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**Promotion and protection of all human rights, civil,
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including the right to development**

Visit to Australia

Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh*

Summary

In the present report, the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh, explores issues relating to the sale, sexual exploitation and sexual abuse of children in Australia in the light of international human rights norms and standards. On the basis of the information gathered prior to, during and after her visit, the Special Rapporteur highlights legislative initiatives, the institutional framework and child protection policies implemented to combat and prevent such offences, as well as the measures taken to provide care for and to ensure the recovery and reintegration of child victims. The Special Rapporteur makes recommendations to strengthen efforts to prevent and eradicate the sale, sexual exploitation and sexual abuse of children.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh, on her visit to Australia

I. Introduction

A. Programme of the visit

1. At the invitation of the Government, the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh, undertook an official visit to Australia from 30 October to 10 November 2023. The objectives of the visit were to assess the situation of the sale, sexual exploitation and sexual abuse of children and to evaluate the national child protection system, with a view to making recommendations to prevent and eradicate all forms of the sale, sexual exploitation and sexual abuse of children.

2. During her visit, the Special Rapporteur visited the capital, Canberra, as well as Alice Springs, Brisbane, Melbourne, Perth and Sydney. She held meetings with representatives of the federal Government as well as with the Governments of New South Wales, the Northern Territory, Queensland, Victoria and Western Australia. The Special Rapporteur also met with members of civil society, law enforcement services and the Australian Human Rights Commission, including the National Children's Commissioner and other Children's Commissioners and Guardians across Australia, representatives of academia and of Indigenous, migrant and minority communities, service and care providers and children. She also had the opportunity to visit support referral centres and residential care facilities in Melbourne and Perth.

3. The Special Rapporteur wishes to express her gratitude to the Government of Australia, in particular the Attorney-General's Department for the support that it provided in planning and coordinating the visit, as well as for the constructive dialogue with its interlocutors. She further thanks the United Nations Information Centre and the United Nations Association of Australia in Melbourne for their support during the mission and to all who met with her for their readiness to engage in an open dialogue.

B. Context

4. Australia is a constitutional democracy with a parliamentary system of government. It is a federation of six states and two self-governing territories, which have their own constitutions, parliaments, governments and laws.¹ Commonwealth legislation offers guidance on child protection, but states and territories have their own legislative frameworks that dictate the procedures and mechanisms for child protection interventions.² States and territories also bear the main responsibility for criminal laws and for their enforcement.

5. Australia is one of the world's largest countries geographically, with a population of over 26 million people according to the most recent census.³ As of June 2018, there were an estimated 4.7 million children under the age of 14 living in Australia, a number that is

¹ Parliament of Australia, "Infosheet 20 – the Australian system of government", February 2023, available at https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_20_-_The_Australian_system_of_government.

² Australian Institute of Family Studies, "Australian child protection legislation", August 2022, available at <https://aifs.gov.au/resources/resource-sheets/australian-child-protection-legislation>.

³ For official statistics on the population of Australia, see Australian Bureau of Statistics, "National, state and territory population", September 2023, available at <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>.

projected to increase to 6.4 million by 2048.⁴ Aboriginal and Torres Strait Islander children make up 5.9 per cent of the total child population of Australia and more than a third of the Indigenous population. The largest proportion of the Aboriginal and Torres Strait Islander populations lives in New South Wales and Queensland. Over one quarter of the Northern Territory population is made up of Aboriginal and Torres Strait Islander communities.⁵

6. While Australia is a stable and prosperous country, data reveal the existence of inequality and poverty among children and young people.⁶ Compared to the general population, Indigenous girls and boys score much worse in almost all indicators of social well-being. Overall, 1 in 6 children lives below the national poverty line, as compared to 3 in 10 children from Aboriginal and Torres Strait Islander families. The birth registration rates of Aboriginal and Torres Strait Islander children are also much lower, exacerbating their disadvantaged experiences in childhood.⁷

7. Australia is a culturally diverse country, with nearly one third of the total population born overseas. Net overseas migration amounts to over half a million people.⁸ Children under the age of 14 born overseas comprise 8.9 per cent of the total child population. In 2017–2018, around 4,100 children under the age of 14 arrived in Australia under the Humanitarian Programme for refugees and others in refugee-like situations.⁹

II. Scope of the sale and sexual exploitation of children

8. The actual scope and prevalence of various manifestations of sexual abuse and exploitation of children in Australia is difficult to determine owing to the clandestine nature of such offences and the lack of centralized, disaggregated and systematically collected data at the national level on the number of cases reported and the investigations and prosecutions undertaken. Moreover, the absence of a uniform definition of child sexual exploitation throughout the states and territories makes it difficult to identify, monitor and address these crimes effectively at the national level.

9. The findings of the Australian Child Maltreatment Study, the first of its kind, showed that child maltreatment is widespread and harmful, constituting a major contemporary issue affecting Australian children and youth. Figures in the study revealed that 28.5 per cent of those surveyed had encountered sexual abuse during their upbringing, with most of those children (78 per cent) experiencing child sexual abuse multiple times. Girls experienced particularly high rates of sexual and emotional abuse (37.3 per cent of girls having experienced child sexual abuse) and were twice as likely to have experienced sexual abuse compared to boys.¹⁰ While the analysis of the data is still ongoing, the study found that adolescents under the age of 18 inflict the highest proportion of child sexual abuse. In addition, the study revealed that the prevalence of child sexual abuse by parents and parent-like adult caregivers in the home has declined.

⁴ Australian Bureau of Statistics, “Population projections, Australia”, November 2023, available at <https://www.abs.gov.au/statistics/people/population/population-projections-australia/latest-release#key-statistics>.

⁵ Australian Bureau of Statistics, “Estimates of Aboriginal and Torres Strait Islander Australians”, August 2023, available at <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release>.

⁶ United Nations Children’s Fund (UNICEF) Australia, “UNICEF Australia domestic impact report 2023” (2023).

⁷ Ibid.

⁸ Australian Bureau of Statistics, “National, state and territory population”, available at <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>.

⁹ Australian Institute of Health and Welfare, “Australia’s children: Australia’s children and their families”, 25 February 2022, available at <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/background/australian-children-and-their-families>.

