

Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the sale of children, child prostitution and child pornography pursuant to Human Rights Council resolution 25/6.

Pursuant to Human Rights Council Resolution 7/13, I am mandated to analyse the root causes of the sale of children, child prostitution and child pornography, addressing all the contributing factors, especially the demand factor; identify, exchange and promote best practices on measures to combat the sale of children, child prostitution and child pornography as well as, in consultation with Governments, promote comprehensive strategies and measures on the prevention of the sale of children, child prostitution and child pornography.

On this basis, I have been monitoring with grave concern, for the past few months, the reports on numerous cases of sexual abuse and exploitation committed in various regions of the United Kingdom. The wide media coverage, public outcry, civil society mobilisation as well as the numerous calls for action which I have received from concerned British citizens have compelled me to raise these concerns with your Excellency's Government.

I am referring in particular to the recent cases of child sexual exploitation which took place in Rotherham between 1997 and 2013 reportedly affecting 1400 children, in Telford between 2007 and 2009 affecting more than a 100 girls, in Rochdale between 2008 and 2010 affecting 47 girls, in Derby between 2008 and 2010 affecting 27 girls, in Oxford between 1999 and 2014 affecting 373 children, and in Bristol between 2011 and 2014 affecting 10 girls. The recent analysis by the police of West Midlands which identified 488 children as sexually exploited or at risk of sexual exploitation in the first six months of 2014 has also been brought to my attention.

Serious concerns are further expressed about the alleged cases of past child sexual abuse in institutions across the country. In this respect, I wish to allude specifically to

Operation Yewtree and the reported social tolerance and impunity that public figures such as Jimmy Savile enjoyed. The alleged absence of accountability has enabled abuse to carry on for decades and has led to a public outcry for justice.

I welcome the measures outlined by your Excellency's Government in the March 2015 "Tackling Child Sexual Exploitation" report, including the whistleblowing national portal, as well as the planned reform of the Criminal Justice and Courts Act which would make it a criminal offence to wilfully neglect those at risk or victim of child sexual abuse. A measure of accountability has also been brought to my attention with the ongoing investigations and reviews as well as the takeover of dysfunctional councils by the central government.

However, it has been reported that the absence of effective investigations and prosecutions were due to some extent to a culture of inaction and denial. Child victims and the sheer number of cases were not taken seriously by police forces. Moreover, the alleged refusal to pursue reported cases of child sexual exploitation due to the ethnic background of some of the perpetrators has led to cover-ups and the suppression of reports. I have serious concerns about the climate of impunity that has been reigning because of the perceived lack of accountability.

I also have grave concerns about the reported inadequate treatment of child victims lodging complaints and seeking redress. Some police officers allegedly responded with contempt to child victims and had a tendency to blame them for the situation they found themselves in. I would also wish to express my serious concerns regarding the alleged practice of aggressive cross-examination of child victims which has led to re-victimisation. Consequently, I welcome the pilot scheme of pre-recorded cross-examination of victims and call for its general implementation.

In relation to judicial proceedings, I wish to draw your attention to the reported failure by the police to fully comply with the Guidance on Achieving Best Evidence in Criminal Proceedings from the Ministry of Justice during their investigations into cases of child sexual exploitation. It is further alleged that interviewing rooms are rarely child-friendly and that the line of questioning by investigators does not take into account the specific needs of vulnerable children. However, I take this opportunity to welcome the launch in 2013 of the Guidelines on Prosecuting Cases of Child Sexual Abuse issued by the Crown Prosecution Service. As is highlighted in the Guidelines, police and prosecutors should focus on the credibility of the allegation rather than focusing solely on the victim.

Grave concerns are further raised in regard to the prevention of child sexual exploitation and its non-recurrence. The practice of placing vulnerable children and potential victims of sexual abuse in inappropriate accommodations, such as bed and breakfasts, on their own with minor supervision by local authorities is still reported. In this respect, allow me to recall that the Committee on the Rights of the Child recommended that safe and adequate accommodation be provided and that your Excellency's Government should also ensure that care arrangements are regularly

supervised and assessed by qualified persons to ensure the child's physical and psychosocial health, and protection against violence or exploitation (CRC/C/OPSC/GBR/CO/1).

There is a reported tolerance for minors having sexual relations with adults by some professionals which reveals a reigning cultural confusion due to the sexualisation of children at an ever younger age. I am concerned by the lack of efforts to challenge existing attitudes and thus welcome the fact that child sexual exploitation has been deemed a national threat in the Strategic Policing Requirement.

Furthermore, I have been informed that budget cuts have led to a weakening of front line services with real terms cuts to council funding. This issue was stressed by the Committee on the Rights of the Child, which pointed out that 76 Sure Start children's centres had been closed and recommended that any further closure be immediately stopped (CRC/C/OPSC/GBR/CO/1). There are general grave concerns about the lack of resources being set aside to deal with the prevention, early detection, support and recovery in cases of child sexual exploitation.

Child victims, as indicated above, should not only be taken seriously but also encouraged to participate in prevention efforts. It is essential to empower children and I thus welcome the Guidance on teaching about consent released by the Personal Social Health & Economic Education Association as well as the "This is Abuse" campaign.

Regarding the above concerns, I deem it appropriate to refer to the obligations your Excellency's Government is bound to, as a party to the Convention on the Rights of the Child, in particular regarding Article 19 which provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. It further states that such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

I would also bring to your attention Article 34 of the Convention on the Rights of the Child which requires that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. Article 35 further entails that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose and in any form. Your Excellency's Government is also bound by Article 39 which requires that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed

conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

I would additionally refer to Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to which your Excellency's Government is party, which provides that States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process. Article 9 is also essential as it requires States Parties to ensure prevention, awareness raising, appropriate assistance and compensation measures.

As it is my responsibility to seek and clarify the above issues brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information or comment on the reported cases of child sexual exploitation outlined above.
2. Please provide information on measures adopted by the relevant authorities to ensure the accountability of perpetrators and redress for the victims of the reported cases.
3. Please provide information on comprehensive strategies adopted by the national authorities to prevent the sexual abuse and exploitation of children, including awareness raising campaigns and education programmes, training of professionals dealing with child victims and potential victims, and the establishment of child-friendly reporting and complaint mechanisms.
4. Please provide updated disaggregated data on the cases of sale and sexual exploitation registered in the United Kingdom of Great Britain and Northern Ireland, as well as the number of prosecutions and convictions, and compensations to victims.

I would appreciate receiving a response within 60 days.

Pending your Excellency's reply, I will continue monitoring the situation, while remaining open to engage in a constructive dialogue with your Excellency's Government. I would be ready to share the expertise of my mandate and, at the same time, I am keen to learn from the reforms as well as the good practices currently being introduced. Accordingly, this exchange of information could eventually be complemented by a country visit by my mandate in the near future.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Maud de Boer-Buquicchio
Special Rapporteur on the sale of children, child prostitution and child pornography