

## Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

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# PROJECT PARADIGM<sup>®</sup>

WORKING TO END CHILD EXPLOITATION

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## **Submission by Project Paradigm, IFYS to the Inquiry into Youth Justice Reform in Queensland.**

Project Paradigm welcomes this opportunity to make a submission to the inquiry and will do so by referencing our unique lens regarding the issue of youth crime, which we believe has the ability to value add to the current commentary, drawing on a combination of practice experience, first-hand observations and insights. Through our work, we provide professional training, supervision, and practice guidance on a range of critical child protection related issues with a specific focus on supporting children and young people exploited sexually and criminally in the community.

With this in mind, it is our position that the points we will raise sit within the context of, and in accordance with the terms of reference for the inquiry, set out below.

### **Terms of reference:**

In undertaking the inquiry, the Committee consider:

1. the prevention of entry and diversion of youth offenders from the justice system with specific consideration of risk and protective factors that reduce crime;
2. effective ways to stop recidivism and protect the community from offending and the opportunity for community-controlled organisations with specific reference to the role of First Nations peoples to provide support solutions and services;
3. the efficacy of:
  - i. justice programs including on-country programs, education, health and housing services;
  - ii. reducing people carrying weapons;
  - iii. evidence-based early intervention and prevention programs;
  - iv. reducing the numbers in custody on remand;
  - v. alternatives to detention;

- vi. detention and other consequences of offending;
  - vii. the most suitable infrastructure used for custody, detention or residential components necessary to reduce crime; and
4. systems and processes to provide immediate and ongoing support for victims of crime.

## **Background**

IFYS had its inception as a youth shelter on the Sunshine Coast over 40 years ago. Much of the focus of its work in the early days was aimed at addressing what was referred to at the time as 'opportunistic prostitution' or 'child prostitution'. In the early 1990's the organisation was one of only 5 agencies state-wide, funded to provide detached outreach services to young people at risk across the Sunshine Coast region.

Today IFYS has a service footprint that covers from the Gold Coast in the South to the far North of Queensland as well as involvement in a number of national initiatives aimed at addressing child sexual abuse and exploitation. The organisation delivers a range of specialist support and intervention programmes for children, young people and families.

Our vision is a national community that acknowledges, understands and values childhood by committing to the protection of children and young people through collaboration, advocacy and support.

Nationally, through our Project Paradigm Programme, we are focusing on prevention and intervention for children and young people at risk of or experiencing child exploitation by:

1. Building the capacity of frontline professionals and communities to be able to identify and respond appropriately to child exploitation through the development and provision of training and resources.
2. Contributing to the broader community of practice through research and advocacy activities.
3. Collaborating with stakeholders to achieve best outcomes for children and young people at risk of or experiencing child exploitation.

## **Youth Crime in Queensland**

With recent youth crime narratives saturating media and public discourses, there has been a particular focus correlating children who are living in out-of-home care arrangements across Queensland in connection with the perceived 'youth crime epidemic', particularly across North and Central Queensland regions. Vigilante groups have at times reportedly targeted suspected young offenders residing in out-of-home care, potentially placing children and their workers at imminent risk (Smee, 2023).

The criminalisation of children living in out-of-home care in Queensland has previously been the subject of scrutiny by the Queensland Family & Child Commission (QFCC) in 2018. The subsequent findings at that time highlighted a well-established nexus between children's involvement with child protection services,

overrepresentation in the youth justice system and likelihood of contact with the criminal justice system as an adult. The 2018 findings from the QFCC study also drew attention to the fact that children living in out-of-home care, and especially residential care, often have complex needs resulting from a history of trauma, due to abuse and neglect, including exposure to substance abuse and domestic and family violence. Most commonly these highly traumatised children are placed together in a home supervised by youth workers with no access to funded therapeutic support (McKibbin et al, 2023).

Perceptions regarding the causal factors leading to the criminalisation of children and young people in out-of-home care, as reflected in academic commentary (Gerad et al 2018), has identified the care environment itself, use of police as a behavioural management tool, deficient staff training and inadequate policies and funding to address the over-representation all as potential contributing factors. These factors, combined with the legacy of Australia's colonial past, were a particularly potent source of criminalisation for Aboriginal children in care. Whilst research does support the notion that 'at risk' children are more likely to commit criminal offences than those placed in foster care (University of Adelaide), many factors contribute to this correlational relationship highlighting that this situation cannot be understood or viewed one dimensionally.