¹⁰ Divna Haslam and others, “The prevalence and impact of child maltreatment in Australia: findings from the Australian Child Maltreatment Study” (Brisbane, Queensland University of Technology, 2023).

10. The Personal Safety Survey conducted by the Australian Bureau of Statistics, which collects information from men and women about the circumstances of their first experience of sexual abuse perpetrated by an adult, estimated that about 1.1 million women (11 per cent of the population) and 343,500 men (3.6 per cent of the population) had experienced sexual abuse before the age of 15. Of that population, a significant number of women (69 per cent) and men (52 per cent) had experienced more than one incident of sexual abuse in childhood. According to the latest data, in almost half of cases (49 per cent) the first incident of childhood sexual abuse experienced by women most commonly occurred between ages 5 and 9, and most women (84 per cent) never reported the abuse to the police. For men, the first incident of childhood sexual abuse most commonly occurred between ages 10 and 14 (51 per cent), and the vast majority of men (99 per cent) never reported the abuse to the police.¹¹

11. At the international level, sexual exploitation of children in the context of travel and tourism committed by Australian citizens or residents who travel abroad, mostly to South-East Asia, is a continuing and persistent criminal offence. The Special Rapporteur encourages Australia to continue educating and raising the awareness of travellers and the travel industry of this issue, with a view to deterring this offence.

A. Sale, sexual exploitation and trafficking of children for the purpose of sexual exploitation

12. Divisions 270 and 271 of the Criminal Code Act (Cth) criminalize slavery, slavery-like practices (including servitude, forced labour, deceptive recruitment debt bondage and forced marriage) and trafficking in persons. The child trafficking offences in division 271 apply to the trafficking of children for the purpose of sexual or other exploitation. The offences in the Criminal Code Act (Ch) fall under the purview of the federal Government. The absence of a central database collating survivor information makes it difficult to accurately estimate the number of people, in particular children, in modern-day slavery in Australia, as well as to determine how many children are trafficked each year for the purpose of sexual exploitation or child marriage. Official data from the Australian Federal Police show that 294 reports of modern-day slavery were made in the 2021/22 financial year, 21 of which were related to trafficking in children.¹² The Special Rapporteur learned, however, that children and young people who have experienced exploitation for sexual purposes in Australia, many of whom may be victims of child trafficking, are not identified as such, even when relevant indicators may be present. As this may be one of the many reasons why the number of reported child trafficking incidents is low, it warrants further investigation.

13. The Special Rapporteur was also shown anecdotal evidence of the prevalence of such offences, specifically the trafficking of children for the purpose of child marriage, as well as reports of the trafficking of children from residential homes for the purposes of sexual exploitation and transactional sex.

B. Sexual abuse of minors within the circle of trust and within communities

14. During the visit, the Special Rapporteur learned that the continued occurrence of the sexual abuse of children, especially within the children's circle of trust, at home, in school and among their peers, is common. One of the main barriers in responding to the offence is the non-disclosure of such incidents owing to fear and stigma. Children who feel alienated from their parents or who live in foster or residential care arrangements, with limited positive interaction with adults, may struggle to report abuse. The Special Rapporteur underlines that

¹¹ Australian Bureau of Statistics, "Childhood abuse", 22 November 2023, available at <https://www.abs.gov.au/statistics/people/crime-and-justice/childhood-abuse/2021-22>.

¹² Australian Federal Police, "Reports of human trafficking and slavery to AFP reach new high", 30 July 2022, available at <https://www.afp.gov.au/news-centre/media-release/reports-human-trafficking-and-slavery-afp-reach-new-high>.

targeted awareness-raising is therefore critical – for the wider public, for professionals working with children and for the media.

C. Child sexual abuse materials and online sexual exploitation of children

15. The Special Rapporteur identified the prevalence of child sexual abuse materials and pornography, easy access to Internet materials without age restrictions, overtly sexualized environments with greater exposure to such materials and the use of sexualized language and behaviours as key areas in need of attention. The unprecedented rise in screen time among children has increased the range of common risks that children face online, including bullying, the sharing of sexually explicit materials, indecent invitations, photos and messages and access to pornographic websites. Ninety-nine per cent of adolescents between the ages of 15 and 17 are online, making that age cohort the highest Internet user base. It is reported that they spend, on average, 18 hours per week online.¹³ Peer pressure has led children to generate their own sexualized materials, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability with regard to materials related to child sexual abuse. Incidents of online grooming, sexting and sextortion are reportedly on the rise among Australian children and teens, and it is reported that one in four children between ages 8 and 12 have experienced unwanted contact and content while online.¹⁴ Given its prominence and severity, the Special Rapporteur considers it vital that Australia further strengthen measures to combat and prevent sexual exploitation of children online, including through the criminalization of online grooming.

16. In addition, while the live-streaming of child sexual exploitation and abuse originates from/is transmitted from South-East Asian countries, many offenders who consume, instruct and create the demand for such materials are also based in Australia. In this regard, it is vital to continue to strengthen law enforcement measures to detect and prosecute those who consume and procure online child sexual abuse materials.

D. Other issues falling within the scope of the mandate

17. Slavery, in all its forms, involves the commodification of people. According to available data, since 2015–2016, forced marriage is the most commonly reported form of modern slavery in Australia. This offence is listed as a crime in the Criminal Code Act (Ch). Data from 2020–2021 suggest that approximately half of all forced marriages involve children.¹⁵ Child marriage may amount to the sale of children for the purposes of sexual exploitation, forced labour or financial exploitation. Reported cases, which are more common among girls and young women, can affect people in all residency statuses, including Australian citizens and residents, as well as people on temporary visas. The Special Rapporteur was informed of cases where child marriage had been used to settle family debts or to ensure economic security for families and of cases where children or young persons had been taken abroad for marriage against their will. Some cases occur within Australia, for example when children are brought to Australia for marriage; in other cases, children may be taken overseas to be married. Interlocutors also referred to multiple challenges in identifying and intervening in cases of child marriage, including fear of deportation, which can discourage disclosure and delay or prevent individuals or family members from accessing

¹³ Australian Institute of Family Studies, “Digital technology use in the child, youth and family sector: child welfare mobile apps and technology”, July 2018, available at <https://aifs.gov.au/resources/policy-and-practice-papers/digital-technology-use-child-youth-and-family-sector>.

