less likely than ever to report sexual images of children. The Internet Watch Foundation recently ran a #SoSockingSimple campaign highlighting the lack of awareness and understanding among young adult males that viewing CSAM is illegal and should be reported. It has been observed that some offenders arrested for the viewing or possession of indecent imagery of children claim they have not committed any crime as there was no contact abuse. They believe no crime was committed since they weren’t involved in any coercion, especially where children have posted images and videos themselves.<sup>77</sup>

In a new report, WePROTECT Global Alliance identified the outcomes of ineffective communications about child sexual exploitation and abuse. These included dismissal, fatalism, incorrect perceptions about child exploitation and lack of willingness to respond to action calls. WePROTECT provides an evidence-based framework for communicating about child exploitation effectively, and offers preliminary recommendations for communicators.<sup>78</sup> We believe that any campaign aimed at raising public awareness about child exploitation would be enhanced by considering the report’s recommendations.

**Recommendation 12: Public awareness should be raised regarding the criminal nature of all CSAM.**

### 7.4 Weak sentencing for perpetrators of live distant streaming CSA<sup>79</sup>

To date the scales in terms of sentencing have been weighted in favour of abusers.<sup>80</sup> Our work in this field indicates that global victims of child sexual exploitation and abuse have been treated unjustly whereas large numbers of predators and abusers have got off lightly - a contributing factor behind the growth in this type of offending. We called for legislation to combat this in our submission to the

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<sup>76</sup> Hunn et al., 2020.

<sup>77</sup> WePROTECT Global Alliance, 2019.

<sup>78</sup> WePROTECT Global Alliance (19 August, 2021). How to talk about child sexual abuse in the digital world. *WePROTECT*. <https://www.weprotect.org/library/how-to-talk-about-child-sexual-abuse-in-the-digital-world/>

<sup>79</sup> WePROTECT Global Alliance, 2019.

<sup>80</sup> Tankard Reist, Melinda (6 July 2017). Why are Australian Telcos and ISPs enabling a child sexual abuse pandemic? *ABC Religion and Ethics*

<https://www.abc.net.au/religion/why-are-australian-telcos-and-isps-enabling-a-child-sexual-abuse/10095644>

National Action Plan to Combat Modern Slavery 2020-2024.<sup>81</sup> Movement Director Melinda Tankard Reist gave additional evidence to NSW parliamentary hearings on a related bill.<sup>82</sup>

There is also a disturbing trend of lower sentences for online offenders in demand-side countries who direct and cause live sexual abuse or exploitation by instructing and paying in-person offenders to violate children, relative to the offenders committing the 'in-person' contact abuse.<sup>83</sup>

A report by the International Justice Mission's Philippines programme claims that this trend:

- undermines the gravity of their serious, repeated and sometimes violent CSEA offences;
- fails to provide justice for vulnerable victims, including from poor developing world nations;
- fails to sufficiently restrain these offenders;
- is less likely to deter the offender population.<sup>84</sup>

Australian data corroborates the trend of light sentencing for men who commit CSAM-related offences. In a study of 29 Australian court cases including the terms 'child pornography' from 2007-2017, 61% of offenders received a custodial sentence, and of these the average sentence was 36.72 months. Eighty eight percent of cases included the most severe category of CSAM (sadism, torture, or bestiality), and 76% involved children aged three years or less.<sup>85</sup>

In 2005, in NSW, 62 cases of offences related to possessing 'child pornography' under the Crimes Act 1900 and publishing 'child pornography' under the Crimes Act 1900 were heard in local courts. Of these, 30 offenders were convicted and placed on a bond (48% of cases). However fewer than half of these (13 cases) were subject to supervision as a condition of the bond. Full-time and alternative custodial options were imposed in 43% (27 cases). 13% (9 cases) were suspended sentences. 13% (8 cases) received full-time custodial sentences (3 months to 18 months). In five cases, offenders were required to perform community service. In three cases, the offenders were fined. In another three cases, charges were dismissed without recording a conviction.<sup>86</sup>

Recent examples of inadequate sentencing for child exploitation crimes include the case of a Brisbane man found in possession of 85,000 child abuse images and videos across 11 electronic devices. On August 12, 2021, the man pleaded guilty to six charges relating to accessing, creating and possessing CSAM. Despite the magnitude of his offending – each video and image representing the abuse, rape and/or torture of a real child - he was sentenced to just four years in prison.<sup>87</sup>

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<sup>81</sup> Collective Shout (31<sup>st</sup> January 2020). Submission to the National Action Plan to Combat Modern Slavery 2020-2024: Public Consultation Paper. <https://d3n8a8pro7vhm.cloudfront.net/collectiveshout/pages/3389/attachments/original/1594084711/nap-2020-24-submission-collective-shout.pdf?1594084711>

<sup>82</sup> See page 60 for evidence from Movement Director Melinda Tankard Reist. <https://www.parliament.nsw.gov.au/lcdocs/transcripts/2255/Transcript%20-%204%20NOVEMBER%202019%20-%20CORRECTED.pdf>

<sup>83</sup> WePROTECT Global Alliance, 2019.

