

# Child Sexual Exploitation: A study of international comparisons

Desk Review for the Department for Education

July 2015

The research team

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**Genevieve Cameron, Ellie Mendez Sayer,  
Louisa Thomson and Sophie Wilson** - OPM.

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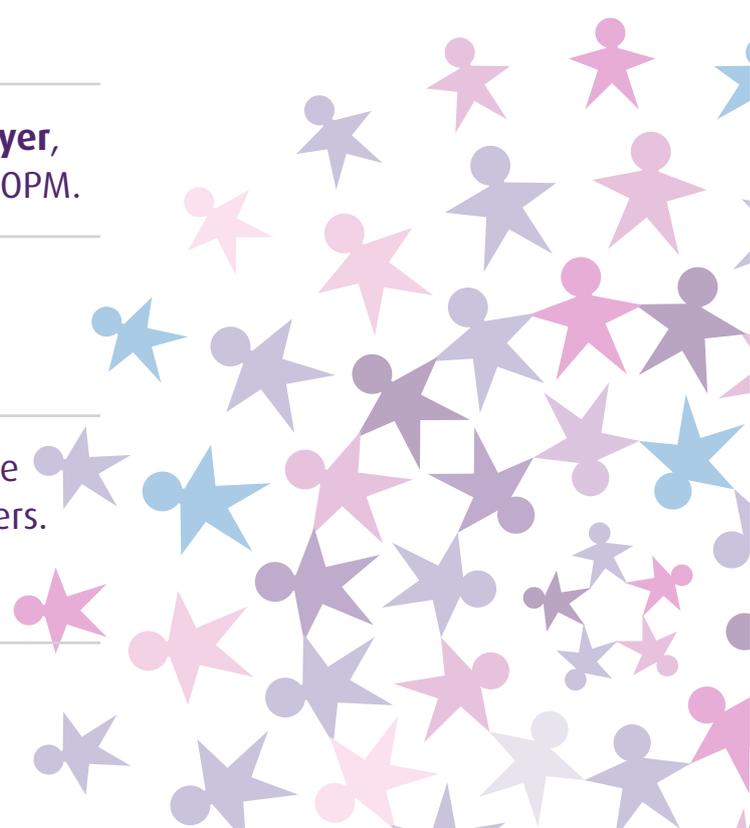
Report editors

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**David N Jones** - Former President of the  
International Federation of Social Workers.

**Anton Florek** - Virtual Staff College.

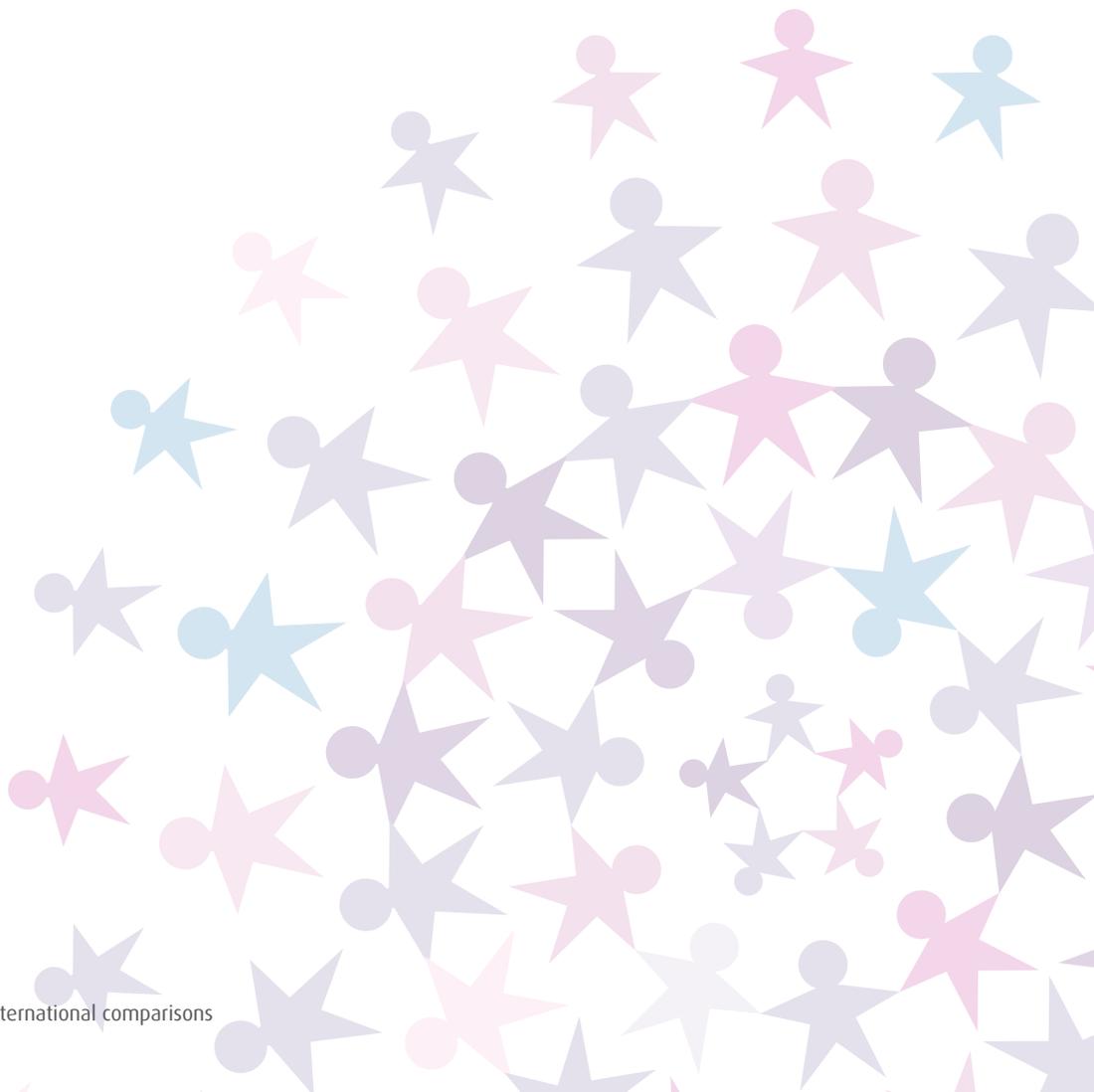
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# Introduction

The issue of Child Sexual Exploitation (CSE) has been the focus of intense discussion, debate and intervention in the UK in recent years. At a summit in March 2015, the Prime Minister described CSE as a 'national threat', and announced that child sexual abuse will be given the same priority by the police as serious and organised crime<sup>1</sup>.