¹⁴ Australian Institute of Health and Welfare, “Australia’s children: bullying”, 25 February 2022, available at <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/justice-safety/bullying>.

¹⁵ Australian Institute of Health and Welfare, “Family, domestic and sexual violence: modern slavery”, 19 July 2024, available at <https://www.aihw.gov.au/family-domestic-and-sexual-violence/types-of-violence/modern-slavery>.

support. Interlocutors also shared their concerns about the lack of accommodation for victims of modern-day slavery at the national level.

18. The Special Rapporteur believes that, through awareness-raising and education to break tradition-related stereotypes within communities where child marriage is more prevalent, progress can be made towards addressing the problem. In this regard, the Special Rapporteur was informed that, in 2022, the Standing Council of the Attorney-General's Department decided to tackle forced marriage through a coordinated national response, including the development of options for a model to enhance civil protections and remedies. She was also informed about initiatives to raise community awareness of forced marriage and other forms of modern-day slavery. In this regard, the Government is strongly encouraged to scale up training and awareness-raising programmes about this practice and to step up the implementation of policies that will result in its eradication.

19. The Special Rapporteur also received information pertaining to illegal adoptions, one of the many issues falling within the scope of her mandate. Specifically, she met with illegal and intercountry adoptees, many of whom had also been sexually abused as children. Among the concerns shared, they stressed the failure to provide recognition and justice for the human rights abuses that they had suffered. Efforts need to be strengthened regarding the provision of assistance more broadly, both for victims and their families, with regard to truth-seeking and legal support, including redress and rehabilitation measures.

III. Root causes and risk factors

20. Socioeconomic disparities, poverty and discrimination create unequal opportunities and limit access to social services and education for children in marginalized, remote and rural communities. Certain children in particular, such as Aboriginal and Torres Strait Islander children, migrant and refugee children, children of asylum-seeking parents and other minority children, children with disabilities and children in detention, have specific vulnerabilities that require attention. The situations of such children are further exacerbated by social and gender norms, which affect girls in particular, exposing them to exploitation and to the risk of being trafficked for the purpose of sexual exploitation or child, early or forced marriage. Underreporting due to stigma and the fear of losing child custody perpetuates cycles of violence within many such communities. Addressing the disparities in the enjoyment of their rights and taking effective measures to prevent discrimination is key to addressing the root causes of sexual exploitation and abuse.

A. Aboriginal and Torres Strait Islander children

21. The reasons for the overrepresentation of Aboriginal and Torres Strait Islander children in the Australian child protection systems are multiple and complex. Aboriginal and Torres Strait Islander people are victims of generations of poverty and children in those communities, owing to their life circumstances, are at greater risk of sexual abuse and exploitation than other children. Aboriginal and Torres Strait Islander children continue to be disproportionately affected by family and domestic violence, including sexual violence. The likelihood of Aboriginal and Torres Strait Islander children being removed from their families is significantly high. They are overrepresented in out-of-home care facilities, often outside their communities: as of June 2022, data reveal that they are 11.8 times as likely as non-Indigenous children to be in out-of-home care.¹⁶ The overrepresentation of First Nations children in child protection systems reflects a history of intergenerational trauma and stressors that have impacted parents and communities, notably past policies of colonization and forced removal of children from their families; they are known as the "Stolen Generations".

¹⁶ Australian Institute of Health and Welfare, National Indigenous Australians Agency, "Child protection", available at <https://www.indigenoushpf.gov.au/Report-overview/Overview/Summary-report/5-Tier-2-%E2%80%93-Determinants-of-health/Child-protection>.

22. The Special Rapporteur received information indicating that while the incidence of sexual abuse of First Nations children within the circle of trust and in out-of-home care is high, there is little record of the disclosure of specific incidents. Stigma and distrust of authorities, the risk of family separation and negative experiences with justice systems and service providers were cited as possible reasons for non-disclosure. The Special Rapporteur stresses the importance of capacity-building initiatives and increased resource allocation to address this issue, as well as the involvement, leadership and participation of members of Indigenous communities in the development and implementation of solutions that prioritize them as service providers.

B. Children in out-of-home care or residential settings

23. Each state and territory in Australia manages its own out-of-home care system for children who cannot live with their families. In most jurisdictions, the day-to-day responsibility for out-of-home care services is transferred from governmental to non-governmental organizations. Aboriginal and Torres Strait Islander children, children with disabilities and children from culturally and linguistically diverse backgrounds are overrepresented in such facilities. Children living in remote and very remote areas are also more likely to be in out-of-home care than children living in cities.

24. The Special Rapporteur is concerned that there is inconsistent oversight of the situation of children placed in out-of-home care facilities, which increases the risk of children going missing and exposes them to the risk of sexual exploitation and abuse. Such children and young people are often at risk of assault, sexual exploitation and abuse, frequently by adult men, including by organized paedophile rings that actively target children and young people in residential care. Young people are also at risk of abuse by predators who single out missing children as victims. Children in out-of-home care facilities are open to influence by peer circles and may be offered drugs, money and other incentives to leave the care facilities. In such circumstances, sexual abuse and assault are common occurrences, and the harm to First Nations children and young people is compounded.

25. In the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse a number of gaps and systemic failures that continue to result in the placement of children at risk of sexual abuse in out-of-home care were identified.¹⁷ In their findings, the members of the Royal Commission considered sexual exploitation to be a growing concern, especially for children in residential care. They noted systemic failings, including frequent placement changes, poor information-sharing, inadequacies in service providers' responses to children's prior abuse and trauma and significant gaps in the training and support provided to staff and child carers.

C. Children in detention

26. The Special Rapporteur learned with concern that there is also inconsistent oversight on the part of child protection agencies of children once they have been placed in detention or in locked facilities. Detention facilities may present higher levels of risk of child sexual abuse for children. The features of detention environments, which provide little privacy to children, expose them to the risk of sexual abuse. This can normalize behaviours that are potentially abusive or are precursors to abuse, for example when staff or others have authority over children, showing them disrespect or tolerating their humiliation or other degrading treatment. Moreover, in cases where children in detention are not separated from adults, the risk of exploitation and abuse may be further exacerbated. In this regard, the Special Rapporteur recommends that Australia withdraw its reservation to article 37 (c) of the Convention on the Rights of the Child, which requires that every child deprived of liberty be separated from adults unless it is considered to be in the child's best interest not to do so. As outlined by the Committee on the Rights of the Child in its general comment No. 24 (2019) on children's rights in the child justice system, States should establish separate facilities for

¹⁷ See <https://www.childabuseroyalcommission.gov.au/>.

children deprived of their liberty that are staffed by appropriately trained personnel and that operate according to child-friendly policies and practices.

