Australian Government

Australian Institute of Criminology

Telephone +61 2 6260 9200
Facsimile +61 2 6260 9278
GPO Box 2944
Canberra ACT 2601 Australia

www.aic.gov.au

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Ms Sophie Dunstone
Committee Secretary
The Senate
Legal and Constitutional Affairs Legislation Committee
PO Box 6100, Parliament House
CANBERRA ACT 2600

Dear Ms Dunstone,

Senate Legal and Constitutional Affairs - Committee Inquiry into the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013

I refer to your letter dated 22 January 2014 inviting the Australian Institute of Criminology (AIC) to provide a submission to the above inquiry.

Unfortunately the AIC is not able to make a formal response on this occasion, however the Committee may find the following information useful:

- Exposing the dangers of strangers online. Blueprint; Issue: 3; 2013: 32-33

   The murder of Carly Ryan by an online sexual predator, shows the potential danger posed to young people using chat rooms and social sites on the internet. This form of 'stranger danger' involves manipulation of vulnerable young people by gaining their trust through deception and pseudo empathy. The Sexual Crime Investigation Branch (SCIB) of South Australia Police (SAPOL) reports an increasing prevalence in children and teenagers being coerced into communicating in an inappropriate manner online. This grooming process may lead to meeting in person and then to contact offending. A specialised team within SCIB, the Internet Child Exploitation Team (ICET) has been effective in saving many children from contact offending, by identifying people engaged in predatory behaviour. SCIB works closely with other police and government agencies in Australia and overseas. There is a need for parents to be vigilant in their children's online activities and to ensure that children are educated about online safety. The same issue December 2013 also contains an article by SA Police that provides background on the Carly Ryan case.

- Choo, Kim-Kwang Raymond; Australian Institute of Criminology. Responding to online child sexual grooming : an industry perspective. Trends and issues in crime and criminal justice ; no. 379, Jul 2009

   Abstract: Recent advances in information and communications technologies (ICT) have enabled adults with an inappropriate sexual interest in children to establish contact with them, to develop relationships and to groom potential victims for sexual abuse. Social networking sites, in particular, have become an important element in the child grooming process. While online child grooming offences have been introduced in many countries, including Australia, it is unlikely that law enforcement alone can cause a noticeable reduction in online grooming statistics, making non-legislative responses crucial in improving internet safety for children. This paper reviews and discusses various non-legislative measures both in Australia and overseas, such as initiatives by those that operate social networking sites and the financial services industry, to deal with the issue of online child exploitation, particularly online child grooming.

D14/1228

- Choo, Kim-Kwang Raymond; Australian Institute of Criminology. Online child grooming : a literature review on the misuse of social networking sites for grooming children for sexual offences. Research and public policy series ; no. 103

   The grooming of children for sexual purposes has been facilitated by online technologies, particularly social networking sites. This report describes the nature and extent of how new technologies are being exploited by offenders and the legislative and non-legislative responses being used to combat this growing problem.

- Karklins, Larisa; The risks of social networking sites to South Australian high school students. Thesis, Flnders University, SA.

- Karklins, Larisa; Dalton, Derek. Social networking sites and the dangers they pose to youth : some Australian findings. Current issues in criminal justice; Vol. 24, Issue: 2; Nov 2012: 205-222

   This article explores young peoples' understanding of the risks of cyberbullying and sexual predation on sites such as Facebook. The murder cases of Carly Ryan and another teenage girl, who met their killers online, illustrate the extreme dangers. The article reviews some of the important literature on the use of social networking sites. A questionnaire of first year university students asked about their use of social networks between the ages of 12 and 17 and their perceptions and management of risks. The findings support the notion that young people will accept stranger contacts, and try to appear 'better' online than they actually are, perceiving the sites to be like popularity contests. Young people tend to expose personal information, especially when exploited by sexual predators who target less mature and careful users. Over half the participants had experienced or witnessed cyberbullying and cruelty. Not only did this study show that incidents of cyberbullying and sexual predation commonly occur, but the findings support those of past research.

