

CONSEQUENCES OF CONTEXT: PROBLEM SEXUAL BEHAVIOUR AND CHILD SEXUAL EXPLOITATION

Against this context of structural disadvantage many Indigenous children face serious and compounding challenges in negotiating pathways to success in the life course. Compromised educational outcomes, poor health indicators, adverse socio-economic circumstances: the multiple contextual factors that cause obstacles for these children have also been obstacles for their parents. As such, reports indicate that disadvantage has become trans-generational as there are fewer strong adult role models for children to emulate. For children living in communities with high levels of violence the chances of experiencing childhood trauma are exponentially increased. Childhood trauma is a major risk factor to a host of adverse outcomes in childhood, including problem sexual behaviour and child sexual exploitation. As though not risk enough, it is likely that in some Indigenous communities children who experience the risk factor of childhood trauma will also find this overlaid by the additional risk factors of poor educational outcomes, compromised socio-economic circumstances, poor health indicators, alcohol or drug misuse, intellectual impairment, and so on.

Recent reports and media attention highlight the most startling of the consequences faced by children. This national media attention is recent; the issues contributing to sexual violence in Indigenous communities are not. The following section exemplifies the devastating consequences for children whose behaviours reflect this ongoing context of risk.

CHILDREN WITH PROBLEM SEXUAL BEHAVIOURS – INDICATIONS FROM INDIGENOUS COMMUNITIES.

Reports of problem sexual behaviour amongst Indigenous children have been filtering through since the 1990s, but these are still yet to have created the necessary public awareness to facilitate the provision of the culturally appropriate and locally delivered programs so urgently required. Memmott et al., (1999, 2001) identify that as early as 1990 Judy Atkinson expressed concerns regarding sexualised behaviours amongst Indigenous children:

Atkinson (1990a, 1990b: 10) reports that in some Indigenous communities, rapes have been carried out on drunken women by groups of young boys aged as young as 10 and typically between 10 and 15 years of age. Even more alarming is that young boys have been reported as trading their younger sisters to older boys to pay gambling debts or to purchase alcohol. Young girls as young as eight and often older have been sexually misused by adult Indigenous and non-Indigenous men in exchange for beer (Atkinson, qtd. in Memmott et al., 1999, 2001, p. 40).

In 1994 Hazelhurst reported that pornography was inciting young boys, sometimes in gangs, to assault young children, infants, and animals (qtd. in Gordon et al., 2002, p.105). Further, in 2001 Memmott et al., reported that in some Indigenous communities pack rape was being committed by boys as young as ten years old (p. 51).

Still relevant today, these early reports of problem sexual behaviour amongst Indigenous children are not isolated cases. Each major jurisdictional Task Force or Inquiry report into violence in Indigenous communities indicates some level of concern about this issue. The recent NSW Aboriginal Child Sexual Assault Task Force reported that sibling sexual assault is rife in NSW. "Communities expressed consistent concern about the high incidence of sibling abuse. One participant suggested that this type of abuse sometimes started when the children lived with family violence and the children would get into bed together for comfort" (p. 51). Much more deliberate strategies for long term sexual assault of siblings were also reported by community members:

It's not just men against women and men perpetrating against children, it's sibling groups as well. We have, you know, siblings who actually sexually abuse their siblings and I'm finding that those kids they have... that they quite cleverly, through a process of grooming, can be the perpetrator for a very, very long time with nobody actually discovering until some sort of you know disclosure, innocent disclosure of the victim. Transcript 2 (51)

The NT Board of Inquiry also identified the existence of sibling sexual abuse as well as "sex between children" generally and "children's exposure to sexual activity" (p. 60). This Inquiry reported that "many sexual offenders were, in fact, children themselves, and some of these offenders were female children" (p. 63). The lines between consent and abuse are not clear in all reports to the NT Inquiry, but in general, sex between children and underage pregnancies⁴⁶ were "a cause of great concern to many of the Aboriginal people consulted by the Inquiry"⁴⁷ (p. 65). The Inquiry indicated that an Indigenous woman who had been abused more than 37 years ago reported that in her community "Aboriginal law had started breaking down at the time she was abused and had now deteriorated to such an extent that young children in the community were abusing one another" (p. 61).