A number of high profile cases of CSE have all received national attention, with a series of inquiries, reports and research into what went wrong in local and national systems, how the abuse could have been prevented, and how victims could be better supported in future.

This report presents a rapid desk review of international comparisons of CSE, aiming to explore:

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How is Child Sexual Exploitation defined in selected countries?

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To what extent is there consistency in the response of public agencies around the world?

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What can the UK learn from experience elsewhere?

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## The research approach

The Virtual Staff College has coordinated the research through its Chief Executive, Anton Florek, and commissioned the Office for Public Management to undertake the desk review, advised by Dr David N Jones, former President of the International Federation of Social Workers and currently Chair of a Local Safeguarding Children Board (LSCB).

The official definition of CSE that is widely accepted throughout the UK has been used as a reference point for the comparisons, meaning that the focus has been on trafficking, grooming, online exploitation, the abuse of position and power, and vulnerable young children in care settings, rather than sexual abuse within family settings or other forms of sexual abuse such as FGM or ritual killing.

The review has focussed on the following countries: the European Union, the Council of Europe, Sweden, Ireland, Australia, Canada, New Zealand and the USA. The work has been informed by awareness of the United Nations Convention on the Rights of the Child<sup>2</sup> and, more specifically, by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography<sup>3</sup>.

This study has focused on child sexual exploitation in high income countries. It therefore excludes significant aspects of the sexual exploitation of children in lower income countries, the global south and central and eastern European countries, some of which is conducted by people, including

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1 Prime Minister's Office press release (2015): <https://www.gov.uk/government/news/pm-unveils-tough-new-measures-to-tackle-child-sexual-exploitation>

2 United Nations General Assembly resolution 44/25 of 20 November 1989 entered into force on 2 September 1990 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

3 United Nations General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 18 January 2002 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

tourists, from higher income countries. Child sexual exploitation by tourists is widely recognised in The Philippines (Arnold, 2015) and Thailand (Blackburn, 2010), for example. It is anecdotally reported that young women from central European countries are bussed into some western European countries to work as prostitutes, a form of trafficking. Young people in the developing world are seen as being especially vulnerable to sexual exploitation at times of emergency, disaster and war (Cronin & Jones, 2015). The countries examined in this study generally do have comparatively recent laws to enable prosecution of citizens who sexually abuse young people outside the national borders. Attitudes towards children and appropriate adult behaviour towards young people also varies between cultures. European cultures once recognised the right of powerful men to demand casual sexual activity with young women and servants ('droit de seigneur'), behaviour still seen as acceptable in some cultures. A comparative study of world-wide child sexual exploitation would be valuable but is not addressed in this study.

The set of key research questions were developed to help guide the review:

- How is CSE defined in each country?
- What is included in their definition?
- What impact does the wider cultural context in that country have on the definition of CSE or attitudes towards it?
- Is CSE a significant issue in the country?
- What is the extent/scale of the problem?
- How are young people portrayed in the narrative around CSE?
- What is the national level/regional level response in the country?
- What policies/responses are in place?
- What is the professional response?
- Who is involved in driving the debate?
- How are agencies responding at a local level?
- What is the role of each agency?
- What is the media narrative around CSE in the country concerned?

The short time available for this review limited the scope of the research: it is not a systematic evidence review of all the available literature for each country in question. A pragmatic approach was adopted to conduct a light touch desk review of available academic journal articles, government documents and reports and media articles. These came from the expert adviser recommending particular sources, and web based searches designed to answer the main research questions. Relevant documents were reviewed and analysed according to a framework which was also based on the questions listed above.

In addition, the research team spoke to the following contacts abroad in order to sense check findings and identify relevant literature and policy responses that would be useful for the review, and we would like to thank them for their insight and contribution:

- **Professor Chris Goddard** - Director of Child Abuse Prevention Research Australia, Monash University.
- **Maggy Tai Rakena** - Manager of START - a specialist social service in Christchurch, New Zealand.
- **Elis Envall** - Programme Officer, The National Board of Health and Welfare Department of Knowledge and Support – Sweden.
- **Jan Nisenbaum** – Former Deputy Commissioner for Clinical Policy and Practice, Dept of Children & Families, Massachusetts, USA.
- **Gordon Jeyes** - Chief Executive and Aidan Waterstone, Tusla, the Child and Family Agency, Ireland.
- **Morel Cassie** - President of the Canadian Association of Social Workers and former child protection services manager, **Professor Nico Trocmé** – Director of the School of Social Work, McGill University, Canada and **Professor Delphine Collin-Vézina** - Director, Centre for Research on Children and Families , McGill University, Canada.

Children and Families Across Borders (CFAB)<sup>4</sup> commented on elements of cross-border practice from a United Kingdom context.

We would also like to acknowledge the assistance which David Jones received from national social work associations in facilitating interviews with professional contacts in relevant countries or providing general comments and advice.

- Canadian Association of Social Workers – **Fred Phelps**.
- International Federation of Social Workers – **Rory Truell**.
- Irish Association of Social Workers - **Danielle McGoldrick**.
- National Association of Social Workers (USA) - **Angelo McClain and Danielle Spears**.
- New Zealand Association of Social Workers - **Lucy Sandford-Reed**.
- Swedish Union for Professionals (Akademikerförbundet SSR) – **Titti Frankel**.

This report presents the findings from each country in turn, before drawing together the main lessons and implications for the UK in general and England in particular.