<sup>84</sup> WePROTECT Global Alliance, 2019.

<sup>85</sup> Christensen, L. S. and Tsagaris, G. S. (2020). Offenders convicted of child sexual exploitation material offences: characteristics of offenders and an exploration of judicial censure. *Psychiatr Psychol Law* 27(4):647-664. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7901685/>.

<sup>86</sup> Australian Institute of Criminology (2005). Child pornography sentencing in NSW. High Tech Crime Brief, Australian High Tech Crime Centre. <https://www.aic.gov.au/sites/default/files/2020-05/htcb008.pdf>

<sup>87</sup> Australian Federal Police (12 August 2021). Moreton Bay man sentenced for possessing child abuse material. <https://www.afp.gov.au/news-media/media-releases/moreton-bay-man-sentenced-possessing-child-abuse-material?fbclid=IwAR1iCPTXg4hZ6feDtEqyVSKogrjSHNZfL7uELMhI5gVzuFoDoPOVMlPGxIA>.

The following day, on August 13, another Brisbane man was convicted of eight offences relating to accessing, creating, transmitting and possessing CSAM. The child abuse material including images and videos of pre-pubescent girls. The man will be eligible for parole after serving just four months in prison.<sup>88</sup>

South Australian cardiologist Andrew Douglas McGavigan was recently sentenced to three years and four months in prison, with a reduced non-parole period of just 12 months, for CSAM-related offences. In December 2020 he was found to have downloaded 9,235 images and videos to an encrypted cloud storage app on his phone. Of these, officers from the SA Joint Anti Child Exploitation Team (JACET) examined 4061 files, most of which depicted “abusive material.” Judge Julie McIntyre described the material McGavigan possessed as “deviant, distressing and disturbing, with many of the children involved being subjected to violent forms of abuse... those children showed obvious fear and distress”. The man also had online discussions with other people about engaging in sexual abuse activities with children, including persistent requests to a person to source a “young female in exchange for money”. McGavigan pleaded guilty to two separate charges: accessing and possessing child abuse material and using a carriage service in a harassing or offensive way. One of the reasons for the lowered non-parole period, cited by Judge McIntyre, was McGavigan’s “prior good character”.<sup>89</sup>

WePROTECT observes:<sup>90</sup>

*Online offenders are the minds and money behind in-person contact abuse and should be punished, restrained and deterred accordingly; they are effectively inciting contact abuse and committing it by proxy, and so are responsible for it having occurred. ‘Demand-side’ offenders direct and cause live sexual abuse or exploitation by instructing and paying in-person offenders to violate children of specific ages, at specific times, in specific ways. They produce CSAM every time they direct and watch the live abuse remotely, and they entice, solicit, and coerce minors to produce sexually explicit videos and images for consumption and distribution.*

Law enforcement and judicial professionals working on CSAM detection and prosecutions in the USA complain that CSAM offenders often receive substantially less prison sentences than hands-on offenders, and that probation terms do not always limit the offender’s access to internet and tech devices.<sup>91</sup>

**Recommendation 13: Penalties for Live Distant Child Sexual Abuse should be strengthened and enforced.**

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<sup>88</sup>Australian Federal Police (13 August 2021). Brisbane man jailed for online child abuse offences.

[https://www.afp.gov.au/news-media/media-releases/brisbane-man-jailed-online-child-abuse-offences?fbclid=IwAR03EKBPed6meX7OQG6FLYOAJotao5MQGwu\\_hEZ-KXbXXKIEwgj0toJBWE](https://www.afp.gov.au/news-media/media-releases/brisbane-man-jailed-online-child-abuse-offences?fbclid=IwAR03EKBPed6meX7OQG6FLYOAJotao5MQGwu_hEZ-KXbXXKIEwgj0toJBWE)

<sup>89</sup>Cosenza, Emily (16 August 2021). ‘Hard to understand’ why cardiologist Andrew Douglas McGavigan participated in ‘abhorrent’ behaviour: court. *News.com.au*  
<https://www.news.com.au/national/south-australia/hard-to-understand-why-cardiologist-andrew-douglas-mcgavigan-participated-in-abhorrent-behaviour-court/news-story/c338998b0236861f3fb5933e8fd7b924>.

<sup>90</sup>WePROTECT Global Alliance, 2019.

<sup>91</sup>Cullen et al., 2020.

## 7.5 Child sex abuse doll possession linked to possession of other CSAM and offences against living children

Child sex abuse dolls are lifelike, anatomically correct silicone sex dolls modelled on the bodies of children – typically girls – marketed for men’s sexual use.<sup>92</sup> Under federal legislation, these dolls are classified as CSAM, and their importation is prohibited.