The Inquiry was told of a range of juvenile offending, including a 12-year-old boy allegedly interfering with a three-year-old, a 13-year-old boy allegedly interfering with a five-year-old, a 15-year-old boy who had interfered with a three-year-old and an eight-year-old, a 15-year-old girl who

⁴⁶ The NT Inquiry reported that in some cases the baby bonus is seen as an incentive to early pregnancy. Further, the Inquiry reported that some families encourage young girls to become pregnant so that the family can receive the baby bonus. For some young girls having a baby is a protective strategy as it gives them "an important role to play in the community and enabled them to avoid other riskier behaviours" (Wild and Anderson, p. 66). This is supported by the earlier anthropological work of Hunter, who writes that "The high rates of pregnancy for young Aboriginal females . . . may be protective, both in terms of providing an avenue to the economic resources of maternal benefits denied to males, and access to motherhood, an ego-ideal valued by the majority of culture (Hunter 1990b, qtd in Memmott et al., p. 29).

⁴⁷ The NT Inquiry highlights the fact that response to child sexual activity is difficult in the NT because "although it is illegal for persons under 16 years to have sexual intercourse, there is no legal requirement under any NT Act to report the evidence of sexual intercourse in a person of this age, unless there is reason to believe that it constitutes maltreatment as defined in the *Community Welfare Act*" (p. 107). Therefore, children presenting with STIs and pregnancies would be unlikely to be reported (and thus counselled) unless there was reason to believe they had been subjected to sexual abuse.

allegedly interfered with a group of younger boys, and a 14-year-old-girl who allegedly interfered with girls and boys The Inquiry was also told a story of a 17-year-old boy who would regularly show pornographic DVDs at a certain house and then get young children to act out the scenes from the films (p. 63).

An increase in teenage violence, sexual activity and anarchy was reported as a major concern for both men and women in all communities that the Inquiry visited (p. 66). The Inquiry cites “inter-generational trauma, the breakdown of cultural restraints” and prior sexual abuse or exposure to inappropriate sexual activity as providing the situational context for this child sexual behaviour (p. 63). This explanation is supported by Professor Paul Memmott, Director of University of Queensland Aboriginal Environments Research Centre, who attributes rapes by children to the breakdown in social systems (Chilcot, 2008).

The extensive community consultations conducted in Queensland in 1999 by the Aboriginal and Torres Strait Islander Women’s Taskforce also contained reports of children engaging in problematic sexual behaviours. Teenage males were repeatedly cited as engaging in sexual assault of children, and the sexual anarchy identified by the NT Inquiry is evident in this Queensland report as well. Consultations in Brisbane revealed an incident in which a four-year-old boy was raped by two ten-year-old boys and when this was reported to police they advised that the two could not be charged (Robertson, 1999, p. 11). A submission from Central Queensland revealed a similar case whereby a three year-old child was raped by two juvenile males and one adult male (p. 16).

Media reports increasingly feature incidents of Indigenous children engaging in acts of problem sexual behaviour.⁴⁸ In 2007 these issues reached national attention when, in an address to The Sydney Institute, John Howard indicated that part of the impetus for the Northern Territory Intervention were reports that “six-year-olds acted out sexual behaviour in groups” (Madigan, 2007). Other recent media reports include:

- In early 2008 the Cape York community of Kowanyama was the subject of much media attention, with a six-year-old boy allegedly raped by a group of teenage and pre-teen boys (Murphy, 2008). Police in that community interviewed a group of eight pre-teen and teenage boys who were allegedly serially raping very young boys in the community (Koch, 2008a). Koch writes that the situation in Kowanyama of juveniles abusing even younger children was first reported in 2003 when Royal Flying Doctors medico Dr Lara Wieland outlined the extent of abuse in a ten-page letter to John Howard and Peter Beattie.
- In 2008 Wieland published her concerns, citing problem sexual behaviour in children as just one of the elements of dysfunction in Kowanyama that requires immediate attention. “Boys raping younger boys becomes just boys ‘playing gay’ – to be ‘told off.’ Yes, young boys do often engage in explorative sexual play but that is completely different to non-consensual acts where pre-pubescent boys sodomise little kids with objects while they scream out ‘no’, or where older teenagers or adults watch as they make younger teenagers rape little kids, who then have nightmares. That is no longer ‘playing’ and often suggests the children involved have been molested themselves” (Wieland, 2008).

⁴⁸ It is crucial that media reports not be taken as substantiated cases, particularly given the increased interest that the media have shown in Indigenous communities in the last eighteen months.

