



# EXECUTIVE SUMMARY UNITED KINGDOM\*



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## Introduction

In the United Kingdom (UK), adult prostitution is legal and **child prostitution** is illegal. A recent ideological and policy push has led to a new wave of legal measures that criminalize components of prostitution, including pimping and prostitution where the prostitute was subjected to force.<sup>1</sup> In addition to attempting to reform elements of the adult prostitution industry, the Crown Prosecution Service (CPS) and specific law enforcement departments have adopted a multi-agency approach working with voluntary sector organizations to investigate and prosecute those who create the demand for child prostitution. The government's increased focus on prostitution-related offences and incidents of child prostitution has led to several publicized child prostitution ring arrests across the UK. ECPAT UK research indicates that some of the child prostitution rings discovered in 2012 were operating under the guise of legitimate businesses and involved individuals who law enforcement and social service officials had been warned to be involved in the sexual exploitation and abuse of children. This highlights the need for law enforcement and social services to work cooperatively in order to better identify children who may be vulnerable to sexual exploitation and act proactively to protect them.

The consumption and use of **child pornography** continues to be a serious problem facing the UK. Reports from law enforcement indicate that there has been a significant increase in the number of images circulated throughout the UK in the past two years, suggesting considerable demand for child pornography in the region as well as the potential for increased harm to

child victims, as more children may be exploited to meet the rising demand. Due to a rise in the use of internet, social media and other available technological mediums, children in the UK also face a greater risk of falling victim to exposure to age-inappropriate and indecent images as the arenas for child exploitation extend with advancing technologies. There has also been an increase in "self-generated indecent images" (SGII), where children take indecent still or video images of themselves and share them online, where they often cannot control who or how many people can see the images once they are posted. The availability of child pornography has been found to concern MPs from all political prerogatives and has led to a consideration of whether new filters for online pornography should be implemented.

Since 2008, there has been an increase in government, industry and civil society cooperation and efforts to better combat **sexual exploitation of children in travel and tourism** through identification and prevention networks throughout the UK. Due in significant part to London hosting the Olympics and Paralympics in 2012, and Scotland being set to host the Commonwealth Games in 2014, the UK government has campaigned to amend legislative and jurisdictional gaps related to lawful mobility and the prosecution of child sex tourists. A successful example of these efforts includes the amendment of Section 86 of the *Sexual Offences Act 2003*, in response to what was determined to be a legislative loophole in terms of child protection from child sex tourists. Further, the ABTA, The Travel Association and

ECPAT UK joined forces to organize local and online training sessions and participate in the Child Protection Group, a multi-faceted group that has members from different UK industry and government sectors that work together to eliminate child sex tourism.<sup>2</sup>

The UK continues to be a significant transit and destination country for **child trafficking**. From January to September 2011, Child Exploitation Online Protection Centre (CEOP) identified 202 children trafficked into and within the UK.<sup>3</sup> Of the various purposes for which the children

were trafficked, the second largest group of children was trafficked for the purpose sexual exploitation.<sup>4</sup> All those trafficked for sexual exploitation were female, primarily from Nigeria and the UK, and were on average between the ages of 14-16 years.<sup>5</sup> Issues relating to the care and support of Unaccompanied and Separated Children (UASC) left at the border by traffickers and seeking asylum in the UK have long been of concern to the UK government, local regional authorities and voluntary organizations, as these children are often still under the control of traffickers.

## National Plans of Action

The UK has several national plans of action (NPAs) to address child sexual exploitation. The most notable plans are the UK Action Plan on Tackling Human Trafficking, the Tackling Child Sexual Exploitation Action Plan and Violence against Women and Girls Action Plan, which was issued by the Home Office in 2011.<sup>6</sup> The UK Action Plan on tackling Human Trafficking (2007 Trafficking NPA) is the Home Office and Scottish Executive's comprehensive victim-centered strategy to combat trafficking. It aims to examine government and private-public projects currently underway for combating trafficking. It also endeavours to identify gaps in existing work programmes, increase transparency and provide a platform for developing a more strategic and holistic approach to tackling human trafficking. Further, it highlights the need for a

child trafficking "Rapporteur".<sup>7</sup> The Tackling Child Sexual Exploitation Plan (CSE NPA) was published in November 2011, and lays out government action needed to help prevent CSEC from occurring in the UK and contains an extensive victim services section.<sup>8</sup> While it is commendable that the UK has a child-specific national plan of action on CSEC, there is a lack of clarity regarding the NPA's scope and application. It is uncertain as to which policy areas apply to the devolved administrations and which do not, as Northern Ireland, Wales and Scotland have developed their own approaches to tackling CSEC. Additional concerns exist regarding Northern Ireland's and Scotland's policy documents and NPAs, as they have not been sufficiently updated to reflect current needs and trends relating to CSEC.