There is growing concern about the availability of child sex abuse dolls and replica child body parts marketed for men’s sexual use. Collective Shout has documented the sale of these CSAM products on several major eCommerce platforms including Alibaba (which has since removed them)<sup>93</sup>, Wish<sup>94</sup> and Etsy.<sup>95</sup>

PhD candidate researching female-bodied sex dolls and robots and Collective Shout Campaigns Manager, Caitlin Roper, highlighted the risks of child sex abuse dolls for real children, whose likenesses are being replicated in child sex abuse doll form:

*Far from being a ‘victimless’ crime, the development of child sex abuse dolls facilitates a new form of technologically-mediated child sexual abuse, one where men can simulate rape, abuse and torture of specific children using customised dolls. Child sex abuse dolls allow men to enact the abuse of children despite physical distance - the sexual abuse and violation of children without predators ever having access to them, without even knowing them or having ever come into contact with them.*<sup>96</sup>

In her research, Roper has noted a connection between ownership of child sex abuse dolls and other forms of offending. Men found in possession of the dolls are most often also found in possession of CSAM images and videos on their electronic devices.<sup>97 98</sup>

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<sup>92</sup> Roper, C (2020). Not a ‘Victimless’ Crime: How Child Sex Abuse Dolls Facilitate Crimes Against Children. *FILiA*. <https://filia.org.uk/latest-news/2020/9/10/not-a-victimless-crime-how-child-sex-abuse-dolls-facilitate-crimes-against-children>.

<sup>93</sup> Collective Shout (22 July 2020). Collective Shout welcomes Alibaba’s removal of child sex abuse doll listings. [https://www.collectiveshout.org/alibaba\\_removes\\_dolls](https://www.collectiveshout.org/alibaba_removes_dolls)

<sup>94</sup> Liszewski, M (30 October 2018). Child sex dolls removed from online store Wish. *Collective Shout*. [https://www.collectiveshout.org/child\\_sex\\_dolls\\_removed\\_from\\_online\\_store\\_wish](https://www.collectiveshout.org/child_sex_dolls_removed_from_online_store_wish)

<sup>95</sup> Roper, C (6 October 2020). Our investigation exposing Etsy for selling child sex abuse dolls. *Collective Shout*. [https://www.collectiveshout.org/etsy\\_selling\\_child\\_sex\\_abuse\\_dolls](https://www.collectiveshout.org/etsy_selling_child_sex_abuse_dolls)

<sup>96</sup> Roper, et al.

<sup>97</sup> For example, in 2020, an Adelaide man was caught with five homemade child sex abuse dolls, one with a laminated photo of a real child’s face attached, and hundreds of child sexual abuse images. The dolls had sex toys built into them, were wearing female clothing and located next to a bag of wigs which featured ponytails. See:

Fewster (2020). Adelaide man ‘caught with homemade child sex dolls and hundreds of abuse photos’. *Herald Sun*.

<https://www.heraldsun.com.au/news/south-australia/adelaide-man-caught-with-homemade-child-sex-dolls-and-hundreds-of-abuse-photos/news-story/f17fc571d1ad5bc4349828f7ab0117d3?btr=0a406f826bd4627dc885a7e79c42eef7>.

<sup>98</sup> In 2019, a UK man found in possession of a child sex abuse dolls was also found with 100,000 images of CSAM (203 of these were of the most serious kind). In addition to convictions related to these offences he was also found guilty of sexually assaulting children. See: Hetherington, G. (2019). Former soldier found with child-like sex doll jailed for sex crimes. *The Northern Echo*.

<https://www.thenorthernecho.co.uk/news/17832017.former-soldier-found-child-like-sex-doll-jailed-sex-crimes/>

In a 2019 report published by the Australian Institute of Criminology, Brown et al concluded that it is possible that use of child sex dolls may lead to escalation in child sex offences, ranging from viewing online CSAM to contact sexual offending.<sup>99</sup>

Other implications of child sex abuse dolls included:

- May desensitise the user from the potential harm that child sexual assault causes, given that such dolls give no emotional feedback.
- The sale of child sex dolls potentially results in the risk of children being objectified as sexual beings and of child sex becoming a commodity.
- There is a risk that child-like dolls could be used to groom children for sex, in the same way that adult sex dolls have already been used.
- There is no evidence that child sex dolls have a therapeutic benefit in preventing child sexual abuse.<sup>100</sup>

Given child sex abuse doll possession serves as a red flag to possession of other types of CSAM and that child sex abuse dolls impose serious risks to living children, we believe there is an urgent need to implement uniform legislation across all states to prohibit importation, manufacturing, possession, solicitation, advertisement, sale and purchase of child sex abuse dolls.

**Recommendation 14: The Federal Government should call on state parties to follow its lead and make all child sex abuse dolls and replica child body parts illegal.**

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<sup>99</sup> Brown, R and Shelling, J (2019). Exploring the implications of child sex dolls. *Australian Institute of Criminology*. <https://www.aic.gov.au/publications/tandi/tandi570>

<sup>100</sup> Brown et al.