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<sup>4</sup> CFAB is the only non-government organisation in the UK set up specifically to deal with child protection cases which involve the UK and one or more countries. [www.cfab.org.uk](http://www.cfab.org.uk)

# Sweden

## Context

- The population of Sweden is 9.77m in 2015<sup>5</sup>.
- The population of children 0-18 in Sweden was 2.1m in 2014<sup>6</sup>.
- Sweden is a constitutional monarchy and has four laws that form the Constitution. Legislative power is with the Riksdag (the Swedish Parliament) which consists of 349 elected members.
- At regional level, Sweden has 20 counties – with county councils responsible for issues that require coordination across a larger geographical area such as health care. County Councils also have their own tax base.
- Sweden is divided into 290 municipalities with elected assemblies or councils. These are responsible for local facilities and services, and can also levy income taxes<sup>7</sup>.
- Child welfare is largely delivered by individual municipalities – social services have the main responsibility for protecting children from abuse and neglect.
- At a national level the Swedish Ministry of Health and Social Affairs is responsible for social welfare and the rights of children.

## First World Congress against the Commercial Sexual Exploitation of Children (1996)

The Swedish government has taken an international approach to child sexual exploitation, hosting the First World Congress against the Commercial Sexual Exploitation of Children in Stockholm in 1996. Organised by ECPAT in partnership with UNICEF and the Rights of the Child, it invigorated an international agenda around child sexual exploitation, leading to the EU Joint Action statement (1997) and a number of national Action Plans.

The Declaration and Agenda for Action coming out of the congress called on nation states to *“criminalise the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalise all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalised”* (Stockholm Declaration, 1996:2). It also included a focus on prevention, and urged each country to develop national *“plans and programmes to prevent the commercial sexual exploitation of children, to protect and assist the child victims and to facilitate their recovery and reintegration into society”* (Stockholm Declaration, 1996: 2).

The Declaration provided a definition of ‘the commercial sexual exploitation of children’, that has formed the bedrock of many future definitions around the world, including the Swedish Government.

*“The commercial sexual exploitation of children is a fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.”* (Stockholm Declaration, 1996)

Two subsequent world congresses have been held since Stockholm; in 2001 in Japan, and Brazil in 2008.

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5 SCB Statistics Sweden website: [http://www.scb.se/en\\_/](http://www.scb.se/en_/)

6 SCB Statistics Sweden website: [http://www.scb.se/en\\_/Finding-statistics/Statistics-by-subject-area/Population/Population-composition/Population-statistics/Aktuell-Pong/25795/Yearly-statistics--The-whole-country/262459/](http://www.scb.se/en_/Finding-statistics/Statistics-by-subject-area/Population/Population-composition/Population-statistics/Aktuell-Pong/25795/Yearly-statistics--The-whole-country/262459/)

7 All from: <https://sweden.se/society/the-swedish-system-of-government/>

Following on from its role in the First World Congress, the Swedish government has continued to emphasise the rights of the child in both national and foreign policy. In 2015, Pernilla Baralt, the Swedish State Secretary, described making 'real improvements in the lives of children' as a priority for the Swedish government (Baralt, 2015). The government has committed to incorporate the Convention on the Rights of the Child into the Swedish legal system as a national law, to further enshrine children's rights in their legislation.

Sweden is also a signatory to a wide range of international commitments and alliances seeking to end child sexual exploitation including:

- Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.
- Lanzarote Convention.
- The Global Alliance against Child Sexual Abuse Online.
- The European Financial Coalition against Child Pornography.

It was also the first country in Europe to appoint a National Rapporteur on Trafficking in Human Beings in 1998 following the EU Joint Declaration.

Sweden's liberal attitude towards sexuality is epitomised by the Nordic Model, which decriminalises the act of offering sexual services while criminalising the purchase of sex. This is outlined within the Swedish Law Prohibiting the Purchase of Sexual Services (1999) and forms part of the Swedish strategy to combat trafficking and sexual exploitation. A 2010 evaluation suggested the demand for street prostitution seems to have halved since the introduction of the law and that traffickers are deterred from operating in Sweden (SOU, 2010). There is evidence that victims trafficked for purposes other than sexual exploitation outnumber victims of sex trafficking in Sweden, a reversal of the trend seen in the rest of the EU where trafficking for the purposes of sexual exploitation predominates (DG Internal Policies, 2014: 54). The law has strong support among the Swedish public.

Sweden takes a holistic approach to children and child welfare, providing a range of services with a focus on early intervention and prevention from an early age (WHO, 2013: 76). Key benefits include a right to free nursery schooling from the age of one, and free antenatal care for all parents.

## Definitions of CSE

Sweden has published a number of national action plans focusing on child sexual exploitation. Most recently, an Action Plan for the protection of children against human trafficking, exploitation and sexual assaults was presented to the Swedish Parliament in February 2014 (GRETA, 2014: 13 not available online in English).

The previous National Action Plan for Safeguarding Children from Sexual Exploitation was published in 2007. This relied on the Stockholm World Congress for its definition, explaining:

*"The Declaration by the 1996 World Congress in Stockholm defined commercial sexual exploitation of children as "sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object". However, sexual exploitation is not always or necessarily commercial in character. The Government has accordingly resolved to widen its perspective and target the present Action Plan at the sexual exploitation of children, which also covers commercial exploitation."* (Ministry of Health and Social Affairs, 2007: 5)

The Action Plan was published by the Ministry of Health and Social Affairs, and described the Government's objectives to ensure that:

- No child in Sweden is subjected to sexual exploitation.
- No child in another country is sexually exploited by persons from Sweden.
- Child victims of sexual exploitation receive all the support and help they need.
- Sweden contributes to effective international cooperation on this issue.

The Action Plan against Prostitution and Human Trafficking for Sexual Purposes was published in 2008. This included awareness raising campaigns as a preventative measure addressing both children and adults (ECPAT, 2011).

## The prevalence of CSE

The statistics available give an indication of the prevalence and scale of CSE in Sweden:

- A 2007 report identified children under the age of 18 having sold sexual services in 34% of Swedish municipalities (ECPAT, 2011: 8).
- In a study of 17 year old students in Sweden, 11.2% of girls reported sexual abuse in childhood compared with 3.1% of boys (WHO, 2013: 42-3).
- Sweden is a country of destination for victims of trafficking. Between 2009 and 2013, 50 child victims of trafficking were identified by Swedish authorities (GRETA, 2014: 11). However, ECPAT has been critical of the reliability of government statistics, emphasising a need for better data collection in order to assess the extent of child trafficking within Sweden (ECPAT, 2011: 9).
- In the human trafficking cases brought to justice in Sweden between July 2002 and March 2008, a narrow majority of the victims were minors (County Administrative Board of Stockholm, 2010).