Project Paradigm acknowledges that at the time of writing this submission the Child Safety Minister, Craig Crawford ordered a wide-ranging review of the state's residential care system in response to allegations of abuse and neglect (Queensland Government, 2023).

The Victorian Commissioner for Children and Young People highlighted the complexity of children living in out-of-home environments within their *Out of Sight report, a systemic inquiry into children and young people who are absent or missing from residential care (2021)*, stating that children and young people often enter care having endured some of the worst experiences imaginable: sexual and physical assault, neglect, emotional and psychological abuse, transience, and displacement. Without proper support within the care system, children and young people can go to dangerous lengths to try and find connection and belonging outside care, frequently putting them at risk of criminal and sexual exploitation. The report highlights an acknowledgment of a chaotic, pressured, and uncaring social care system where first and foremost, children and young people need to feel safe and loved.

Experts confirm that young people living in residential care are more susceptible to all kinds of exploitation due to their complex abuse histories with perpetrators seeking out young people who experience social isolation or marginalisation, especially those who have experienced neglect, physical or sexual abuse, lack housing stability or a safe home environment, social isolation, economic vulnerability, living with a disability, have mental health or substance use issues and also those who may be excluded from mainstream education (Home Office, 2018), (Family and Community Services, 2016, p. 8).

In Australia, recent research on 'crossover' children - those involved in both the youth justice and child protection systems - found that while robust prevalence data

on this issue is lacking, stakeholders working with this particular cohort regularly identified criminal exploitation as a concern (Baidawi et al, 2020). The research noted that children and young people 'in residential care and those with neurodiversity were identified as particularly vulnerable subgroups, while sexual exploitation and substance abuse often featured as facilitators of criminal exploitation for 'crossover children'.

Project Paradigm are very concerned about the discourse portraying these vulnerable children as simply 'offenders' within the current popular narrative of the 'youth crime epidemic'. Such discourse is seeing increased calls for stronger punitive measures with an omission in the dialogue recognising the unique juxtaposition of child sexual exploitation (CSE) and child criminal exploitation (CCE) for children living in out-of-home care arrangements.

Through this submission, Project Paradigm seek to broaden the Youth Justice Reform Committee's knowledge of this issue, in an attempt to ensure that proposed crime eradication initiatives recognise and are empathetic to, the unique experiences of children in out-of-home care or in contact with the child protection system.

### **What is child sexual exploitation (CSE)?**

#### ***The United Nations says...***

*Child sexual exploitation is the abuse of a child where some form of remuneration is involved whereby the perpetrators benefit – monetarily, socially, politically, etc. Exploitation constitutes a form of coercion and violence, detrimental to the child's physical and mental health, development, and education (United Nations, 2001).*

CSE is a form of abuse that does not discriminate based on age, affluence, gender, ethnicity, or sexual orientation. Offenders are deceptive and manipulative, targeting children and young people in effective ways, ensnaring, isolating, and controlling away from families and support networks, without people to look out for them or recognise the signs that they are being exploited perpetrators will normally target children and young people based on vulnerability, sometimes through sophisticated, tech-facilitated, grooming techniques and often by exploiting the young person's attachment needs.


In recent years the issue of CSE has become a prominent problem for many international jurisdictions to address. Some governments on the World stage have made combatting the issue a major priority, citing it as a "national threat" (Cameron, 2015). Others refer to CSE as a "top priority" (Dutton, 2018).

Australia does not currently have a consistent national definition for CSE making it difficult for practitioners and agencies to consistently identify, monitor and respond effectively (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Much of the discourse and language relating to CSE within a social policy and law enforcement context, focuses on online grooming or child exploitation material (CEM) (CDPP, 2019), both of which, while important issues, distract from CSE that takes place physically in the community (Townson, 2019).



A lack of consistent definition also allows for victim blaming, labelling discourses around child sexual exploitation and vulnerable young people to perpetuate. Overseas jurisdictions have found that adopting a clear definition better supports solution focused approaches to disrupting abuse and criminal behaviour, while ensuring that public discourse around this issue is shaped in a trauma informed. This in turn helps uphold a children's rights approach, and encourages a collective, community response that is proactive rather than reactionary.