27. The Special Rapporteur was also concerned to learn that the age of criminal responsibility in Australia and some states and territories is as low as the age of 10. The Special Rapporteur underlines that the long-term effects of incarcerating minors are far-reaching for children and for the country as a whole. It is therefore crucial that the minimum age of criminal responsibility be raised, in accordance with the Convention on the Rights of the Child and international standards.

D. Migrant and refugee children, children of asylum-seeking parents and other minority children

28. Children who are on the move, undocumented or living in poverty and minority children may also be at heightened risk of abuse, given their situations of vulnerability. They can face challenges in accessing social services, in particular given language and cultural barriers, which can increase their vulnerability to sexual abuse and exploitation. Physical assaults, sexual abuse, attempts at self-harm and poor living conditions oftentimes experienced by such children are areas of concern. Early and child marriage, which appears to be prevalent in those communities, requires serious attention.

29. In addition, many children arrive in Australia seeking asylum. During her visit, the Special Rapporteur was informed by government authorities that children are no longer kept in offshore processing centres but are rather placed in communities. The Special Rapporteur, referring to joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, recalls that children should never be detained for reasons related to their or to their parents' migration status and stresses that any kind of child immigration detention should be forbidden by law.

E. Children with disabilities

30. While laws and services available for persons with disabilities exist, the Special Rapporteur was concerned to learn that children with disabilities often experienced multiple and ongoing episodes of violence, exploitation and abuse. While there is limited data on the exploitation of persons with disabilities by other individuals, it is suggested that children with disabilities are more than twice as likely to experience physical or sexual abuse before the age of 15 than other children.¹⁸ The Special Rapporteur was informed that in certain parts of Australia there was very little information available for families on how or where to access support for children with disabilities or special needs. Women and girls with disabilities are also more likely to be exposed to violence, in particular sexual violence, than the majority of the population. The Special Rapporteur encourages the Government to ensure support to remote communities and to strengthen efforts in terms of protective measures for children with mental health conditions, intellectual disabilities, including neuro-developmental conditions, learning disabilities or physical disabilities, as they are also at greater risk and vulnerable to abuse and exploitation, including restrictive practices. It is particularly important that child carers be provided with adequate training to on the rights and needs of children with disabilities in order to prevent any maltreatment and abuse.

¹⁸ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report: Nature and Extent of Violence, Abuse, Neglect and Exploitation of People with Disability, Volume 3* (2023), p. 10, available at <https://disability.royalcommission.gov.au/publications/final-report-volume-3-nature-and-extent-violence-abuse-neglect-and-exploitation>.

IV. Measures to combat and prevent the sale, sexual exploitation and sexual abuse of children

31. Australia has devoted increased attention and resources to improving policy, legal and institutional frameworks to provide adequate prevention and protection of children and women from violence and sexual exploitation. Australia has ratified most of the major international documents of relevance to the sale and sexual exploitation of children and has adopted a number of institutional arrangements, strategies and protocols to address this issue.

32. However, despite the significant steps taken to protect children from such exploitation, gaps remain. Data-sharing and cooperation between child protection services, the police and the judiciary, in particular between states and territories, need to be strengthened. From discussions held with interlocutors, it became apparent that there is a need for further advancement in data-collection and data-sharing activities; the lack of a unified centralized database continues to present a challenge in this regard. It is crucial that a unified comprehensive system be established through which to systematically collect reliable and disaggregated data on the sexual abuse and sexual exploitation of children and their different manifestations, with a focus on children who are particularly vulnerable, including children with disabilities. Such a system should also include data on reported cases and on the successful prosecution of the different manifestations of the sale, sexual exploitation and sexual abuse of children. It is equally important to establish a unified database or record of children who have received assistance from the system to aid them in their transition to independence, follow up on their situation and provide them with further support.

33. It was also evident during the visit that further human, technical, financial and administrative resources to tackle the sale, sexual exploitation and sexual abuse of children, including the root causes and risk factors of those phenomena, are needed. Anecdotal evidence suggests that front-line practitioners lack the adequate tools and guidelines to ensure their in-depth understanding of the issues surrounding child sexual exploitation and to identify them effectively.

A. Legal framework

1. International legal framework

34. Australia has ratified several major international human rights instruments, including the Convention on the Rights of the Child and two of the three optional protocols. Australia has also ratified other international human rights instruments with provisions that apply, by extension, to the protection of the human rights of children, including: the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Convention on the Prevention and Punishment of the Crime of Genocide; and the Rome Statute of the International Criminal Court.

35. Australia is also a party to the United Nations Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption; and the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization.

36. Australia has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. In addition, it has not yet signed

the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

2. Domestic legal framework

37. Pursuant to the Constitution, the federal Parliament has exclusive powers to make laws on certain matters, such as defence, foreign affairs and immigration. Child exploitation may also be criminalized at the federal level in cases where there is an international element to the crime or where offences are committed online. It is set out in the Constitution that if a state parliament and the federal Parliament pass conflicting laws on the same subject, then the federal law overrides the state law.

38. As a result of the Australian federal parliamentary system, each state and territory has its own set of laws, policies and practices outlining what constitutes harm and establishing procedures for assessing, identifying and protecting children. While the offences of child sexual abuse and exploitation are criminalized under state and territorial legislation, such legislation can differ, thus lacking uniformity in enforcement and implementation. For example, definitions of the age of consent, sexual intercourse, consent, grooming and the penalties enforced for these offenses can vary between the states and territories. The Special Rapporteur is concerned that such discrepancies and lack of harmonization may lead to confusion and to different levels of protection afforded to children across jurisdictions, which could potentially be abused by perpetrators. In spite of processes in place, including through law enforcement, to ensure coordination across jurisdictions on collective efforts to combat child sexual abuse in all its forms, including through the Australian Centre to Counter Child Exploitation, the Special Rapporteur is of the view that the Government can do more to ensure uniformity in the definition of terms and the enforcement and implementation of laws relating to the protection of children from sexual abuse and exploitation across the country, in line with the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography.

