

**Child Protection and the United Kingdom**  
**Stakeholder Report on United Kingdom - Submission by World Vision UK**  
**For Universal Periodic Review, Second Cycle, Thirteenth Session, May - June 2012**

## **1. INTRODUCTION**

### ***1.1. The context***

1.1.1. The United Kingdom (UK) is a State Party to the Convention on the Rights of the Child (UNCRC) and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; the Convention on the Elimination of All forms of Discrimination against Women; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the Convention Against Transnational Organized Crime; and other international and regional agreements enshrining the right of children to protection from violence, exploitation, abuse and neglect.

1.1.2. The UK and consists of England, Wales, Scotland and Northern Ireland, the latter three devolved national administrations, each with varying powers. Where there are differences, this report addresses progress and issues of concern only in relation to the non-devolved policies and practices.

1.1.3. The Government is to be commended for its efforts to reduce the exploitation and abuse of children in the UK and violence against them. However, greater steps are required to protect foreign national children from commercial exploitation and abuse both in the UK and overseas and to ensure that children are not involved in armed conflict.

1.1.4. The exploitation of children – in forced labour, sexual slavery, domestic servitude and as participants in armed conflict – is a growing crisis around the world. This problem touches the UK in many ways. Although accurate statistics are elusive, an estimated 1.2 children worldwide are trafficked each year for sexual, labour and other forms of exploitation. Official estimates for the number of children trafficked into England and Wales for commercial exploitation range from 300-400, although the Government acknowledges these figures are likely underestimated. Moreover, UK residents and citizens are contributing to the demand for exploited children overseas and the UK Government is not setting a strong global example in relation to children and armed conflict.

### ***1.2. World Vision UK – a brief overview***

1.2.1. World Vision UK is a Christian relief, development and advocacy organisation dedicated to working with children, families and communities to overcome poverty and injustice. As part of the international World Vision Partnership, which works in nearly 100 countries and serves more than 100 million of the world's poorest people, we are the world's largest local charity, combining grassroots presence in thousands of communities with international reach across the globe.

1.2.2. Children's right to care and protection is one of the sector areas of focus for World Vision UK. We work with through our national offices and partners to strengthen the systems that are needed to protect children and to tackle underlying risk factors of violence,

exploitation and abuse through advocacy, community engagement, strengthening children's resilience and long term development interventions.

## **2. PARTICULAR AREAS OF PROGRESS AND CONTINUING CONCERNS**

### ***2.1. Children and armed conflict***

2.1.1. The UK Government maintains an interpretive declaration to the OPAC that the Protocol would not exclude the deployment under-18s into active conflict areas where: *there is a genuine military need to deploy* the child's unit or ship to such an area and the nature and urgency of the situation make it impracticable to withdraw the child first or it would undermine the operational effectiveness of the unit or ship. By failing to remove this interpretive declaration, the UK Government maintains an irresolute position on the protection of children in armed conflict and is setting a poor example for other countries to follow.

2.1.2. Despite the commitment of the UK Government to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities under the OPAC, five members of the UK armed forces under the age of 18 were deployed to operational theatres between April 2008 and March 2010. Additionally, from 1 March 2010 to 28 February 2011, 1,220 UK regular forces personnel under the age of 18 sustained some form of injury while training. While the UK Government recognises that minors in the armed forces are entitled to special protection, they have not reviewed the special provisions made for minors in the armed forces in recent years.

2.1.3. The Building Stability Overseas Strategy (BSOS) identifies foreign militaries to which the UK Government will provide International Defence Training. The Defence Assistance Fund, designed to bear the cost of military assistance and training activities under the UK Government policy of Defence Diplomacy, was operational in July 2011 and yet details of its activities remain conspicuously absent at a policy level. As a result, transparency is lacking in relation to the UK Government's support for militaries that recruit children.

2.1.4. Article 38 of the UNCRC requires States to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict". In Section 8.5 of BSOS, the UK Government cites protection of civilians as being at the core of the UK's policies to prevent, manage and resolve conflict but does not address the special situation of children. The Government has committed to tackling violence against women and girls in the Call to End Violence Against Women and Girls; in the humanitarian policy Saving Lives, Preventing Suffering and Building Resilience; and in the Protection of Civilians in Armed Conflict strategy. These policies are to be commended for their focus on protection of civilians and commitment to tackling the vulnerability of girl children in conflict, post-conflict and other humanitarian emergencies. The strategy on the Protection of Civilians in Armed Conflict does not make special reference to children.