The 2021 Victorian Commission for Children and Young People *Out of Sight* inquiry report highlighted concerning patterns of children and young people who were absent or missing from residential care, at risk of exploitation, abuse, assault, and rape. Stakeholders engaged in the inquiry described a range of scenarios, including organised paedophile rings actively targeting children and young people in residential care, through to "the odd guy and his mates" who opportunistically exploit and assault vulnerable children and young people, who are absent or missing from residential care. This is supported by 2021 research undertaken by the Australian Federal Police which revealed that young people aged 13 to 17 in out-of-home care make up less than 1 per cent of the youth population in Australia, and yet make up more than 70 per cent of missing youth reports. Of these, females and Aboriginal and Torres Strait Islander youth were identified as being most at risk and there were many cases of under-age girls associating with older youths known to police as well as numerous accounts of them being returned to care homes by unknown adults.



*A Bundaberg man has appeared in the Magistrates Court facing charges of knowingly participating in the "provision of prostitution of a child and aggravated supply of dangerous drug to a child". Many of the young people subjected to this abuse were from residential care and are victims of organised crime, manipulated due to their predisposed vulnerabilities and subsequently exploited by being used to provide sexual services to other adults in the community and/or used to facilitate the grooming of other young people. (Courier Mail, September 12, 2023)*

As previously stated, the added vulnerability factors for children in residential care mean that this demographic are often targeted and groomed by individual perpetrators or organised gangs of perpetrators, because they are seen as an easy target. Perpetrators focus their recruitment efforts in places where these youths are likely to be, including homeless shelters and group homes (Dierkhising et al, 2020). The perpetrators will work to pull the young person away from any protective people in their life, often under the guise of being an understanding 'boyfriend/girlfriend' or adult. In gang related exploitation, it is not unusual for the young person to initially see a gang as a place of belonging. Once control and dominance are established by the perpetrators, the young person may then be forced or manipulated into having sex with 'friends' of the perpetrators and/or will be used to carry out street related crimes, such as drug dealing or petty theft (Townson, 2021/2022).

Through its work with young people and other organisations across Queensland, Project Paradigm and IFYS have seen many young people targeted and abused in this way, with some cases occurring on a significant scale in locations like Cairns, Townsville, Rockhampton, Wide Bay, Ipswich and the Gold Coast.

The relational aspect of child exploitation is seen as a major driver in the overrepresentation of children in out-of-home care experiencing this form of abuse (Victoria Commission for Children & Young People, 2021), yet it is the experience of Project Paradigm that this particular cohort of young people (12 years and older) receive inadequate support from care and protection systems because their actions are inappropriately attributed to the motivation of the young people themselves, as though they are simply making poor 'choices', often simply labelled as 'risk-taking behaviours', rather than recognising the sophisticated power and control dynamics of coercive control created by the adults who are exploiting them.

Project Paradigm are deeply concerned that whilst child sexual exploitation remains undefined, statutory agencies, support services and invested authorities will fail to prevent, disrupt, and respond to children and young people effectively, minimising the existence of CSE or framing incidents as 'extreme outlying cases' outside of the expected norm.

### **Criminal exploitation (CCE)**

Baidawi et al poignantly illustrates that the exploitation of children through criminal activity by controlling adults or older youth, to effectively shield themselves from prosecution, is not a new phenomenon in her 2020 article, *Criminal Exploitation of child protection involved youth*. Baidawi et al cites Charles Dickens' famous 19th century novel *Oliver Twist*, which painted a grim picture of the existence of gangs of child pickpockets in the 1800's controlled by abusive adults as a prime example, often reflected in modern day times through the term '*Faganism*', in reference to the adult perpetrator orchestrating the criminal activity. Whilst this example is a fictional representation it does reflect a broader societal practice whereby the exploitation, recruitment and control of children and young people into criminal activities exists.

Within the context of present-day circumstances, Project Paradigm consults weekly on cases of children and young people across out-of-home care and the wider community who are being exploited criminally, used to commit a myriad of offences ranging from less serious crimes (such as shoplifting) to serious motor-vehicle theft, drug dealing, assault, and sexual offences. We have seen cases where young people have been forced to steal cars that are intended by adult criminals to be used in higher level crimes such as robberies, an issue not unique to Queensland. Discussions through our work with NSW police in the Western suburbs of Sydney have demonstrated the use of similar models in use by organised crime gangs there.