## Responsible agencies

A range of agencies in Sweden have responsibility for aspects of the country's CSE strategy. However, the child welfare system is largely delivered by individual municipalities, of which there are 290 in total, operating to national legislation and policy goals (WHO, 2013:76). An emphasis is placed on a coordinated approach, with clearly defined roles for schools, health services and social services (European Social Network, 2014: 3). This includes cooperation in 'Children's Houses' which coordinate interventions for children who have been abused, bringing together prosecutors, police, social services, medicolegal experts, paediatricians and child psychiatric care (WHO, 2013: 76; 14). The County Administrative Board in Stockholm is responsible for coordinating work on Trafficking in Human Beings across Sweden.

Social services within local municipalities have the main responsibility for protecting children from abuse and neglect (Angman & Gustafsson, 2011 :25). As outlined in the Social Services Act, all individuals have an obligation to report any suspicion of child abuse, and this is a legal obligation for authorities working with children and young people. A report should be submitted to the social services of the relevant municipality. Suspicions can also be reported to the Swedish police but this is a choice rather than a duty (Angman & Gustafsson, 2011: 25). The Police and the public prosecutor are then responsible for investigating whether a crime has been committed.

The National Bureau of Investigation has a dedicated group of police officers working on both sexual exploitation and the sexual abuse of children committed inside and outside Sweden. The Prosecution Service also has special prosecutors to deal with crimes against children and a specialist centre looking at child sexual abuse.

At a national level the Swedish Ministry of Health and Social Affairs is responsible for social welfare and the rights of children playing a leading role in child sexual exploitation, including publishing the 2007 Action Plan. The Ministry has also worked with the Police and ECPAT Sweden to implement the 'Don't look away! Campaign' alerting travellers on the sexual exploitation of children in connection with tourism and travelling (Global Alliance against Child Sexual Abuse Online, 2014: 2). Additionally, the Ministry has established the Safe Surfing network which involves national agencies, businesses and NGOs spreading knowledge on children's use of the Internet and other digital media platforms (Global Alliance against Child Sexual Abuse Online, 2014: 9).

The County Administrative Board of Stockholm has received several commissions related to the 'Action plan against prostitution and human trafficking for sexual purposes'. One of these commissions was to develop and improve the efficiency of national level co-operation in the work against human trafficking and prostitution. The focus was both on co-operation between different authorities, as well as between authorities and NGOs. They also published a report called 'Human Trafficking and Prostitution from a Swedish Perspective' in 2010 which aimed to provide fundamental knowledge about human trafficking and prostitution in Sweden to facilitate effective co-operation.

Other relevant agencies include:

- The National Board of Health and Welfare is the government agency within the Ministry of Health and Social Affairs responsible for ensuring all areas received the same level of services. They publish guidelines, recommendations and indicators, gather statistics, and evaluate how initiatives are working in health and social care (Socialstyrelsen, 2014:5). They are also currently working on distributing educational material, sex against remuneration – children targeted at social services, health care staff, institutions for children and guardians of unaccompanied minors.
- The Swedish Ombudsman for Children also sits under the Swedish Ministry of Health and Social Affairs and is responsible for informing the Government about any deficiencies in the implementation of the rights of the child by government agencies, and releases an annual report.
- The Media Council was set up with the primary task to promote the empowering of minors as conscious media users and to protect them from harmful media influences. They operate the Swedish Safer Internet Centre, part of the EU's INSAFE network (Global Alliance against Child Sexual Abuse Online, 2014: 9).
- The Swedish International Development Agency (SIDA) has a number of action points related to trafficking in children. In 2013 Sweden was the largest donor to thematic funding for child protection to UNICEF (UNICEF, 2014: 4).
- ECPAT Sweden was established as an NGO in 1996 and is a member of ECPAT International's global network. It collaborates with many other NGOs, authorities and industry to fight commercial sexual exploitation of children. They operate a 'hotline' that the public can use to report incidents of child sexual exploitation (including sex tourism, sex trafficking, and child pornography)<sup>8</sup>.
- ECPAT Sweden expanded and developed a Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in 1998. They led on ensuring this Code was implemented by the Swedish tour operating companies and it has now spread internationally and is used as tool to fight child sex tourism by more than 1000 tourism countries worldwide.
- ECPAT Sweden also founded a 'Financial Coalition against Child Pornography' in 2008. It includes most Swedish banks and the members, in collaboration with Police, impede and prevent payments for commercial child pornographic material.

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8 ECPAT Sweden website: <http://www.ecpat.se/about-us>

- ECPAT Sweden introduced the blocking of access to commercial child pornography website in 2005. This work has been in collaboration with Swedish Internet Service Providers (ISPs).

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## Council of Baltic Sea States

The National Board of Health and Welfare is a participant in the Expert Group on Children at Risk (EGCC) within the Council of Baltic Sea States. The EGCC identifies, supports, and implements cooperation on children at risk between countries and organisations in the region and examines areas of concern. It also runs activities and programmes based on reviews of areas of concern, which are run in conjunction with national authorities and international organisations<sup>4</sup>.

The group takes a multi-sectoral approach to work towards ensuring comprehensive and sustainable child protection<sup>5</sup>. Priority areas include: early intervention and prevention, protection of children from sexual abuse and exploitation, the protection of migrant children and child victims of trafficking, and the rights of children in residential care and other forms of out-of-home care.

The Council of Baltic Sea States Children's Unit met in Stockholm in March 2015 focusing on 'child exploitation: cross national child protection in practice' and reflecting on the PROTECT Children on the Move Expert Meetings series (Child Centre Expert Group for Cooperation on Children at Risk, 2015). The PROTECT initiative aimed to identify child rights standards, good practices, and key agencies responsible for protecting children on the move recognising that this group of children is particularly vulnerable to exploitation (Council of the Baltic Sea States, 2015). The project will produce a report from the expert meeting series, guidelines on the human rights and best interests of the child in transnational situations, and a 'wiki' as an online tool outlining relevant laws and policies for transnational child protection. Going forward, the CBSS Children's Unit and the Nordic Council of Ministers will jointly promote and facilitate a training programme to be rolled out between 2015 and 2016.