2.1.5. Despite this focus, there remains a gap between UK commitment and implementation, where specific UK support to tackle violence against women and girls in humanitarian settings is evident as a commitment only, but lacking in clear policies for implementation. Where women and girls are identified as especially vulnerable, there is an absence of dialogue around children more generally.

### ***2.2. Exploitation of children for commercial gain in the UK***

2.2.1. Following its signature in 2000 and national review of compliance, the UK Government ratified the UNCRC's Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) in 2009. In the same year, the Government created a National Referral

Mechanism (NRM) for identifying victims of trafficking (in order to comply with its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (CoE Trafficking Convention)).

2.2.2. The national framework for safeguarding child trafficking victims, which recognises trafficking as a form of child abuse, includes The Children's Act (1989 and 2004) and several pieces of statutory and supplementary guidance on child trafficking issued by the Department for Education (DFE), the Home Office and the London Safeguarding Children's Board. Two key documents were updated in 2011: 'Safeguarding children who may have been trafficked' and the London Child Protection Procedures. Both promote multi-agency working to identify and protect child victims, and provide clear guidance that all trafficked children should be assessed using child protection principles under the Children's Act.

2.2.3. Identification of victims of trafficking, including child victims lies with the NRM. From 1 April 2009 to 31 March 2011, a total of 390 children were referred to the NRM, including 134 for labour exploitation, 115 children for sexual exploitation and 52 for domestic servitude. However, only a positive conclusive decision that the child had been trafficked was only found in 141 cases. The lack of expertise in relation to children places serious doubts around the assessment procedures under the NRM.

2.2.4. The NRM sits under the Home Office and not the Department for Education, which has overall responsibility for safeguarding children. However, Chapter 41, Section 47 of the Children's Act, requires the local authority to investigate and take action if they have "reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer significant harm". Despite this dual obligation to safeguard trafficked children, there is often poor understanding of trafficking indicators by statutory agencies and a lack of effective information sharing between agencies and other organisations, which results in non-identification of victims.

2.2.5. The Child Exploitation and Online Protection Centre (CEOP) also gathers data on suspected trafficking cases, relying on data from the police. CEOP has acknowledged the challenges of gathering accurate information. While these numbers are generally acknowledged to be underestimates of the true number of trafficked children in the UK, they do provide a starting point for the UK Government's commitment to data collection.

2.2.6. A new national Human Trafficking Strategy, released in June 2011, contains a number of child-focused actions, including working with the criminal justice system to ensure that trafficked children are not "unnecessarily" criminalised. However, trafficked children, such as those trafficked to work in cannabis factories in the UK, are still being prosecuted for their involvement in criminal activities.

2.2.7. The Government has also acknowledged that work must be done to better safeguard children who have been trafficked and that implementation of guidance for local authorities and child protection bodies is "patchy", partially as a result of the common misperception that child trafficking is an immigration issue and not a child protection issue.

2.2.8. The UK Human Trafficking Strategy recognises issues with the safe accommodation of child victims of trafficking and the persistent problem of victims going missing from local authority care. There is a lack of understanding of how to safely accommodate children who may have been trafficked, insufficient funding and a lack of trained foster carers or small specialised residential centres for trafficked children.

2.2.9. Trafficked children also require a range of integrated support measures to create a protective environment around the child. These include interpreter services, legal advice and counselling. Article 10(4) of the CoE Trafficking Convention calls for provision of a guardian

for unaccompanied trafficked children to act in their best interests. The UK Government does not, however, feel that a legal guardian is required.

2.2.10. Provisions exist in the law to support child victims in the judicial process. However, in 2010 the Children's Commissioner for England criticised the insufficient support given to child victims and witnesses in court.

### **2.3. *Exploitation and abuse of children overseas***

2.3.1. The UK Government has an obligation to protect children from exploitation and abuse by British citizens and residents overseas. The Sexual Offences Act 2003 allows for prosecution of UK citizens and in some cases, residents, for sexual crimes against children committed in other countries. UK *citizens* can be prosecuted for any violation under the Act. However, unlike criminal acts committed in the UK, *residents* cannot be prosecuted under the extraterritoriality provision of the Sexual Offences Act unless the act was also a criminal act in the country where the offense occurred.

2.3.2. The Crown Prosecution Service has made progress bringing offenders to justice in the UK for these offences. However, successful prosecutions in the UK remain low and the UK Government has not been able to provide statistics on how many individuals have been prosecuted for extraterritorial crimes under the Sexual Offences Act 2003.

