



# DEVELOPMENTS IN THE UK'S RESPONSE TO CHILD TRAFFICKING AND CHILD SEXUAL EXPLOITATION

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## INTRODUCTION



*'We owe it to our children and to the children who survive horrific sexual abuse, to do better and ensure the mistakes of the past are never repeated again.'*<sup>1</sup>

Prime Minister David Cameron, March 2015

The rapid proliferation of child sexual exploitation (CSE) and child trafficking in the United Kingdom (UK) has recently become the focus of intense discussion, debate and intervention in the country. Several high-profile investigations and reports have revealed that thousands of children have been sexually exploited by individuals, gangs and groups and men in positions of authority throughout the UK.<sup>2</sup> A recent UK National Crime Agency (NCA) report found that child trafficking has increased in the country. Since 2011, every year there has been an increase in the number of children trafficked from more than 50 countries, including the UK, and exploited in forced criminal activities, sexual exploitation, domestic servitude, forced labour and organ harvesting.<sup>3</sup>

In response, the UK government has focused on improving its legislative, policy and practice responses to child sexual exploitation, online child sexual abuse, human trafficking and modern slavery. The Prime Minister, David Cameron, at a landmark summit held at Downing Street in March 2015, described CSE as a 'national threat' and announced new measures to tackle CSE.<sup>4</sup> Amendments have also been made to the Sexual Offences Act 2003 to improve prevention and prosecution of child sexual exploitation offences. Furthermore, 2015 saw the introduction of the Modern Slavery Act, cited as landmark legislation in the fight against human trafficking; forced labour and modern slavery, which includes sexual exploitation and sexual abuse; forced prostitution; and exploitation of children for the production of child abuse images and videos.

This chapter presents a brief overview of the scale of child sexual exploitation and child trafficking in the UK, a description

of existing and new national responses to child protection and an analysis of the international ramifications of domestic measures to prevent the sexual exploitation of children abroad by British nationals.

## **UK CHILD TRAFFICKING, CHILD SEXUAL EXPLOITATION AND CHILD SEXUAL ABUSE ABROAD**

The UK is a source, transit and destination country for child trafficking. The UK National Crime Agency (NCA) identified 732 children as potential victims of trafficking in 2014, and sexual exploitation was the most prevalent type of exploitation, affecting one in three children who were reported to the Agency.<sup>5</sup> The top countries of origin of children trafficked in the UK were from Albania, Nigeria, Romania, Slovakia, the UK and Vietnam. Children in the United Kingdom accounted for forty-two percent of all referred cases of child sexual exploitation while children were also identified as victims of forced criminal activity, forced labour and domestic servitude.

An independent inquiry into child sexual abuse in the north of England found at least 1,400 children were subjected to sexual exploitation between 1997 and 2013. Some as young as 11 years were raped by multiple perpetrators. Children were also abducted and trafficked to other cities in England and sexually abused.<sup>6</sup> The UK's Child Exploitation and Online Protection Centre (CEOP) warned that 190,000 UK children will suffer contact sexual abuse by a non-related adult before turning 18, with approximately 10,000 new child victims of contact sexual abuse being reported in the UK each year.<sup>7</sup>

Children in the UK and abroad are increasingly vulnerable to forms of online sexual abuse. According to CEOP, 'there were around 50,000 individuals in the UK involved in downloading and sharing child sexual abuse images in 2012.' A new form of transnational online abuse has evolved through the use of emerging forms of internet streaming technology and the 'dark web'.<sup>8</sup>

In 2015, 154 British nationals were detained in prisons abroad for child sex offences.<sup>9</sup> In recent years, ECPAT UK has also documented cases of British nationals accused or convicted of child sexual exploitation in countries including Cambodia, India, Kenya, the Philippines, Romania, Spain and Thailand.<sup>10</sup>

## **THE MODERN SLAVERY ACT 2015**

The Modern Slavery Act 2015 is new UK legislation designed to improve law enforcement responses to human trafficking and strengthen identification and protection mechanisms for victims of human trafficking. ECPAT UK successfully campaigned for the inclusion of several measures to protect against criminalisation and to prevent re-trafficking, missing and further abuse of children. These include a trial child-trafficking-advocates scheme and a criminal justice defence for children forced by their traffickers to commit crimes. The National Working Group, a leading coalition of anti-exploitation organisations, has also identified a number of benefits the Act provides for tackling child sexual exploitation. They include opening up access to UK victims of sexual exploitation to psychological support and providing a government expert to identify each child as a victim of a crime. A criminal investigation can then follow.<sup>11</sup>

Despite these important domestic improvements, the Modern Slavery Act has limited extraterritorial power. Two specific measures, however, could have significant international implications to target child trafficking and child sexual abuse by British nationals abroad. The Transparency in Supply Chains clause has the potential to address extraterritorial considerations by requiring any company with an annual turnover of £36 million to publish annual reports on steps taken to ensure company supply chains are 'slavery free'. A new set of anti-trafficking prevention orders, the first issued in December 2015, has the potential to target domestic, international human trafficking gangs operating in the UK.<sup>12</sup>

