Access to Justice for Children: International Challenges and Good Practices

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About ECPAT UK

• Leading children’s rights charity committed to protection of children, and prevention of child trafficking, transnational child exploitation and on-line abuse of children

• Advocate for children everywhere to uphold their rights and to live a life free from abuse and exploitation

• We works with a network of 85 organisation in 72 countries

• Core member of the Modern Slavery Strategy and Implementation Group, chaired by the Minister for Preventing Abuse, Exploitation and Crime

Child trafficking, Transnational child abuse & On-line abuse in numbers

• 21 million people worldwide are victims of forced labour generating US $150 billion in illegal profits per year.
  – 11.4 million women and girls and 9.5 million men and boys
  – 4.5 million are victims of sexual exploitation

• 3,266 potential victims of trafficking identified in 2015 in the UK
  – 982 were children recruited from over 50 different countries
  – top six most common countries of origin of children trafficked in UK - Vietnam, Albania, UK, Afghanistan, Eritrea and Nigeria.

• 49,466 registered sex offenders in the UK as of 31 March 2015

• 85 sexual crimes against children were recorded on average every day by the police in England and Wales in 2014

• 154 British nationals were detained abroad for child sex offences in 2015.
21st Century challenge
Remote child exploitation (on – line)

• 1,800 referrals a month are made to NCA’s CEOP team to investigate on-
line abuse of children – images and live streaming

• Less than one per cent of material is hosted in the UK so perpetrators are
sourcing material from overseas or generate their own

• Case of RH – convicted for 71 child sex offence charges committed against
victims (six months - 12 years old) between 2006 – 2014 – involved abuse
of 23 children in Kuala Lumpur. More than 20,000 child abuse images
were found on his computer.

• TM - arrested last March on suspicion of paying for the live-streaming of
child abuse from the Philippines. Several media devices seized from his
home in Kent - contained 80,758 indecent images of children and 1,757
indecent videos.

Factors denying access to Justice

• Poverty– yes but not the only factor

• Deficit in child protection and social welfare systems

• Lack of respect for children and their rights - Children denied their
basic and fundamental rights

• Deficit in knowledge and resources of front line professionals to
execute responsibility to protect children and ensure justice for
children

• Hidden and under reported crime against children

• Traumatic nature of such abuse; fear of the consequences for
them, their families or communities.

• Deficits in data collection & sharing of intelligence

• Failure of legal systems - administrative delays

An Unpunished crime
Failures in Legal systems and delays in process

• The lack of prosecutions for child sexual abuse under extraterritorial
legislation - Section 72 of the Sexual Offences Act (which came into force
in 1997)

• Prosecutions are expensive and complex, requiring effective cooperation
and information sharing between authorities from different jurisdictions

• Bureaucratic obstacles - hindering mutual legal assistance processes and
acquiring evidence from child witnesses and others in foreign jurisdictions
that can stand up to UK court standards can be difficult

• Existence of extra-territorial legislation appears to be simply unknown
amongst many UK law enforcement agencies
THE MODERN SLAVERY ACT 2015

- Commitment to introduce child trafficking advocates, but limited...
- A statutory defence to protect victims from being criminalised,
- Clause to ensure children without proof of age are treated as children
- Stronger criminal offence of slavery, servitude, forced/compulsory labour to help prosecute child abusers...
- Anti-Slavery Commissioner with an extended remit to include protection of victims...
- The Transparency in Supply Chains clause 54 has the potential to address extraterritorial considerations, but limited in scope

THE SEXUAL OFFENCES ACT AND CIVIL ORDERS

- Sexual Harm Prevention Orders (SHPO) and Sexual Risk Orders (SRO)
  - Designed to effectively disrupt and prevent commission of sexual offences.
  - Intended to protect members of the public in the UK and vulnerable adults and children abroad, from sexual harm, including protecting children from grooming.
  - Place a restriction on the movements and activities of anyone convicted or cautioned of a sexual or violent offence - 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.

Challenges and responses

- Child Trafficking, Transnational child abuse and online abuse are international issues for public, private and NGO spheres
- Challenges in the identification and support for children and gathering necessary evidence of child offences overseas.
- For the new laws to be effective need measures to
  - Build a culture of respect for the rights of children everywhere,
  - Improve knowledge and practice in gathering evidence and prosecuting cases of child abuse and exploitation committed in the UK and overseas
  - A dedicated Unit to pursue cases of extraterritorial offences
  - Ensure right and access to reparation for child victims everywhere (art. 39 UNCRC)
- Response requires global, national and transnational partners and:
  - Active collaboration between NGO's, law enforcement, legislators, legal professionals and local public sector professionals - to co-create solutions and tools to make broader, transformative changes in child protection, policies and practices as well as in access to justice procedures