Another project called ROBERT intended to make online interaction safe for children and young people through learning from experiences of online abuse and factors that make individuals vulnerable<sup>6</sup>. The research project focused on increasing the understanding of the way online contacts may develop into ones that are sexually abusive (ROBERT, 2012).

The Council of Baltic Sea States has a Task Force against Trafficking in Human Beings.

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## Relevant legislation

The key legislation specifying child sexual exploitation offences is Chapter 6 of the Swedish Penal Code which deals with sexual offences. It came into force in April 2005, and introduced a new penal provision on child rape making it no longer necessary to show that violence or threats were used for it to be treated as the rape of a child (Section 4). Section 4 also covers cases of children between the ages of 15 and 18 who are *"the perpetrator's offspring or is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority"*.

A new provision was introduced to protect children from being used for sexual posing, described in Section 8 as a form of exploitation, and the provision prohibiting the purchase of sexual acts has been tightened (Ministry of Health and Social Affairs, 2007: 11). In July 2014, two new provisions on child marriage and forced marriage were entered into the Penal Code (Ministry of Justice, 2014: 1). These outline a range of new conditions for marriage including abolishing previous exemptions allowing children to marry before the age of 18. The minimum age of marriage is now 18 without exception.

The Swedish Social Services Act obliges anyone who suspects a child or adolescent may need protection to report this immediately to the Social Welfare Committee. It outlines a particular duty to report for certain authorities and their staff that work with children and adolescents, including schools, and other authorities in health and care sectors (Social Services Act, 2002: 7-8).

Additional legislative reforms including abolishing the requirement for dual criminality for convicting offenders in Sweden for serious sexual crimes committed abroad against children under the age of 18, and extending the statutory limitation period for sexual crimes against children (Ministry of Health and Social Affairs, 2007: 11).

## Other Initiatives

Sweden has conducted research around treatment for both perpetrators of sexual offences against children as well as those at risk of committing offences. The National Board of Health and Welfare (NBHW) published a report in 2011 on 'Interventions for treatment of persons who have committed or are at risk of committing sexual offenses against children'. They were assigned to survey the use of such treatments in Sweden and laid out a number of proposals and recommendations. These related to development of treatment; access to treatment; and guidance to parents and professionals who work with children with sexual behaviour problems (National Board of Health and Welfare, 2011). The NBHW were subsequently commissioned to analyse, develop and make cost estimates of and plan for the implementation of those proposals. NBHW submitted proposals to develop treatment for people at risk of committing sexual offenses against children to government in February 2015.

In these two reports the overall recommendations of the NBHW are the following:

- A researcher is given the task to plan for an international evaluation of methods of treatment for people who commit and risk of committing sexual offenses against children.
- Computerized systems are developed for the follow-up of treatment within the health care and social services.
- One or more methods of assessment are developed and tested to determine both the risk of adult persons being likely to commit sexual offences against children and to assess their needs and susceptibility to treatment and;
- Internet based applications are developed for motivation and to provide treatment for youth and adults at risk of committing sexual offenses against children. In combination with this motivation and treatment programmes for adolescents who have been sexually abused are to be developed.
- Economic incentives are provided to city councils that may want to establish specialist treatment.
- Information materials are developed, specifically for different target groups, like parents, youth and professionals who work with or assess and treat children with sexual behaviour problems (National Board of Health and Welfare, 2011 & 2015)<sup>9</sup>.

In November 2014 the Swedish government subsequently commissioned the Centre for Andrology and Sexual Medicine at Karolinska Institute to operate and further develop the national 'stop telephone service' called 'PrevenTell' in order to reach persons, mostly men, who practice or are at risk of committing sexual violence, and further to create an interactive website to supplement the telephone-based services. The commission also includes the development and implementation of a training programme for the treatment of persons who are engaged in or are at risk of committing

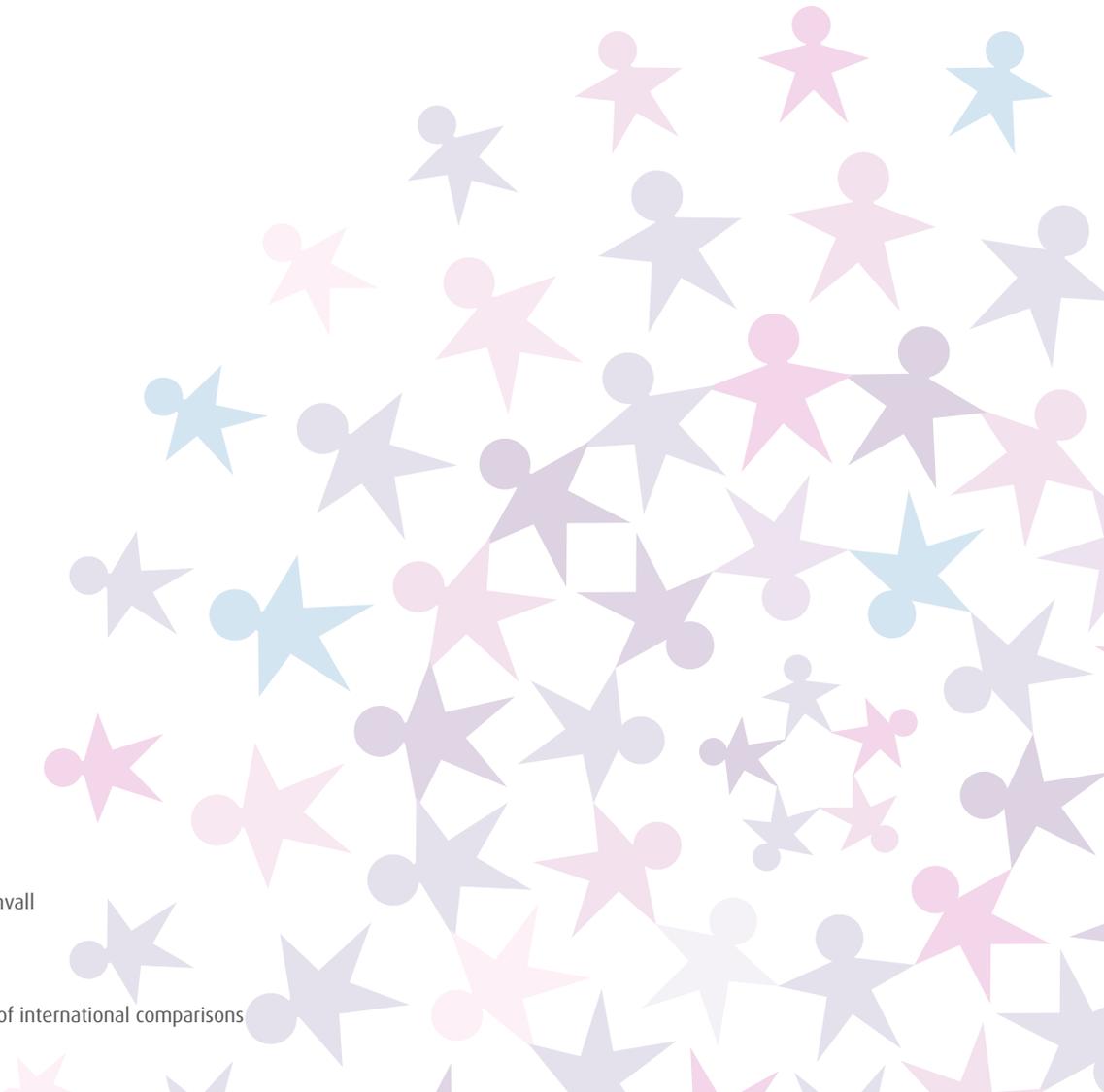
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<sup>9</sup> These reports are not published in English. We are grateful to Elis Envall (The National Board of Health and Welfare) who provided this summary of findings and recommendations.