39. The Special Rapporteur regrets that the absence of a national children's act makes it difficult to ensure consistency and harmony in law, particularly in the definition of the sale, sexual abuse and sexual exploitation of children and on other issues relating to children's rights across the country. The domestication of the Convention on the Rights of the Child will contribute towards addressing this problem. Moreover, the implementation of laws that counter sexual activities for remuneration or other forms of consideration should be a priority, in line with the Optional Protocol to the Convention on Rights of the Child on the sale of children, child prostitution and child pornography, in order to ensure equal enforcement at the national level, including at the level of the states and territories, and at the transnational level.

40. Australia has a robust online safety legal framework. The Criminal Code Act of 1995 (Cth) includes, as offences, child sexual abuse and child abuse materials committed via a carriage service (that is, phone service and the Internet), using a postal or similar service or outside Australia (in cases where, at the time of the offence, the person was an Australian citizen or resident of Australia). Under the Act the live-streaming of child sexual exploitation and abuse is also criminalized, with penalties of up to 30 years in prison for aggravated offences. Sections 474.27 and 474.27AA of the Criminal Code Act (Ch) list as crimes the grooming of children under the age of 16 for the purpose of sexual activity and the grooming of persons with the intention of making it easier to procure persons under the age of 16 to engage in sexual activity. The provisions do not require that such "sexual activity" occur solely online, but include sexual activity both online and offline. The response to child sexual abuse under Australian criminal law is reflected in its regulatory online safety legislation, the Online Safety Act of 2021, which expanded and strengthened federal online safety laws by regulating issues such as cyberbullying, cyberabuse and non-consensual image-based abuse and expanded the role of the eSafety Commissioner.

41. Australia was one of the first countries to criminalize child sexual exploitation in tourism, with the entry into force of the Crimes (Child Sex Tourism) Amendment Act of 1994; the Act was later integrated into the Criminal Code Act (Cth). In particular, division 272 of the Criminal Code Act (Ch) addresses various forms of sexual exploitation of children

under the age of 16 by Australian nationals abroad. Offences under division 474 of the Act may also apply when technology is used to enable the offence to occur remotely.

42. Divisions 270 and 271 of the Criminal Code Act (Cth) criminalize trafficking in persons, slavery and slavery-like practices (including servitude, forced labour, deceptive recruitment, debt bondage and forced marriage). Slavery and trafficking in children carry penalties of up to 25 years in prison. Slavery-like offences are considered to be aggravated offences if the victims and survivors are under the age of 18, with penalties of up to 20 years in prison. The Modern Slavery Act of 2018 (Cth) complements the national criminal justice response.

43. There is no stand-alone offence for the sale of children, as defined in articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Currently, the sale of children is addressed through legislation in the context of trafficking in persons and slavery and slavery-like practices. The Special Rapporteur highlights the distinction between the “sale of children” and “trafficking in children”, on the one hand, and other modern-day slavery crimes, on the other, as an important aspect in tackling the root causes of these scourges and informing preventive strategies and strongly encourages the Government to explicitly reflect this distinction.

B. Institutional framework

44. Australia has a solid institutional framework related to combating the sale and sexual exploitation of children. During her visit, the Special Rapporteur observed a number of positive developments, notably the establishment, in March 2018, of the Australian Centre to Counter Child Exploitation under the auspices of the Australian Federal Police. The Centre carries out a range of activities, including receiving reports, providing intelligence, direction and support, conducting long-term covert operations online, identifying victim-survivors, coordinating the response of Australian law enforcement to national child protection operations and leading the development of national child exploitation prevention, education, awareness and support strategies.¹⁹ The Centre, a high-technology establishment and a model of good practice, is designed to counter and respond to the scourge of child exploitation and sexual abuse. Its integrated, collective and collaborative capability ensures cohesion through the use of expertise from the federal, state and territory levels, non-governmental agencies and private industry and the adoption of a collaborative approach to the sharing of information and resources.

45. The recent establishment of several institutions provides a clear indication of the efforts being made to advocate for the rights and safety of young people. In particular, the position of eSafety Commissioner, established in 2015, acts as an independent regulator for online safety. In 2022, the Commissioner established an eSafety Youth Council to give young people a platform to share their knowledge and experiences about issues that they encounter online. In addition, the positions of National Children’s Commissioner and Children’s Commissioners and Guardians across all states and territories were set up to promote and protect the rights of all children. The National Office for Child Safety, within the Attorney-General’s Department, established in 2018 in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, plays an important leadership role in the national policy reform to enhance the safety of children and reduce harms such as child sexual abuse within the country. Given the importance of the newly established institutions, the Special Rapporteur recommends strengthening their human, financial and technical resources so that they can effectively implement their mandates.

¹⁹ Australian Federal Police and Australian Centre to Counter Child Exploitation, “ACCCE strategic plan: 2022–2026” (2022), p. 8, available at <https://www.accce.gov.au/sites/default/files/2022-09/ACCCE%20Strategic%20Plan%202022-26.pdf>.

C. National policies, strategies and programmes

46. Australia has also adopted various national policies aimed at reducing violence against children, as set out in the National Framework for Protecting Australia's Children 2021–2031: the National Plan to Reduce Violence against Women and their Children, the National Agreement on Closing the Gap, the National Action Plan to Combat Modern Slavery 2020–2025 and the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030.

47. The National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 focuses on preventing and responding to child sexual abuse in all settings, including online, within families and organizations. The 10-year strategy, which is a result of one of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, contains targeted actions concerning education and awareness-raising and offender prevention and intervention. It focuses on five themes: awareness-raising, education and building child-safe cultures; support for and empowerment of victims and survivors; enhancing national approach to children with harmful sexual behaviours; offender prevention and intervention; and improving the evidence base. The strategy is being implemented by the National Office for Child Safety in partnership with Commonwealth agencies and the states and territories. It will be implemented through action plans; the first two plans (National Action Plan and the Commonwealth Action Plan) are running concurrently from 2021 to 2025. At the time of the Special Rapporteur's visit, Australia was in the process of finalizing the Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026 on children. It is hoped that the action plan will contribute towards closing the gaps that exist in child protection strategies, especially for Indigenous children, as well as ensuring consistency and harmony in practice on issues relating to children in Australia.