## THE SEXUAL OFFENCES ACT AND CIVIL ORDERS

Historically, child sexual exploitation and child trafficking have at times been treated as distinct phenomena in UK policy and practice. Under the Children Acts (1989 and 2004), local authorities must provide support to any child deemed to be a 'child in need' in their area. Potentially trafficked children or unaccompanied children would all meet this threshold and qualify for protection and accommodation under this law. Local authorities and partners have been working together to establish Multi-Agency Safeguarding Hubs (MASH) responsible for driving improved safeguarding approaches for children and vulnerable adults, through better information sharing and timely safeguarding responses. Alongside this, the National Referral Mechanism (NRM) is an official framework for identifying victims of human trafficking and ensuring they receive appropriate protection and support. The Anti-Trafficking Monitoring Group (ATMG) has criticised the lack of sufficient child-specific knowledge within the NRM and its tendency to bypass the existing child protection systems.<sup>13</sup>

The Sexual Offences Act 2003 provides the fundamental framework for responding to child sexual exploitation. Recent amendments to the Act have introduced additional powers to prevent child sexual abuse through a series of new legal orders, which have extraterritorial implications. Sexual Harm Prevention Orders (SHPO) and Sexual Risk Orders (SRO) are designed to effectively disrupt and prevent the commission of sexual offences. They are intended to protect members of the public in the UK and vulnerable adults and children abroad, from sexual harm, including protecting children from grooming. The Orders, issued by courts, would place a restriction on the movements and activities of anyone convicted or cautioned of a sexual or violent offence. This would include individuals who have committed offences overseas, or who pose a risk of sexual harm to children and vulnerable adults, in the UK and abroad. Restrictions can include preventing individuals from being alone with a child under 16 years,

prohibition of travel abroad and limiting their internet use. The SHPO must be for a minimum of five years and can be an indefinite period if necessary. An SRO is for a minimum of two years and has no maximum duration.<sup>14</sup>

## RESPONSIBILITIES OF THE HOSPITALITY SECTOR IN THE UK AND ABROAD

An independent inquiry into 'child sexual exploitation in gangs and groups' conducted by the Children's Commissioner (England and Wales) identified hotels, bed and breakfast places, shops and food outlets as key locations in which sexual exploitation of children takes place.<sup>15</sup> In recognition of the risk to children in these venues and a call for enhanced measures to disrupt and prevent CSE in hotels and similar establishment, the UK government has introduced measures in the Anti-social Behaviour, Crime and Policing Act 2014. The measures allow the police to place notice requiring hotels to disclose information about guests. If hotel staff have 'reasonable suspicion' that someone is committing crimes against children, they are required to provide the police with vital information to help them identify, gather intelligence and take action to prevent guests from sexually exploiting or grooming young people.<sup>16</sup>

Sadly, this increased focus on CSE, modern slavery, child trafficking and the hospitality sector has not been fully reflected in the UK Government's international responses to transnational CSE and other forms of child trafficking. Extraterritorial considerations remain largely confined to police powers under the Sexual Offences Act 2003. Despite the existence of laws addressing transnational child sexual exploitation, ECPAT UK has historically maintained that these tools are underutilised and largely ineffective.<sup>17</sup> The Modern Slavery Act remains largely silent on the responsibilities of internet companies and travel companies to combat CSE in their operations or supply chains abroad.

## POWERS AND LIMITATIONS OF NEW LEGISLATION AND RECOMMENDATIONS

Legislation and practices with limited extraterritorial provisions to protect children will fail to address the complex and multi-faceted characteristic of CSE in the UK and abroad. Fighting CSE demands a coordinated response that is multiagency, technologically sophisticated and extraterritorial in law – operating at local, national and transnational levels.

The limitations in the effectiveness of the new laws and challenges will be in the identification and support for children and gathering necessary evidence of child offences overseas. Unless measures are taken to build a culture of respect for the rights of children everywhere, improve knowledge and practice in gathering evidence and prosecuting cases of child sexual exploitation committed overseas, new laws will be ineffective.

The UK must recognise that it has a responsibility and duty to respect the rights of children everywhere as enshrined in the United Nations Convention on the Rights of a Child. It is also responsible for the welfare and protection of children when they are at risk of exploitation by UK nationals and UK companies. Working in collaboration with public, private and civil society bodies, and communities within and across country borders, the UK should develop effective and targeted interventions to include:

- Strengthened multi-agency international cooperation, sharing of resources, intelligence and best practices to improve monitoring of offenders. Investigation of offences, identification and support of child victims of exploitation.
- Mandatory reporting and recording of child sexual abuse offences in the UK and abroad and the establishment of a national investigation unit for extraterritorial offences against children
- Working with governments, the travel and tourism industry and civil society organisations

of countries where children are at a higher risk due to their socio-economic situations to address the root causes of their heightened vulnerability and give disadvantaged communities viable alternatives to avoid children being put at risk of exploitation.

- A strengthened Code of Conduct for the protection of children in travel and tourism. Independent monitoring of signatories to the Code on actions and the impact on preventing sexual abuse of children in travel and tourism.
- An improved Modern Slavery Act, clarifying obligations of companies operating in travel and tourism in ensuring their operations and supply chains are 'CSE-free'.
- A global movement for change to act as a catalyst for monitoring child abuse. Advocate for the development of comprehensive system of child protection policies and interagency initiatives, including tools, reporting structures and resources to protect children and prevent their abuse

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## Endnotes

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