sexual violence in order to reduce the risk of relapse. The training programme should be targeted at concerned professionals in health care including child and youth health and to services in adult psychiatry, child psychiatry, forensic psychiatry, treatment and care of persons with dependency of alcohol and drugs, rehabilitation and health care and to others involved in this field. The training should include provision of knowledge about risk and needs assessments<sup>10</sup>. It is too early to assess the impact of this new initiative.

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10 Information from Elis Envall



# Ireland

## Context

- The population of Ireland in 2011 was 4.6m<sup>11</sup>.
- The population of children 0-17 in Ireland was 1.15m in 2011 (DCYA, 2012: 10).
- Ireland has a parliamentary system of government – a President and two Houses – The Senate (Seanad Éireann) and House of Representatives (Dáil Éireann)<sup>12</sup>.
- There are 31 local councils – at county and city level, grouped into eight regions with a Regional Authority for each<sup>13</sup>.
- The Department of Children and Youth Affairs has responsibility for all issues that affect children including child protection, bringing together key areas of policy and provision for children, young people and families. It has oversight of the Child and Family Agency (Tusla) (established in January 2014) and harmonisation of policy and provision across Government and with a wide range of stakeholders.
- The new Child and Family Agency (Tusla) is responsible for child welfare and protection services; domestic, sexual and gender-based violence services; community based services for the psychological welfare of children and families.
- Children and Young People’s Services Committees plan and coordinate services for children and young people in each county and are committed to developing models of best practice which promote integrated, locally-led, strategic planning for children’s services<sup>14</sup>.
- The Health Service Executive runs all public health services in Ireland.

## Definitions of CSE

Children First: National Guidance for the Protection and Welfare of Children (DCYA, 2011) is intended to assist people in identifying and reporting child abuse and neglect and in dealing effectively with concerns. It emphasizes that the needs of children and families must be at the centre of child protection and welfare services, and that the welfare of children is of paramount importance. It highlights the roles and responsibilities of TUSLA (the Child and Family Agency) and An Garda Síochána (police), which are the two agencies with statutory responsibility for child protection. It also offers guidance to agencies and community and voluntary organisations. Children First provides definitions of child abuse.

In the Republic of Ireland there are four recognised forms of child abuse (neglect, physical abuse, emotional abuse and sexual abuse). ‘Sexual exploitation of a child’ is included as an example of child sexual abuse and defined in national guidance as:

- Inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts.
- Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means.

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11 Irish Population statistics: <http://www.cso.ie/en/statistics/population/>

12 Citizen’s Information website: [http://www.citizensinformation.ie/en/government\\_in\\_ireland/national\\_government/](http://www.citizensinformation.ie/en/government_in_ireland/national_government/)

13 Citizen’s Information Board: [http://www.citizensinformation.ie/en/government\\_in\\_ireland/local\\_and\\_regional\\_government/local\\_authorities.html](http://www.citizensinformation.ie/en/government_in_ireland/local_and_regional_government/local_authorities.html)

14 Children’s and Young People’s Services Committees website: <http://www.cypsc.ie>

- It may also include showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse. (DCYA, 2011: 9).

The guidance further elaborates on this definition when explaining how to identify the signs and symptoms of child abuse. Sexual exploitation:

- Involves situations of sexual victimisation where the person who is responsible for the exploitation may not have direct sexual contact with the child. Two types of this abuse are child pornography and child prostitution.
- ‘Child pornography’ includes still photography, videos and movies, and, more recently, computer-generated pornography.
- ‘Child prostitution’ for the most part involves children of latency age or in adolescence. However, children as young as four and five are known to be abused in this way (ibid: 74).

The Child and Family Agency stresses that the definition used in the national guidance is not a legal definition or intended to describe a criminal offence<sup>15</sup>.

The Garda (police force) policy on the investigation of sexual crimes against children (An Garda, Siochana, 2013) includes a specific section on how offences that relate to the sexual exploitation of a child are defined in law:

- Section 3 of the Child Trafficking and Pornography Act (1998) as amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007 and Section 3 of the Criminal Law (Human Trafficking Act) 2008 mean that ‘almost anything involving sexual activity and children’ is criminalised.
- Sexual exploitation is defined as including prostitution of a child, production of child pornography, inviting, inducing or coercing a child to participate in any sexual act (ibid: 65).

In the majority of the literature and policy documents in Ireland, child sexual abuse, trafficking and online sexual abuse are more commonly referred to rather than CSE. Similarly, CSE does not appear as a distinct campaigning theme amongst voluntary sector and other children’s organisations in Ireland. For example, the Children’s Ombudsman lists child protection, separated children and trafficking amongst its work areas. The Irish Society for the Prevention of Cruelty to Children does not reference CSE explicitly on its website, although one of its main campaigns is around internet safety.