- Mornington Island is another community where there are investigations into children allegedly raping other children (Chilcot, 2008).
- In July 2007 it was reported that an 11-year-old Balgo (WA) boy forced two pre-school-aged girls to have sex with him, infecting both with sexually transmitted diseases. Police confirmed that they would not lay criminal charges against the boy (Gosch, 2007).
- The gang rape of the 10-year-old girl at Arukun grabbed national attention when District Judge Sarah Bradley suspended sentences for all nine of the confessed rapists. Only weeks later the nation became aware of the repeated sex attacks on an 11-year-old Maningrida boy by two adults and three teenagers. The offenders, who spent their days watching pornography and smoking marijuana, twice anally penetrated the victim in addition to fondling him and forcing him to perform oral sex (*The Australian*, 2007). The sentencing decision in this case is also contentious, with four of the five males receiving a total sentence of 32 months in custody. The youngest offender (13 at the time of the offence) was granted leave to appeal his sentence. The controversy with this case is that none of the offenders were charged with rape, the most serious charge being sexual intercourse with a child under 16. This decision has been read by Indigenous advocates as sending the message that the rape of an Aboriginal child bears less consequences than the rape of an adult. Exemplifying the difficulties in legal response to problem sexual behaviour in children Supreme Court judge Trevor Riley said the crimes were serious but acknowledged that the offenders were young, had a limited understanding of the outside world, and intelligence well below their years (Wilson, 2007).
- In 2007 five boys aged between 11 and 14 from the remote Kimberley community of Kalumburu were charged with eight counts of sexually penetrating and indecently dealing with two boys aged six and seven. Robert Cock, the Director of Public Prosecutions, subsequently dropped the charges, saying that the testimony from the alleged victims was “sufficiently incoherent” that it would have little chance of standing up in court (Barrass, 2007b).
- In 2005 the *Sunday* program reported that young Aboriginal children were being sexually abused by children their own age (Davis, 2006).
- In 2001 a seven-year-old girl from Western Australia was subjected to a pack rape so vicious that she now wears a colostomy bag. Police believe that the offenders were all juveniles (Toohey, 2001).

Dr Chris Sarra, Executive Director of the Indigenous Education Leadership Institute confirms that child rapists do exist in remote communities, with some towns “held to ransom” by out-of-control children who are not being disciplined (Chilcot, 2008). Indications are that the communities are experiencing difficulties in prohibiting under-age sexual activity and that this is contributing to the understanding that problem sexual behaviour is without consequences, and so therefore permissible. Griffith University Youth Forensic Service director Associate Professor Stephen Smallbone, says that this kind of behaviour is not unexpected in communities where there is an absence of authority, and therefore no reason for children to resist criminal activity (Chilcot, 2008). The difficulties associated with policing under-age sex are evident in the decision by Investigators not to test or charge the teenage boys allegedly responsible for transmitting STIs to four under aged girls in Papunya. Although the four girls (one of whom is only seven-years-old) have identified the boys

as responsible, the Inquiry has concluded that the infections are the result of the girls playing “mothers and fathers” at the local rubbish tip (Skelton, 2006). This provides a clear example of the ongoing consequences of problem sexual activity being regarded as childhood experimentation. Furthermore, this serves as a reminder of the urgent need for legislative and policy frameworks to facilitate effective response so that children engaging in sex on rubbish tips does not become normalised as “child’s play”.

INDIGENOUS CHILD SEXUAL EXPLOITATION – INFORMAL AND FORMAL PROSTITUTION

Compounding the challenges faced by Indigenous children each of the risk pathways identified for involvement in childhood problem sexual behaviour are also seen as contributing factors to childhood involvement in formal or informal prostitution. The precarious circumstances for many Indigenous children place them at great risk of becoming victim to sexual exploitation. To overlay these circumstances with the conceptualisations or definitions of “prostitution” that we might attribute to adults who consciously choose to enter into a contract exchanging sex for money or goods would be to seriously distort the circumstances whereby at-risk children are forced into exchanging sexual favours to ensure their own survival. As with problem sexual behaviour it is not the actions or culpability of the individual child that warrant attention, rather it is the systemic factors creating the circumstances for child sexual exploitation that need to be addressed.

The NT Inquiry reported that vulnerable children (particularly girls) are being sexually exploited by both Aboriginal and non-Aboriginal men and “in many cases the girls actively sought out the men and consented to sex in exchange for goods or favours” (p. 63). The Inquiry concluded “such children are often targeted by offenders, with the children’s desire for affection used to facilitate sexual assault” (p. 201). A Remote Area Nurse explained that “they are vulnerable and desperate and they crave the things that they do not get at home, such as love, attention and material goods” (Wild and Anderson, 2007, p. 63). The Inquiry reports that girls aged between 12 and 15 years are engaging in a “rampant informal sex trade” with the non-Aboriginal workers of a mining company. Further, taxi drivers in larger Aboriginal communities are alleged to have accepted sex with young girls in lieu of fares and there are reports that these same drivers have been involved in “pimping” teenage Aboriginal girls to other men (p. 64). In instances where police have been informed of this activity police told the Inquiry that little could be done as “the girls themselves would not speak out because they saw themselves gaining from the activity” (p. 64).