48. Under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030, the National Indigenous Australians Agency is implementing measures to address the high prevalence of sexual abuse among Indigenous children. It will do so by providing a trauma-aware, healing-informed, and culturally appropriate project, entitled Believe Inquire and Respond to Disclosure (BIRD), which is designed to improve early disclosure experiences and to facilitate access to specialized services for victims of child sexual abuse. The Agency's "Supporting Healing for Families" initiative is designed to support Indigenous-led healing approaches that strengthen families and improve their well-being.

49. The 10 elements that are fundamental for making organizations safe for children are outlined in the National Principles for Child-Safe Organisations. The principles, endorsed by the federal Government as well as the governments of the states and territories, give effect to the child-safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Special Rapporteur considers the development and implementation of the principles to be noteworthy and encourages the monitoring and evaluation of their implementation.

D. Investigation, prosecution and access to justice

50. While cases of child sexual abuse or exploitation are primarily the responsibility of the states and territories where they take place, the Criminal Code Act (Cth) criminalizes child sexual abuse and dealings made online, and across the borders of Australia, where such offences are committed by Australian citizens and residents while overseas. The police at the federal and state or territory levels work together in Joint Anti-Child Exploitation Teams across Australia to investigate matters related to child exploitation. Online child sexual exploitation and abuse is investigated by the Australian Federal Police. The eSafety Commissioner serves as the Australian hotline to report child sexual exploitation and abuse materials and is empowered under the Online Safety Act of 2021 to conduct investigations into illegal and restricted online content.

51. In the 2022/23 financial year, the Australian Centre to Counter Child Exploitation received 40,232 reports of child sexual exploitation, leading to 925 charges and 186 arrests,

the identification of 141 child victim-survivors and the removal of 120 children from harm.²⁰ Over the course of 2024, the Centre has received nearly 49,500 reports. The Centre has specialized teams that work to identify victims. This process is particularly challenging with the evolution of technology and materials related to child sexual abuse generated by artificial intelligence.²¹ Attention and resources are needed to address such new and emerging risks.

52. While Australia has a structured and robust system in place to investigate and prosecute child sexual abuse, the Special Rapporteur is concerned that underreporting influences prosecution and conviction rates in child sexual abuse cases. During her visit, the Special Rapporteur learned that many cases of child sexual abuse and exploitation go unreported, ultimately resulting in a lack of accountability for those crimes. The Special Rapporteur recommends that efforts be increased in order to effectively address all barriers that prevent children from disclosing and reporting abuse, including economic, social and cultural factors, and to provide child victims with access to justice.

53. The Special Rapporteur learned that during forensic interviews of minors, the support person who must accompany the child is usually nominated by the police rather than being someone known to the child and that, in many instances, if the child is from an Aboriginal community, that person is rarely from the same community. The Special Rapporteur was also concerned to receive allegations of bias in the criminal justice system against Indigenous and minority children, who are disproportionately represented in residential care and detention centres. She believes that it is essential for criminal justice actors to have a better understanding of the backgrounds and needs of those children and to promote the establishment of measures for dealing with children without resorting to judicial proceedings, whenever appropriate, in accordance with article 40 (3) (b) of the Convention on the Rights of the Child. Prevention and early intervention, focused on support to families and communities in vulnerable situations or where violence occurs, are also key to reducing the risk of children coming into contact with the criminal justice system.

E. Care, recovery and reintegration

54. The Special Rapporteur had the opportunity to visit the following therapeutic and out-of-home care facilities: the Parkerville Children and Youth Care facility in Western Australia; the Anglicare: Therapeutic Home-Based Care services in Victoria; and a sexual assault referral centre in the Northern Territory. The facilities provide therapeutic response services and care for children who have suffered trauma. The Parkerville Children and Youth Care facility stands out as a model because of its integrated approach, which incorporates co-design and lived experiences, as well as its advocacy centres and therapeutic services. It is a model that focuses on connection and reconnection, reunification, trauma-informed outcomes and work with children and their families to ensure that children are supported in building the skills to live good lives as adults. Additional measures are necessary to support the work of these facilities through the provision of adequate financial and human resources.

55. Sustained specialized training and capacity-building for professionals working with or in contact with children is essential in all states and territories. Some states and territories have introduced good practices, such as mandatory and continuous training programmes, which can be adopted in other areas. It is also crucial that efforts be accelerated to raise public awareness nationwide on issues surrounding the different manifestations of the sale, sexual abuse and sexual exploitation of children. Moreover, efforts should be made to intensify and ensure education among children and care professionals about healthy relationships, the meaning of consent, harmful behaviours and reproductive health education and services for children and youth.

²⁰ Australian Centre to Counter Child Exploitation, “Marking the last 12 months: 2022–2023 highlights” (September 2023), available at <https://www.acce.gov.au/sites/default/files/2023-09/ACCCE%20achievements%2022-23.pdf>.

²¹ Jessica Moran, “Artificial intelligence is being used to create child abuse material, and police are worried about its spread”, ABC News, 18 April 2024, available at <https://www.abc.net.au/news/2024-04-18/artificial-intelligence-child-exploitation-material/103734216>.

56. The Special Rapporteur learned during her visit that there are little or no public services in rural and remote areas across the country. This creates a gap in the delivery of services for children in need or at risk of violence and children who are victims of sexual abuse and exploitation. The Special Rapporteur believes that more could be done to reach rural and remote communities through adequate budgetary allocation based on the needs of the community, paying particular attention to Aboriginal and Torres Strait Islander children. The Special Rapporteur recommends that regular assessments of the allocation of resources in rural and remote areas be conducted, with a view to addressing disparities in indicators related to children's rights; resources should be allocated based on the needs of the area rather than on a per capita basis. In addition, more can be done in the area of training in preventive measures, factoring in linguistic and cultural sensitivities within these communities. As outlined in the National Principles for Child-Safe Organisations, Aboriginal and Torres Strait Islander families and communities are more likely to access services when they are culturally safe and to experience better outcomes in such services. The Special Rapporteur reiterates the importance of the involvement, leadership and participation of Indigenous communities in delivering services.