## Coordination and Cooperation

The UK government has recently undergone significant organizational changes in the area of child protection, and these changes impact the coordination and cooperation efforts involved in combating CSEC. The UK has extensive resources and excellent governmental services available to combat CSEC. There are currently at least five different law enforcement units that work on child exploitation issues: Child Exploitation and Online Protection Centre

(CEOP); Serious Organized Crime Agency (SOCA); National Police Improvement Agency (NPIA); National Crime Agency (NCA); and the United Kingdom Human Trafficking Centre (UKHTC). Additionally, there is the UK Border Agency (UKBA) which also addresses child sex trafficking issues as they relate to immigration and border patrol. These organizations are currently undergoing administrative transformations, which have led

to confusion regarding the specific roles and obligations of each group. Further, many of the groups are involved in every aspect of child exploitation, from identification of victims to the implementation of victim support services. This type of replication leads to institutional overlap

and redundancies. ECPAT UK recommends that the UK government streamline these organizations and create a more clearly established chain of command to enhance effectiveness in combating CSEC.

## Prevention

In the past three years, there has been an increase in the level of reporting and conviction for sexual offenses against children in the UK. This increase can be attributed in part to greater awareness efforts and national campaigns to combat sexual abuse as well as encouragement of the early reporting of these crimes.<sup>9</sup> Since 2008, there has been an increase in cooperation and coordination efforts amongst industry, civil society and government to promote awareness about sexual exploitation of children in travel and tourism. Projects such as the Blue Blindfold campaign have also proved beneficial in creating awareness of trafficking as an issue in local communities. Across the UK, there has been an increase in the public availability of information about how to protect children once victims have been identified. For example, the UK government, in collaboration with members from 17 national parliaments, NGO representatives, law enforcement practitioners and business community leaders held a two day conference to commemorate the UK's third annual Anti-Slavery Day on October 18, 2012, and to highlight the need to improve cooperation across the EU in the fight against trafficking.<sup>10</sup>

The Internet Watch Foundation (IWF) was established in 1996 by the internet industry to provide a hotline in the UK for the public and IT professionals to report criminal online content in a secure and confidential way.<sup>11</sup> The IWF works in partnership with the online industry, law enforcement, government and international partners to minimize the availability of child sexual abuse images online.<sup>12</sup> Under the EU framework for safer mobile use by children and young people, UK mobile

operators (such as Vodafone UK and T-Mobile) developed a code of practice for UK mobile operators for use in the UK market.<sup>13</sup> Under the illegal content section of the code, mobile operators work with IWF and law enforcement agencies to manage the reporting and removal of content that may break the criminal law and pose harm to children.

The problems that the UK government faces as a result of its multi-agency organizational structure appear to affect the government's ability to collect accurate and useful data, as current available data appears duplicative, particularly in relation to the National Referral Mechanism (NRM). As the UK has a highly developed governmental system with strong support from civil society to address CSEC, it should reorient its efforts to improve its data collection for the victims of all manifestations of CSEC. ECPAT UK is calling for the appointment of an independent Anti-Trafficking Commissioner/National Rapporteur on Human Trafficking with statutory responsibility for the systematic collection, monitoring and analysis of comprehensive and disaggregated data on the scale and nature of trafficking in the UK. Since 2009, the CPS has been working with UKHTC and the Home Office to improve data collection and better monitor prosecution outcomes, although the resulting figures still do not include or represent all victims of CSEC.<sup>14</sup> ECPAT UK has serious concerns regarding the suitability of the NRM for children due to evidence that indicates that the majority of children were not recognized by the government as victims under the Trafficking Convention.