More organised prostitution of female children was also reported to the Inquiry, with one man allegedly offering drugs to lure girls to leave their communities to enter the sex trade in Darwin (p. 64). Child pornography was also reported in one town, with cannabis offered in return for young girls being video taped performing sexual acts (pp. 64-65). The NT Inquiry also reported anecdotal evidence of children being “sold” for sexual purposes by adult family members in exchange for money, alcohol or drugs (p. 62). The NSW Taskforce (2006) also found that adolescents are regularly offering their younger siblings in exchange for drugs and money. This parallels findings of the Queensland consultations as well with Indigenous residents of Hervey Bay reporting that “young girls were being forced to give sexual favours and to prostitute themselves to family members” (Robertson, 1999, p.39)

Evidence of children providing sex to ensure their own survival is supported by the findings of the 2004 CMC report on child sexual offences in Queensland Indigenous communities. This report noted that it is “common for young teenagers to perform sexual favours for some adult members of the community to benefit by way of money, shelter, alcohol or food” (p. 7). The Queensland Task Force report also describes prostitution as an act of survival for the children involved. “The sexual abuse of children by men who know that drugs is a way to get to them, this is usually done by men to young boys, especially those who come from broken homes and are roaming the streets to get away from the . . . [domestic violence] that is happening” (Robertson, 1999, p. 183).

SCHOLARSHIP ON CHILD SEXUAL EXPLOITATION

The literature supports the view that childhood involvement in prostitution occurs most often when children and young people are forced into sexually exploitive situations in an effort to escape abuse or the risks associated with homelessness. Much of this literature falls under the general description of “commercial sexual exploitation of children” although there are compelling arguments that the term “commercial” functions to exclude situations in which young people are sexually exploited without money being exchanged. U.S. researcher Liz Kelly asserts that definitions of prostitution need to accommodate instances in which forms of payment are not necessarily monetary. “We know from children and young people themselves that they may initially, or consistently act independently, exchanging sex with adults for goods in kind, such as shelter, food and companionship” (Kelly and Regan, 2000, pp. 72-73). Kelly’s work points to the importance of ensuring that definitions don’t preclude the multifarious means by which children might be sexually exploited, asserting that narrow definitions result in lower prevalence figures. It is crucial that policy, research and legislative reform be informed by a complete picture of the means by which children are subjected to sexual exploitation.

Adverse circumstances of abuse or neglect force young children into acts of “survival sex” or “opportunistic prostitution” according to Tony Proud, Teen Challenge Queensland Manager. Proud, and others contend that most children in these circumstances⁴⁹ opt for basic necessities such as food and shelter in exchange for sexual favours (Doneman, 1998; Jackman, 1998; Jenkin, 2005). Similarly, Professor Jake Najman, author of a report on the sex industry in Queensland stresses that “very young sex workers have very high market value” but that when young people engage in prostitution it is rarely a “lifestyle choice” and more usually a question of “absolute desperation”, a survival strategy after they have been forced to live on the streets (qtd. in Jackman, 1998). This is supported by Bernadette McMenamin of the International lobby group End Child Prostitution and Child Trafficking (ECPAT). McMenamin indicates that “these kids are exchanging sex to meet their needs” and a small percentage of children as young as ten are forced into prostitution by their parents (qtd. in Jackman, 1998).

The 1998 AIC report on the commercial sexual exploitation of children in Australia also acknowledges that prostitution includes “the exchange of sex for favours such as food, clothing, accommodation or drugs”. Exploitation of this kind is variously defined as “opportunistic prostitution,” “sex for favours” or “survival sex”, indicating that the children involved can see no alternative other than to exchange sex for their basic

⁴⁹ These reports are on the broader Australian population of children rather than Indigenous children in particular. The risk pathways of homelessness and prior trauma described here may also be present for some Indigenous children.

needs" (Tschirren et al., 1996 qtd. in Grant et al., 1999, p. 2). The AIC report concludes that both male and female children participate in street solicitation in every Australian capital city.