- Lincoln, Robyn; Coyle, Ian R 2013. No-one knows you're a dog on the internet : implications for proactive police investigation of sexual offenders. Psychiatry, psychology and law; Vol. 20, Issue: 2; Apr 2013: 294-300

   Abstract: There is a body of literature dealing with the increased capacity for deception in online environments. This corpus of academic work has relevance for the widespread public concern about the anonymity of the Internet with respect to children who may be contacted by sex offenders. This article reports findings from a deception condition study where pairs of subjects engaged in computer-mediated interaction and were asked to evaluate the age and sex of their interlocutors. They were generally successful at this and tended to base their decisions on the content of the conversation. It demonstrates that individuals, despite the anonymity theoretically offered by the Internet, can discern the age and sex of those they are conversing with online, which has implications for police training and practice when engaged in online covert operations.

- Wolak Janis et al. 2010. Online "Predators" and Their Victims : Myths, Realities, and Implications for Prevention and Treatment. Journal Psychology of Violence 1 (Suppl. 1)

   The publicity about online "predators" who prey on naive children using trickery and violence is largely inaccurate. Internet sex crimes involving adults and juveniles more often fit a model of statutory rape—adult offenders who meet, develop relationships with, and openly seduce underage teenagers—than a model of forcible sexual assault or pedophilic child molesting. This is a serious problem, but one that requires approaches different from those in current prevention messages emphasizing parental control and the dangers of divulging personal information. Developmentally appropriate prevention strategies that target youths directly and acknowledge normal adolescent interests in romance and sex are needed. These should provide younger adolescents with awareness and avoidance skills while educating older youths about the pitfalls of sexual relationships with adults and their criminal nature. Particular attention should be paid to higher risk youths, including those with histories of sexual abuse, sexual orientation concerns, and patterns of off- and online risk taking. Mental health practitioners need information about the dynamics of this problem

2

and the characteristics of victims and offenders because they are likely to encounter related issues in a variety of contexts.

- Davidson, J et al. 2011. Online abuse: literature review and policy context

- Mercado, Cynthia Calkins and Merdian, Hannah Lena and Egg, Rudolf (2011) The internet and sexual offending: an international perspective. Ch 27 In: International perspectives on the assessment and treatment of sexual offenders: theory, practice and research. by R Eher, et al. Wiley.

- Kierkegaard Sylvia 2008. Cybering, online grooming and ageplay. Computer Law & Security Review 24 (1) : 41–55

  Recent advances in computer technology have been aiding sexual predators, stalkers, child pornographers, child traffickers, and others with the intent of exploiting children. Internet bulletin boards, chat rooms, private websites, and peer-to-peer networks are being used daily by paedophiles to meet unsuspecting children. Compounding the problem is the lack of direct governance by an international body, which will curb the illegal content and activity. Most countries already have laws protecting children, but what is needed is a concerted law enforcement and international legislation to combat child sex abuse. With the enactment of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, this may soon become a reality in Europe. This current article will discuss some of the recent legal developments concerning online child protection, including the new Convention.

- Staksrud, Elisabeth 2013. Online grooming legislation: Knee-jerk regulation? European Journal of Communication 28(2) : 152-167

  The study explores whether or not the perceived threats of paedophiles grooming online cause disproportionate legislative reactions. This is done by reviewing if and how the legislative assumptions about the nature of grooming leading to specific grooming legislation in Norway match the actual user experiences of Norwegian children in general and those subjected to physical abuse following Internet encounters in particular. The expressed political assumptions (about how children use the Internet) leading to the Norwegian grooming legislation implemented in 2007 are compared with the actual experiences of Norwegian children between 9 and 16 years, regarding the same assumptions as documented in nationally representative statistical surveys conducted in 2003, 2006 and 2008. The findings show that the Norwegian grooming legislation was redundant, both legally and practically. The potential implications for prescriptive work, as well as the wider democratic dilemmas are discussed.

Yours sincerely

Dr Adam Tomison
Director (Chief Executive)