The UK has ratified the Convention on the Rights of the Child (CRC), the Trafficking Protocol, the ILO Convention the Worst Forms of Child Labour and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). The UK has shown particular progress with regard to improving its compliance with the requirements of the CRC and in attempting to implement the CRC at both the regional and national levels.<sup>15</sup> At the local level, the UK has ratified several important Council of Europe Conventions, including the Council of Europe Convention on Action against Trafficking in Human Beings (CETs 197) and the Council of Europe's Convention on Cybercrime CETS No 185, the "Budapest Convention". The UK has signed but not ratified or implemented the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).<sup>16</sup> In 2011, the EU issued two directives related to CSEC, one which addresses the prevention of human trafficking and the other which focuses on combating the sexual abuse and exploitation of children and child pornography, to which the UK needs to adapt. The *Sexual Offences Act 2003* of Great Britain, Wales and Northern Ireland serves as a comprehensive legal protection mechanism for criminalizing CSEC, going beyond the criminalization of sexual offences such as rape, sexual assault, and prostitution, to include concepts such as grooming for a sexual purpose.<sup>17</sup> Specifically in the context of Scotland, the *Protection of Children and Prevention of Sexual Offences Act 2005* and the *Sexual Offences Act 2009* contain legal definitions of child sexual exploitation and criminalize conduct related to the sexual exploitation of children.

### Child Trafficking for Sexual Purposes:

In 2002, the UK Parliament passed the *Nationality, Immigration and Asylum Act of 2002*, which made it an offence to traffic persons into, within, and out of the UK for the purpose of prostitution. These provisions were then replaced by sections 57-59 of the *Sexual Offences Act 2003*, which address trafficking into, within, and out of the UK for the purpose of sexual exploitation. All offences carry a maximum prison sentence of fourteen years and/or a fine not exceeding the statutory minimum. While the UK government has included a definition of trafficking for sexual exploitation in other related policy documents,<sup>18</sup> there is no explicit definition within the *Sexual Offences Act 2003* covering the elements of the Palermo Protocol definition of trafficking, which includes the recruitment, harbouring, transportation, transferring or receipt of children for purposes of sexual exploitation. In Scotland, the *Sexual Offences Act 2009* contains an offence of sexual coercion, which enables police and prosecutors to target traffickers who knowingly force or coerce a person to engage in sexual activity.

### Child Prostitution:

The *Sexual Offences Act 2003* criminalizes child prostitution as well as adult prostitution and contains detailed interpretive sections. Prostitution is not illegal in the UK, but child prostitution and adult prostitution stemming from force are illegal. While the *Sexual Offences Act 2003* does incorporate the definition provided by the OPSC,

there are limitations as to its usefulness and application because the specific provisions that criminalize aspects of child prostitution hinge upon (1) the child being under 13 years old and (2) if the child is over 13, the perpetrator's reasonable belief that the child is over 18. In Scotland, the *Protection of Children and Prevention of Sexual Offences Act 2005*, in section 9, addresses child prostitution and criminalizes related behavior without the limiting provisions included in the *Sexual Offences Act 2003*.

### Child Pornography:

The existing legislation addressing child pornography in Great Britain stems from three main sources: the *Sexual Offences Act 2003*, the *Protection of Children Act 1978*, and the *Coroners and Justice Act 2009*. Although there have been attempts to improve existing legislation regarding child pornography, the multiple sources which present child pornography laws make them less accessible and effective than if they were provided together in a single source with a coherent order, definition and explanation. Further, it is critical that any representation of children engaged in sexual activity (cartoons, drawings, comics, video games, paintings, etc) be criminalized to comply with the OPSC. Current laws in the UK also require possession of child pornography materials (e.g. downloaded on a personal computer) to prosecute offenders. Thus, it is difficult to prosecute those who watch live or streamed versions of sexual exploitation of children as they do not necessarily download the illegal materials, which suggests a gap in protection.