2.3.3. CEOP and UK police have worked with government and law enforcement agencies in certain countries to investigate cases of travelling sex offences against children and to increase the capacity of law enforcement to respond to such cases. CEOP has established Advisory Boards in Cambodia, Thailand, Vietnam and the Philippines and has been working with law enforcement and child protection agencies to build their capacity. Ongoing collaborations in Cambodia aided conviction of Briton Michael Leach in Cambodia in September 2011 for sexual offences against three girls. This type of collaboration sets a good example of what can be achieved. However, it is still quite selective and tends to be reactive rather than proactive. The effectiveness of the capacity building has also not been measured.

2.3.4. The law also requires that all registered sex offenders in the UK notify the police of any intended travel outside the UK of more than 3 days. While the notification provision is a positive step, the information gathered must be shared with relevant officials in other countries to effectively prevent the abuse of children overseas.

2.3.5. In the Summer 2011, the Home Office undertook a public consultation on notification by sex offenders under the Sexual Offences Act 2003, including the possibility of requiring all sex offenders to notify of all foreign travel plans - closing the 3 day loophole that has continued to allow travelling sex offenders to abuse children, in growing travel destinations in Eastern Europe and North Africa. While the review of consultation responses has not yet been completed, it is expected that positive changes to the law will be made in 2012.

## **3. RECOMMENDATIONS**

### **3.1 *Recruitment of Under-18s:***

3.1.1 The UK Government should set an example to other countries through their domestic policy on the recruitment and protection of children in the armed forces. The UK Government must withdraw its interpretive declaration to the OPAC and ensure that no one under 18 is deployed into conflict. The UK must ensure special provisions are made in the armed forces to provide the necessary protection needed for under 18s recruited into the armed forces. The UK Government must take a firm moral stand in its foreign policy that condemns the recruitment and use of child soldiers. UK policy towards humanitarian assistance, the stabilisation of

fragile states and the protection of civilians in conflict, must include specific mention of children affected by conflict and adequate provisions for the protection of child soldiers, whether considered combatants or after demobilisation.

### ***3.2 Funding militaries that use child soldiers:***

3.2.1 The UK Government must withdraw funding to all foreign militaries that recruit and use under-18s. Where military assistance is provided in the form of training, all measures must be taken to ensure no support is provided to the training of armed forces personnel under the age of 18. The UK must take a zero tolerance policy approach to supporting the role of children in armed conflict. Furthermore, that UK must publish details of the activities funded through the Defence Assistance Fund to ensure transparency in government funding.

### ***3.3 Protecting children affected by armed conflict:***

3.3.1 The commendable focus on tackling violence against women and girls must not be at the expense of a broader policy focus on the specific protection needs of children within and affected by armed conflict. UK Government policy on protecting civilians in conflicts and on building systems in fragile states must include specific mention of children and support the development of child friendly justice and protection mechanisms.

### ***3.4 Protection of trafficked children into the UK:***

3.4.1 The UK Government must review the current mechanism for identifying victims of trafficking, the NRM, in order to ensure that child victims are effectively identified and adequately protected. The DFE and local authority children's services should take over the main role in identifying and investigating potential child trafficking cases.

3.4.2 Training on indicators of trafficking, identification and referral mechanisms, and the special vulnerability of child trafficking victims must be government mandated for all frontline agencies in contact with children who may have been trafficked, including local child safeguarding authorities and immigration authorities.

3.4.3 The UK Government must develop a system of guardianship for child victims of trafficking. The current system of support through the local authorities is inadequate to ensure that the best interests of the child victim are the primary consideration in all decisions regarding their care and protection.

3.4.4 The UK Government must ensure that child trafficking victims are not treated as criminals. They should not be prosecuted for any acts associated with their trafficking.

### ***3.5 Protection of children overseas from abuse by UK citizens and residents:***

3.5.1 The UK Government must create a safe, centralised system for monitoring foreign travel by registered sex offenders and those on the CEOP watchlist. This information should be shared with foreign authorities whenever reasonable and pertinent and used to identify potential travelling sex offender hot spots and to restrict travel of offenders if necessary.

3.5.2 The Sexual Offences Act must be amended to eliminate the double criminality requirement for prosecution of UK residents for sexual offences committed overseas.

3.5.3 In order to prevent UK offenders convicted overseas from being able to continue abusing children, the UK Government must take measures to facilitate the immediate deportation and return of the perpetrators to the UK upon their release. These measures should include bilateral agreements with recognised hot spots for travelling sex offenders.

3.5.4 The UK Government must continue the international cooperation and support provided to government and law enforcement agencies in countries where travelling sex offences are suspected to occur.