## The prevalence of CSE

There are no comprehensive estimates for the prevalence of CSE and it has been pointed out that the Government needs to collect information on child prostitution, pornography and other forms of sexual exploitation more consistently (Kilkelly, 2007). However, some of the available statistics give an indication of the likely scale of the issue:

- Referrals to the Health Services Executive (HSE) have risen from 11, 579 in 2006 to 21,043 in 2012 (Tusla, 2012).
- The Child and Family Agency reported that 8% of their cases were for sexual abuse in 2013.
- The One in Four charity states that one in four children in Ireland will experience sexual abuse before the age of 18<sup>16</sup>.
- Between 2009-11, 201 alleged victims of human trafficking were reported to the Garda.
- In 2011, out of the 57 alleged victims of trafficking, 13 were minors, and 7 of these cases related to sexual exploitation<sup>17</sup>.

15 Child and Family Agency website: <http://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/#Sexual>

16 Child and Family Agency website: <http://www.oneinfour.ie/about/>

17 Blueblindfold website: <http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/faqs-nature-en>

- In 2013, 16 children were reported as having been trafficked to Ireland from the US (McMahon, 2014).
- In common with other countries, the scale of child sexual abuse online is hard to measure, but the Irish Minister for Justice and Equality described it as 'staggering' during a summit on tackling online CSE in Ireland<sup>18</sup>.

## Child abuse in the Catholic Church

In Ireland, a number of high profile cases of child abuse by clergy in the Catholic Church have dominated both the policy response and media narrative. The issues in the Catholic Church are well documented, but some of the most significant interventions include:

The Ferns Report (2005): looked at 100 complaints between 1962-2002 against 21 priests in the Diocese of Ferns. The report criticised the Garda for failing to investigate incidents that had been reported, as well as local health services inadequacies in protecting children. The Report recommended that health services needed to be able to have power to intervene in cases of child sexual abuse from non-family members.

The Murphy Report (2009): looked at the response of church and State to reports of child sexual abuse by priests in Dublin between 1974-2004. Complaints relating to 320 children and 182 priests had been received. The report found that until the mid-1990s there had been 'the maintenance of secrecy, the avoidance of scandal, the protection of reputation of the Church and the preservation of its assets' (Murphy, 2009: 4).

The Commission to inquire into child abuse (the Ryan Report) (established 2000, final report 2009): focussed on the abuse of children in institutions of the State and found that sexual abuse – particularly of boys – was a common feature in many. Witnesses reported being sexually abused by religious and lay staff in the schools, as well as other members of the public who had contact with them during everyday activities. The cases were often known to religious authorities and many victims were not believed. The recommendations focussed on issues such as ensuring policy is more child-centred, and improving the management of children's services.

These reports (and other cases) contributed to lifting 'the lid on Ireland's shameful past where many people who could have done something to stop those who abused and harmed these vulnerable children did not act to do that.' (Barnardo's et al, 2010: 25). There was also consensus that the child protection system in Ireland was 'broken' and ineffective in protecting children from harm.

## Children's rights in Ireland

Within this context, there have been debates in Ireland about children's rights more generally, and the impact this has had on law, policy and practice around children's needs. This is important to understand within the context of child sexual abuse and CSE.

A report in 2007 from the Committee on the Rights of the Child, Concluding Observations: Ireland, 2006, in Ireland highlighted that 'the constitutional position of the family, and the superior position enjoyed by the family based on marriage, act to the detriment of children and their rights' (Kilkelly, 2007: 78). This was interpreted as meaning that there has been a lack of resources for family support services and a hesitance on the part of the state to intervene in family issues. The result has been a lack of emphasis on intervening early, and no overall strategy to deal with child abuse and neglect.

There have been criticisms that the Irish constitution did not contain enough clarity around the rights of children. In 2012, there was a referendum in Ireland which agreed to a set of constitutional changes which strengthened children's rights and set out how the country would build a stronger

18 Department of Justice and Equality press release, Feb 2015: <http://www.justice.ie/en/JELR/Pages/PR15000034>

culture of protecting and safeguarding children, including:

- Ensuring children are better protected, respected and heard.
- A child-centred approach.
- Basing child protection, care, adoption, guardianship and custody decisions on what is in the best interest of the child (Children's Rights Alliance, 2012a).

However, the adoption of this in the Constitution has been delayed due to legal challenges. (Children's Rights Alliance, 2015).

Within the narratives around reforming child protection in Ireland, the portrayal of children is almost exclusively as victims – but in particular, silent ones that were neither listened to nor respected when reporting cases of abuse. More recent policy developments are aiming to help redress this with the emphasis on the voice and rights of the child.

However, at the time when the abuse in the Catholic Church and state institutions was taking place, there was an indication that children were often seen as responsible for the sexual abuse they experienced – this was reported by female witnesses in the Ryan Report in particular (2009: 13). One of the recommendations from the Ferns Report (2005) was that, in light of the Catholic Church abuse scandals, there needed to be a publicity campaign stressing the innocence of victims and that perpetrators are from all walks of life.

## National responses

In light of the particular context around child sexual abuse in Ireland, the main areas of action in Ireland are around child protection reform, strengthening the law, and the vulnerability of children in care. Alongside this there are initiatives to improve responses to trafficking and online safety.

There has been a major reform programme of child protection and welfare services in Ireland – predominantly since the Ryan Report (2009), which set out 99 actions in an implementation plan designed to address the effects of past abuse, reform service provision and give children and young people a stronger voice (Ryan Report Monitoring Group, 2014).

Some of the issues that have been highlighted include:

- There was a lack of an integrated approach with children's services sitting across multiple government departments.
- With the devolution of services to local health boards, there were large regional differences in the services provided to children.
- There were no specialist teams in the Garda dealing with child sexual abuse.
- No national strategy or policy to prevent and deal with child protection (all from Kilkelly, 2007).
- Social workers from HSE not being available out of hours meaning that too often emergency foster care placements or the use of Garda services are relied on.
- Aftercare services in Ireland being patchy – with an absence of support meaning young people are vulnerable to risks of homelessness, exploitation or imprisonment<sup>19</sup>.
- Issues around information sharing in light of the failure of senior clergy to report the abuse to the authorities (Bunting et al, 2007).