### Sexual Exploitation of Children in Travel and Tourism:

On August 13, 2012, the UK government closed a legislative gap in section 86 of the

*Sexual Offences Act 2003*, which allowed registered British sex offenders to travel abroad for up to 3 days without having to notify the authorities of the details of their travel plans. Now, under certain conditions, authorities must be notified, which helps to strengthen the enforcement of protection and prevention rules already in place. In Scotland, it is an offence to meet a child following engaging in preliminary contact for the purpose of sexual exploitation under the *Protection of Children and Prevention of Sexual Offences Act 2005*.<sup>19</sup>

### Victim Support Services:

In the UK, primary responsibility for safeguarding and promoting the welfare of children is delegated to local authorities. Local Safeguarding Children Boards (LSCBs) are required to develop policies and procedures regarding necessary forms of action where there are concerns about a child's safety or welfare.<sup>20</sup> The UK government has worked to improve its approach to victim services, and the Ministry of Justice is reviewing services in place to ensure that young victims are better supported. New victim courtroom protection efforts are also being implemented, including procedures that allow pre-trial video-recorded cross-examination, to assist victims of CSEC in providing testimony while limiting further trauma to CSEC survivors. Immigration Officials now have statutory guidance on how to safeguard and promote the welfare of children during immigration procedures, and police officers are now also given child protection training. While government policies have improved in the last decade, there is still a need to improve services that address issues like guardianship of potentially trafficked children and unaccompanied minors.

## Child and Youth Participation

The UK has worked to involve children in the implementation of the CRC. The UK has also actively encouraged children's participation in the political process at the national level in Great Britain and in the devolved administrations. This is evident through the government's development of a national body for youth leadership called The Youth of Today, established between 2009 and 2011. This body offers a range of opportunities for young people, including the opportunity to shadow Ministers and Council leaders. It also ran a youth-led campaign that highlights and celebrates the achievements of young community leaders. England and all of the devolved administrations have Youth Parliaments, which aim to include young people in the political process and give them a meaningful opportunity to have their thoughts and concerns heard by MPs,

government ministers and other politicians.<sup>21</sup> Every local authority in England has at minimum one young person who is elected to the UK Youth Parliament. In the contexts of Wales, Northern Ireland and Scotland, there are youth assemblies that allow for and promote political awareness and involvement for young people. The Scottish Commissioner for Children and Young People released a report that considered existing national frameworks for participation and aimed to serve as a guide for better practice. ECPAT UK has a Youth Programme which promotes the active participation of youth and works directly with young victims of trafficking in the UK, operating with an aim to promote youth rights and ensure the "meaningful participation of young victims of trafficking and exploitation."<sup>22</sup>

## Priority Actions Required

### National Plan of Action:

Future Trafficking NPAs should better delineate the roles of the various law enforcement agencies in their efforts to combat trafficking. The government also needs to clearly state which portions of the Tackling Child Sexual Exploitation Action Plan apply to the devolved administrations of Scotland, Wales and Northern Ireland. Finally, the UK Home Office needs to better coordinate the devolved administrations' various efforts to establish updated and current NPAs and other high-level policies, particularly in Northern Ireland and Scotland.

### Cooperation and Coordination:

To ensure that trafficking is dealt with within a child safeguarding framework, and not through the lens of immigration, the overall

responsibility for child trafficking should rest with the Department for Education (working alongside other relevant departments) and not the Home Office. The UKHTC and CEOP need to work out their respective duties related to the identification, prevention, protection and care of child trafficking victims.

### Prevention:

An independent Rapporteur or Anti-Trafficking Commissioner with a specific focus on children should be established to improve data collection and evaluate government action to combat trafficking. The government programmes that address children in government care need to be overhauled so that there is greater transparency and accountability. Public and school-based initiatives should be implemented to mainstream knowledge about the commercial sexual exploitation of children.

### Protection:

The UK needs to ratify and implement the Lanzarote Convention and transpose the EU Anti-Trafficking Directive 2011/36/EU and EU Directive 2011/92/EU, aimed at preventing and combating CSEC and trafficking in persons, into domestic legislation. For child prostitution crimes, the government needs to eliminate the perpetrator's "reasonable belief" of the age of a child over 13 but under 18 years in the crimes listed in sections 47, 48, 49 and 50 of the *Sexual Offences Act 2003*. The intentional access of child pornography through the use of Information and Communications Technology should be criminalized.