To date, Australian research on child prostitution has focused on metropolitan areas. The methodology for the AIC study, for example, consisted of interviews with law enforcement agencies, community welfare agencies and NGOs in each capital city of Australia. It appears that no research or consultation was undertaken in regional or remote Australia and the report does not disaggregate data according to ethnicity. Indigenous children and children from non-English speaking backgrounds are identified as being "vulnerable to commercial sexual exploitation due to the isolation of their communities from "mainstream" Australian society (Grant et al., 1999, p. 6). Although the data do not indicate that Indigenous and culturally and linguistically diverse (CALD) children are at increased risk the authors suggests that this does not accurately reflect the situation and is more likely to be a function of Indigenous young people having less access to mainstream services.⁵⁰

This lack of service provision needs to be urgently redressed, as indications are that the circumstances of many Indigenous children's lives place them at increased risk of childhood involvement in prostitution. As with the correlatives for problem sexual behaviour in young people the list of risk pathways to child sexual exploitation accurately describes the lives of many young people in Indigenous communities. Family breakdown, prior victimisation, youth homelessness, drug use, youth unemployment, poverty and the isolation of Indigenous and ethnic communities are just some of the factors that contribute to childhood vulnerability to commercial sexual exploitation. Children involved in sexual exploitation are likely to experience an absence of non-exploitive adult role models, and the social, educational, and health priorities for these children are likely to be neglected. Furthermore, Grant (1999) identifies premature sexualization as "a significant risk factor for a child's subsequent commercial sexual exploitation" (p. 5). Grant writes that these are both consequences of exploitation, but that these carry their own debilitating effects in turn:

[young people involved in commercial sexual exploitation] become isolated from peers and mainstream communities. Drug abuse, suicide ideation and attempt as well as violence and sexual offending have also been identified as common amongst this population. (p. 5)

This clearly indicates the cyclical and self-perpetuating dynamism of these risk factors to childhood involvement in prostitution. Given that each of these factors exist in Indigenous communities it is particularly disturbing that Grant asserts that "the more of these factors which are present, the greater a child's subsequent vulnerability" (p. 6).

The compounding effects of these risk factors in Indigenous communities point to the fact that research on the dynamics of informal prostitution or survival sex in remote areas is long overdue. Recent media reports provide ample evidence that young Indigenous children are at great risk of sexual exploitation. It is crucial that the conventional conceptualisations of prostitution as an urban-based contractual exchange be revised to include the predatory tactics of those who capitalise on young children who are already at serious risk and in serious need. Recent media reports provide an indication of the ways in which children are being exploited in informal prostitution arrangements for which they receive very little in return.

⁵⁰ It is also possible that the surveyed demographic may not include communities where the largest proportion of Indigenous and/or ethnically diverse children reside.

In 2001 the far North Queensland Indigenous community of Palm Island came to media attention as children as young as 12 were reported to be selling sex in exchange for cigarettes (*The Cairns Post*, 2001). In September 2007 South Australian Aboriginal Elder Winkie Ingomar, 52, stood trial for five counts of unlawful sexual intercourse with three 13- and 14-year-old girls whom he plied with petrol in exchange for sex (Cardy, 2007). In a similar case two Broome men were charged with child sex offences after being caught luring children into performing sexual favours in exchange for drugs, cigarettes and money (Barrass, 2007a). In December 2007 allegations emerged that parents had traded sex with their 12 and 13 year-old daughters for alcohol in a community west of Alice Springs (Kearney, 2007).

Chair of the NSW Aboriginal and Child sexual Assault Taskforce, Marcia Ella-Duncan reports that she became aware of child prostitution and truck drivers in Moree 15 years ago (Jones, 2008). Despite the long history of childhood prostitution in Indigenous communities there has been very little academic or media attention to this issue. In March 2008 young Indigenous girls from the NSW towns of Moree and Boggabilla took their stories of child prostitution to the media in the hope that national attention might mobilise the response needed to stop the trade of young girls to truck drivers passing through communities adjacent to highways. *Lateline* reported that girls as young as eight-years-old are reportedly having sex with both Indigenous and non-Indigenous truck drivers in exchange for cash and drugs. Judy Knox, a PhD student and resident of Boggabilla attributes this trade to the financial desperation of the young girls:

more often than not it's a survival thing, it's to put food in the house. It appears that the truckies are cashing in on that dysfunction. Yes, and taking advantage of people, the young girls that have no money. (Stewart, 2008)

Lateline reported that the truckies prefer women under the age of consent, and they will offer money to older girls to procure younger women for sex (Stewart, 2008). Truck drivers procuring Indigenous children for sex is not restricted to these NSW communities and this trade is reported to be common in most Indigenous communities adjacent to highways. This, and what we know of the prevalence of risk factors in Indigenous communities, means that a great number of young Indigenous Australians are likely to be at risk of child sexual exploitation.