57. Discussions held with interlocutors revealed an emerging trend of young people being trafficked by taxi to and from residential care facilities and other places for purposes of sexual exploitation and transactional sex. The very high number of young people who are absent or missing from residential care facilities and connection with sexual exploitation is alarming. According to the Federal Police, while children between the ages of 13 and 17 in out-of-home care account for less than 1 per cent of the Australian youth population, they make up more than 70 per cent of the population listed in missing youth reports.²² The Special Rapporteur was informed that children in alternative care have limited access to mental health and therapeutic services for healing and rehabilitation.

58. The Special Rapporteur recalls that it is important to ensure that all children subjected to any form of the sale, sexual exploitation and sexual abuse, including trafficking, are treated as victims. She was informed that the language used by some stakeholders is often stigmatizing, implying that the child victims are less deserving and are responsible for the abuse to which they have been subjected. It is crucial that attitudes and perceptions be shifted in order to create a more supportive response that views missing or absent children as highly vulnerable, including to sexual exploitation.

59. The Special Rapporteur learned with concern that oversight and monitoring by child protection agencies of children in out-of-home care facilities is inadequate. Staff turnover and shortages, lack of specialized training and insufficient residential placements to ensure the safety and well-being of children in residential care were also raised with the Special Rapporteur. Children transitioning from residential care to living independently encounter numerous challenges, including in finding safe accommodation, which need to be addressed urgently. She learned with great concern that the absence of appropriate shelter and support services may force children to return to places where they have suffered abuse. In this connection, the inquiry by the Commissioner for Children and Young People in Victoria found that, in many cases, the current model of residential care does not meet the safety needs of children and young people and that many leave residential care only to find themselves exposed to risks of sexual exploitation. The inquiry also revealed that certain front-line personnel, notably police officers, had only a limited understanding of the impact on children and adolescents in residential care of their experiences. The Special Rapporteur also learned about the limitations of the shelter services available for victims of modern-day slavery. She was told that the services in shelters were inadequate, particularly given that stays are limited to 90 days unless victims have ongoing legal proceedings. The Special Rapporteur emphasizes the importance of providing shelter and support services for all victims and survivors of modern-day slavery and stresses that such services must specifically be provided and made available to children and adolescents without conditions or time frames.

²² Australian Federal Police, "New research shows youth in out-of-home care highest risk of going missing", 24 March 2021, available at <https://www.afp.gov.au/news-centre/media-release/new-research-shows-youth-out-home-care-highest-risk-going-missing>.

60. Interlocutors also shared with the Special Rapporteur their concerns about the limited knowledge and services available on how to respond to or support children who displayed harmful sexual behaviours. They lamented the limited knowledge and capacity in terms of the trauma response provided to those children. Additionally, the Special Rapporteur was told that, when successfully prosecuted, the names of children displaying such behaviours often end up in the sex offender register. Australia is urged to consider an alternative response for children who come into conflict with the law through sexual offence cases.

F. Child participation and empowerment

61. During the visit, the Special Rapporteur had the opportunity to meet with schoolchildren and other children who were actively involved in child rights advocacy. Discussions revolved around preventive measures, including children's awareness of online safety measures, risks in their schools or communities and the importance of talking about unusual behaviours with peers, parents and teachers. The children demonstrated a good understanding of the issues, recognizing different manifestations of sexual abuse, including within circles of trust and online. They highlighted the need to be consulted about and engaged in decisions on matters that affected them. They also suggested a change in the culture of communication with children in schools and the need to also be taught practical life skills to enable them to survive outside the school system. The voices of Indigenous children and youth should also be given special and separate attention, particularly when addressing sexual abuse and exploitation, specifically owing to the circumstances within their communities.

V. Conclusions and recommendations

62. Australia has made progress in preventing and responding to circumstances constituting the sale, sexual exploitation or sexual abuse of children. The Government is strongly encouraged to ensure that prevention and protection measures, as well as care, recovery and integration of victims of sexual exploitation and abuse, are at the forefront of child protection policies and initiatives. Such actions should also involve addressing the sale of children as a phenomenon distinct from the trafficking of children and other offences related to modern-day slavery offences.

63. Progress is limited, however, by several factors, such as the lack of a federal law or harmonized laws between states and territories on the sale, sexual exploitation and sexual abuse of children, in line with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. While most issues concerning children's rights fall within the jurisdiction of the states and territories, federal action addressing the main issues should complement their actions, ensuring equal protection to children in all states and territories.

64. While the creation of child-centred institutional mechanisms and coordination systems among various stakeholders is a step forward, there is a need for better sharing of information and effective coordination to promote the development of child protection strategies, which can be achieved through cooperation, communication and collaboration among governmental institutions and between the federal Government of the Commonwealth and the governments of the states and territories.

65. In addition, the lack of comprehensive and disaggregated data at the national level on different forms of sexual abuse and exploitation of children hinders ongoing efforts to address and respond to the root causes and risks posed by such offences, as well as the design and implementation of adequate policies and measures to address them.

66. Children placed in out-of-home care, detention or locked facilities are particularly vulnerable. Limited oversight exposes children in State custody to risks of abuse, maltreatment and neglect, in addition to which there is a high incidence of reported missing children. Furthermore, there is no clarity on what measures are in place to respond or to provide redress to children who are sexually abused in detention.

There is therefore a need for stronger independent oversight and monitoring of the human rights of children in each state and territory. There is also a need to establish shelters with long-term services for child survivors and victims of modern-day slavery, including sexual abuse and exploitation.

67. Furthermore, regular capacity enhancement is essential for high-level stakeholders, such as Children Commissioners and Guardians, as well as child front-line workers, in order to enable them to undertake their monitoring and response roles more effectively. Raising awareness about and incorporating a gender dimension into the subject of the sale, sexual abuse and sexual exploitation of children is imperative for professionals and officials working with or in contact with children. In addition, the building of the expertise of officials, social workers, teachers, guidance counsellors and medical and other professionals is needed, as are related measures to ensure the retention of experienced staff.