### Support Services:

There needs to be an in-depth and independent review of the suitability and effectiveness of the NRM for children, and, once improved,

the NRM must be promoted by the UK government sources for victim services and related issues. The UK government needs to develop a more identifiable support services programme for CSEC victims. The UK government must also establish a system of guardianship so that every child victim of trafficking has a guardian who has parental responsibility and provides care and support; ensures the child receives the educational, medical, practical and legal support they need to help rebuild their lives; and helps to prevent them from facing further harm or exploitation. Finally, there must be a concerted effort towards strengthening children and young people's capacities for effective participation in advocacy, particularly in relation to government decision-making processes, lobbying, and campaigning. Efforts must also be made to enhance capacity of young people to utilize research methods, data collection and media.

## Endnotes

- <sup>1</sup> 53A – Sexual Offences Act.
- <sup>2</sup> See e.g., ABTA and ECPAT UK Gain Comic Relief Funding for Child Protection Training 11 November 2008 available at <http://www.abta.com/resources/news/view/71>.
- <sup>3</sup> Child Trafficking Update, Child Exploitation and Online Protection Centre (CEOP) October 2011, at Executive Summary. It is important to note that this figure includes referrals made to the National Referral Mechanism as well as the Referrals received by the Child Trafficking Advice and Information Line (CTAIL) and may include children that were already in the investigative process.
- <sup>4</sup> Child Trafficking Update, Child Exploitation and Online Protection Centre (CEOP) October 2011, at 11.
- <sup>5</sup> Child Trafficking Update, Child Exploitation and Online Protection Centre (CEOP) October 2011, at 11.
- <sup>6</sup> Call to End Violence against Women and Girls Action Plan, March 2011 available at <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary>.
- <sup>7</sup> UK Action Plan on Tackling Human Trafficking March 2007, at 60.
- <sup>8</sup> Tackling Child Sexual Exploitation Department for Education, November 2011 available at <http://media.education.gov.uk/assets/files/pdf/c/tackling%20child%20sexual%20exploitation%20action%20plan.pdf>.
- <sup>9</sup> Threat Assessment of Child Sexual Exploitation and Abuse, Child Exploitation and Online Protection Centre (CEOP) 2012 at 5.
- <sup>10</sup> William Hague addresses historic anti-trafficking conference, ECPAT UK website, 16 October 2012 available at <http://www.ecpat.org.uk/media/william-hague-addresses-historic-anti-trafficking-conference>.
- <sup>11</sup> “Who We Are” The Internet Watch Foundation, IWF Website available at <http://www.iwf.org.uk/about-iwf>.
- <sup>12</sup> “Who We Are” The Internet Watch Foundation, IWF Website available at <http://www.iwf.org.uk/about-iwf>.
- <sup>13</sup> <http://www.vodafone.co.uk/cs/groups/public/documents/webcontent/vftsts062578.pdf>.
- <sup>14</sup> Information received from ECPAT UK (12th March 2013).
- <sup>15</sup> United Nations Convention on the Rights of the Child: Priorities for Action, Department of Children Schools and Families, at 4 (2009).
- <sup>16</sup> The Council of Europe Convention against Sexual Exploitation and Sexual Abuse, Lanzarote Convention Press Release, the Council of Europe website available at [http://www.coe.int/t/dg3/children/news/lanzaroteconvention/entryintoforcelanzaroteconvention\\_EN.asp](http://www.coe.int/t/dg3/children/news/lanzaroteconvention/entryintoforcelanzaroteconvention_EN.asp).
- <sup>17</sup> Sexual Offences Act of 2003 Section 15 and Section 13.
- <sup>18</sup> Victims of Trafficking: Guidance for Competent Authorities available at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/competent-guidance?view=Binary>.
- <sup>19</sup> Scottish Connection; 2 Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) Section 1,2 available at [http://www.legislation.gov.uk/asp/2005/9/pdfs/asp\\_20050009\\_en.pdf](http://www.legislation.gov.uk/asp/2005/9/pdfs/asp_20050009_en.pdf).
- <sup>20</sup> Guidance on safeguarding children who may have been, Department of Education, October 2011 available at <http://www.education.gov.uk/publications/eOrderingDownload/DFE-00084-201.pdf>.
- <sup>21</sup> Young People, Politics and Government, the UK Youth Parliament available at [http://www.direct.gov.uk/en/YoungPeople/DG\\_10016203](http://www.direct.gov.uk/en/YoungPeople/DG_10016203).
- <sup>22</sup> ECPAT UK Youth Group available at <http://www.ecpat.org.uk/content/ecpat-uk-youth-group>.