Research on child criminal exploitation is more developed internationally, particularly in the UK. The Howard League for Penal Reform (2020) found that:

*“Children in residential care are targeted by people carrying out criminal activities because they have the kinds of vulnerability and lack of adult oversight that make them most susceptible to grooming and control.”*




### CHILD CRIMINAL EXPLOITATION OCCURS:

*“WHERE AN INDIVIDUAL OR GROUP TAKES ADVANTAGE OF AN IMBALANCE OF POWER TO COERCE, CONTROL, MANIPULATE OR DECEIVE A CHILD OR YOUNG PERSON UNDER THE AGE OF 18 INTO ANY CRIMINAL ACTIVITY:*

- *IN EXCHANGE FOR SOMETHING THE VICTIM NEEDS*
- *FOR THE FINANCIAL OR OTHER ADVANTAGE OF THE PERPETRATOR OR FACILITATOR*
- *THROUGH VIOLENCE OR THREAT OF VIOLENCE”*

(UK Home Office, 2019)

Criminally exploited children are often forced into transporting and selling drugs, manipulated into becoming indebted to their exploiters and are vulnerable to violence and exploitation from rival drug networks (Hudek, 2018). Additionally, children are frightened of repercussions, either to themselves or family members, if they are suspected of being 'snitches' or are suspected of, or found to be, trying to escape exploitation (Hudek, 2018).



*Project Paradigm recently consulted on a case where a young person under the age of 13 had been found in possession of vapes and marijuana ‘provided’ to them by unknown individuals in the local community. The young person had been provided with a ‘shopping list’ of items they were required to steal. Items on the list included knives, clothes, vapes and food. This young person also had a history of being sexually exploited.*

Serious violence can be normalised with children carrying knives as a warning to others or to protect themselves. The use of debt bondage can render children increasingly desperate in their attempts to pay off these debts or retain their status as they feel trapped in a situation where there is no help available to them (Violence and Vulnerability Unit, 2018). These kind of scenarios depict what would be defined as a form of slavery under the *Commonwealth Modern Slavery Act 2018*.



With no formal definition of CCE, many statutory agencies lack local protocols and policies to adequately address the issue and even those that do may misinterpret or misconstrue the presentation of criminal exploitation when it is encountered. Project Paradigm are very concerned that in the current climate, with such a strong focus in the common discourse being on the behaviours and actions of the individual child, vulnerable children are framed as hardened career criminals, and recidivist offenders, with little acknowledgement that there may be sophisticated exploitation by organised criminal gangs operating in the background.

### **Prevention and Intervention**

Project Paradigm has seen firsthand the benefits of collaborative multi-agency primary prevention and early intervention as a means of reducing both initial incidents of crime and recidivism among young people. Research has long extensively demonstrated that ignoring the nuanced, complex drivers of youth crime and instead focusing only on punitive measures in an attempt to disrupt criminal activity does very little to improve outcomes for either the young person or the wider community long term (Loeber, Farrington, & Petechuk, 2003).

The London Child Exploitation Operating Protocol 2021 states that:

*“prevention can occur at many points on a child's journey and has can come in different forms. Primary prevention occurs in universal settings such as schools and colleges, it provides information and raises awareness for all children, young people and families about staying safe and reducing the risk of being exploited. This includes PSHE classes, online health messaging and publicly shared safety information. It also includes creating environments where children feel safe to discuss relationships, experiences and fears. Secondary prevention is the targeted response to those who are showing indicators of behaviour, risks associated with exploitation, or groups who are more vulnerable to exploitation such as those in alternative education provision or other children with special educational needs. What we refer to as ‘early intervention’ most often falls within the category of secondary prevention. Tertiary prevention is about treating those who have experienced harm, exploitation, or trauma to enable their recovery and to prevent further harm. This includes therapeutic intervention to aid trauma recovery, relationship-based mentoring approaches, and specific responses at ‘teachable moments’ such as following arrest or assault.”*

### **Conclusion**

It is clear that the issue of youth crime is a complex and nuanced problem in Queensland, as highlighted by the examples provided throughout this submission. It is the view of Project Paradigm and IFYS, that the profound intersections between youth crime and the criminal and sexual exploitation of children are too compelling to ignore. On this basis we are calling on the Queensland Government to properly acknowledge the nuanced experiences of vulnerable children and young people in

our communities, especially those residing in out-of-home care, when giving consideration to any proposed youth crime initiatives, with a specific focus on addressing the push and pull factors associated with CSE and CCE. It is our view that the Youth Justice Reform Committee presents as both a critical window of opportunity and a cross-roads whereby government can play a crucial role in tackling youth crime and child exploitation in tandem, head on, by improving awareness and resourcing educational activities for professionals and communities, aimed at building community capacity to help intervene much earlier in the life trajectory of young people who might otherwise be susceptible to involvement in criminal activity and the accompanying abuse and exploitation.

**This submission was prepared for and on behalf of IFYS LTD and Project Paradigm by:**

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