68. On the basis of the above findings, and in a spirit of cooperation and dialogue, the Special Rapporteur submits the following recommendations to the Government of Australia.

A. Legislative, institutional and policy framework

69. The Special Rapporteur recommends that the Government of Australia:

(a) Encourage states and territories to adopt harmonized child protection legislation and to monitor, in this regard, the implementation of legislation on the sale, sexual exploitation and sexual abuse of children at the federal and the state and territory levels in order to ensure that different laws do not create gaps or weaken investigatory or prosecutorial capacity;

(b) Complete the incorporation of the Convention on the Rights of the Child into domestic legislation and policy;

(c) Ensure full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by including all forms of the sale, sexual exploitation and sexual abuse of children as separate crimes, distinct from child trafficking and other modern-day slavery offences;

(d) Adopt a children's act and formulate a comprehensive child protection strategy for its effective implementation by adopting the necessary directives, standard operating procedures, regulations and guidelines to coordinate interventions for the prevention of the sale, sexual exploitation and sexual abuse of children;

(e) Ensure better coordination among the various child protection actors at the federal and the state and territory levels, with a view to enhancing multisectoral cooperation and facilitating data-sharing between child protection services, the police and the judiciary;

(f) Strengthen the mandate of the National Children's Commissioner in terms of monitoring and reporting across the country through the provision of adequate human, technical and financial resources;

(g) Amend its legislation in order to increase the minimum age of criminal responsibility and promote non-custodial measures.

(h) Harmonize the legal definition of a child in all jurisdictions to a person below the age of 18 years, in accordance with article 1 of the Convention on the Rights of the Child;

(i) Amend legislation related to the exercise of extraterritorial jurisdiction over the sexual exploitation of all children to include children between the ages of 16 and 18;

(j) Withdraw its reservations to article 37 (c) of the Convention on the Rights of the Child regarding the separation of children, which requires detained children to be separated from adults, and amend legislation on migration in order to prohibit the detention of children in immigration centres;

(k) Sign the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(l) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

B. Investigations, prosecutions and sanctions

70. The Special Rapporteur also recommends that the Government of Australia:

(a) Provide training and awareness-raising for criminal justice actors to ensure that they have a better understanding of Indigenous, refugee and migrant children's backgrounds and needs and promote the establishment of measures for dealing with children without resorting to judicial proceedings, whenever appropriate;

(b) Allocate adequate resources to address the investigation of new and emerging risks of sexual abuse and exploitation of children in the digital environment.

C. Prevention and eradication of the sale, sexual exploitation and sexual abuse of children

71. The Special Rapporteur further recommends that the Government of Australia:

(a) Create a centralized, updated and disaggregated database on different forms of the sale, sexual exploitation and sexual abuse of children, including child marriage, with a focus on children in need of special protection, and improve data-collection and information-sharing systems on the number of cases reported, investigated and prosecuted, the judgments delivered and the redress provided to victims, disaggregated by the nature of the offence, the category of the perpetrators and the characteristics of the victims;

(b) Intensify policies and programmes, with a view to adequately preventing sexual abuse and violence against children with disabilities, providing adequate awareness-raising and training on the rights and needs of children with disabilities to the child carers to whom they are most exposed in their daily lives;

(c) Include representatives of Indigenous and refugee communities in the design and formulation of child protection policies, to ensure that such policies respond and are sensitive to their cultures and specific needs, and engage them in the decision-making process and in the implementation of policies that affect their communities;

(d) Prioritize the implementation of key preventive measures and responses to violence against children of all ages, including sexual violence, in particular against girls, with specific safeguards responsive to the needs of migrant and refugee children, Aboriginal and Torres Strait Islander children, children of asylum-seeking parents and other minority children, including by providing culturally sensitive and confidential sexual and reproductive health education and services;

(e) Conduct targeted awareness-raising programmes and community-based educational programmes on child marriage, with the involvement of children, victims and survivors and other members of the community, and put in place monitoring and evaluation mechanisms to measure progress;

(f) Invest actively in measures developed and implemented by Aboriginal and Torres Strait Islander children and communities to prevent their placement in

out-of-home care, provide them with adequate support while in alternative care and facilitate their reintegration into their families and communities;

(g) Strengthen and work with carers and healers from Indigenous communities to provide Indigenous children in out-of-home care and in detention centres with support services that are sensitive to their culture and in their languages in order to promote the children's reintegration into and reconnection with their communities;

(h) In collaboration with the tourism industry, increase efforts to educate and raise awareness about the sexual exploitation of children by Australian nationals travelling abroad and its consequences and provide additional human and financial resources to enhance the work of the Australian Centre to Counter Child Exploitation in this regard;

(i) Encourage reporting by children and by adults in close contact with them on child sexual abuse and empower victims and survivors through targeted educational and guidance materials, which should identify abuse appropriately and provide guidance on language and terminology to use and to avoid, the availability of peer support and sensitivities to be considered in order to avoid fear, stigma, intimidation or revictimization;

(j) Undertake regular reviews of existing plans and policies and monitor and evaluate their implementation and outcomes to ensure that they follow specific timetables, meet indicators and entail key activities towards the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

D. Care, recovery and reintegration of child victims

72. The Special Rapporteur recommends that the Government of Australia:

(a) Ensure the comprehensive rehabilitation and reintegration of child victims through the provision of adequate, multidisciplinary services, including access to mental health and therapeutic services;

(b) Provide appropriate facilities and adequate human, technical and financial resources and adequate training to child carers and personnel in child residential care institutions to ensure the quality of the rehabilitative services and the recovery and social reintegration of child victims in institutional care;

(c) Ensure that child protection agencies carry out effective and regular oversight and monitoring of children in out-of-home care facilities, conduct safety checks in those facilities and monitor the children's welfare to ensure that adequate oversight is being provided, including access to legal, medical and psychosocial services;

(d) Address issues related to staff turnover and shortages, lack of specialized training and insufficient residential placements to ensure the safety and well-being of children in residential care;

(e) Establish a confidential database of children who have been supported by the child protection system in order to track and follow up on their situation and provide them with required support;

(f) Establish a centralized database of approved child carers to work with and care for children in out-of-home care facilities and foster care homes to ensure their safety and well-being.