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19 Both from Barnardo's Ireland: <http://www.barnardos.ie/what-we-do/campaign-and-lobby/the-issues/child-welfare-and-protection.html>

## Key developments

### **Children First – National Guidance for the Protection and Welfare of Children (Department of Health and Children, 1999)**

This set out what parents, professionals, organisations and the public should do to identify and report child abuse and welfare concerns. It established protocols for social workers, Gardai and other frontline professionals.

In the guidance, the principles of the child's right to be heard, listened to and taken seriously, and the right to respect and consult with parents and carers was made more explicit.

The guidance was aiming for consistency across all health boards, government departments, and organisations working with children. In terms of interagency work, it stressed pooling resources and skills, avoiding gaps and providing mutual support – as well as a much clearer emphasis on early intervention.

The Children's Ombudsman in Ireland investigated the implementation of Children First in 2010 and reported that there was variable practice across the country, and interagency collaboration was not yet materialising (Ombudsman for Children, 2010). The report highlighted cooperation between HSE and the Garda was not working as required, there was no 24 hour access to the Child Protection Notification System, and social work resources did not match needs. There was still the 'need for a fundamental change in culture and attitude towards child protection more generally' (ibid: 2).

The most recent available HSE Adequacy Report (Tusla, 2012) found that there was inconsistency in the implementation of Children First across the country, and outlined how an overarching change programme would address this with standardising procedures around assessment, plans and reviews, improve data, and develop more national training courses.

A revised version of Children First was issued in 2011, and the guidance was presented as an ambitious step forward to result in *"more effective interagency cooperation and...a more consistent and strong system for the protection of children"* (DCYA, 2011: ix).

### **Department of Children and Youth Affairs**

This was established in 2011, bringing together functions that had been across Health, Education and Skills, Law Reform and Community affairs. A dedicated government department for children and young people now leads on the improvement and effectiveness of support and services for all children and young people (Ryan Report Monitoring Group, 2014).

### **The Child and Family Agency**

The Child and Family Agency was established through legislation in 2013 and officially launched in 2014. This created a separate agency focussed on reforming child welfare and protection – *"the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland"*<sup>20</sup>. It brought together Children and Family Services, the Family Support Agency, National Education Welfare Board, Pre-school inspection services, services relating to the psychological welfare of children, and services relating to domestic, sexual and gender-based violence. However, it does not include Public Health nurses or Child and Adolescent Mental Health Services (Children's Rights Alliance, 2015).

The Child and Family Agency has a distinct new identity, and responsibility for promoting the safety and welfare of children, providing for those children in care, developing services to support

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20 Child and Family Agency website: <http://www.tusla.ie/about>

children and families, and strengthening interagency cooperation. The Department of Children and Youth Affairs has oversight of the CFA and supports the implementation of Children First.

The initial work of the Agency has focussed on developing social worker recruitment, ensuring children in care have a written care plan, and that all children in care have an allocated social worker. It is also preparing a workforce development strategy.

There are high expectations for the Agency to be able to shift resources away from crisis to prevention and earlier interventions, as well as ensuring that a children's rights approach to child protection is in operation, based on the UNCRC principles. The Children's Rights Alliance in Ireland has highlighted that it is not yet clear how the Agency will deliver preventative family support services and ensure effective interagency working, within the reality of growing demand for its services and financial pressures (Children's Rights Alliance, 2015).

### **Better Outcomes, Brighter Futures 2014**

This is a national policy framework which covers 0-24 year olds, the first overarching children and young people policy (DCYA, 2014). A cross government Children and Young People's Policy Consortium sits beneath the Framework and drives issues which need cross government approaches – including concern to reduce the sexualisation of children.

### **Children First Bill 2014**

The Children First Bill was published in April 2014 – a key part of the Ryan Report recommendations. This aims to raise awareness of child abuse and neglect and improve child protection arrangements. It will put the Children First National Guidance on a statutory footing and provides for mandatory reporting by key professionals to the Child and Family Agency, who will also be required to cooperate if requested on any child protection concerns. Alongside the Bill there are also plans to update the Practice Handbook around Children First, for relevant departments to publish implementation plans, and putting the Implementation Inter-Departmental Group to oversee the implementation process centrally on a statutory footing<sup>21</sup>.

The hearings around the Children First Bill give an indication of the challenges that are still being faced around child protection in Ireland and the need to *“bring to an end any remaining attitudes that may choose to ignore child abuse and neglect”* (Houses of the Oireachtas, 2013). Whilst there was recognition that the Bill would be bringing Ireland closer into compliance with the UNCRC, the need for resources in terms of personnel, training, support and feedback to bring the vision into reality was key issue – with high caseloads for social workers, despite efforts to recruit more. Barnardo's emphasised in their response that there was still fragmentation of services and gaps, with a need for services to work together more and engage in preventative work (Barnardo's, 2013).

### **Progress against the Ryan Report recommendations (2014)**

The implementation of the Ryan Report recommendations have been overseen by a group chaired by the Minister for Children and Youth Affairs, which published its final report at the end of 2014. Its conclusions were that *“significant positive developments have taken place over the lifetime of the Implementation Plan”* (Ryan Report Monitoring Group, 2014: 17) and that there is a more visible culture of openness, cross departmental and agency working, listening to children and supporting victims. However, they also stressed the need for standards in relation to child welfare and protection to continue to develop and improve.

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21 Summary: [http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren\\_First%2FChildrenFirstLegislation.htm](http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren_First%2FChildrenFirstLegislation.htm)

## Strengthening legislation

There are existing offences in Irish legislation that include travelling to meet children for the purpose of sexually exploiting those children - in the Child Trafficking and Pornography Act 1998, Criminal Law (sexual offences) (Amendment) Act 2007 – as well as for trafficking children (see next section).

The Criminal Law (Offences) Bill (2014) represents a strengthening of the response to sexual exploitation from a justice perspective. The Bill includes:

- New criminal offences to protect children against grooming, including online.
- Strengthened and new offences to tackle child pornography.
- The age of consent remaining at 17 – but a clause to ensure that non-exploitative, consensual sexual relationships between peers with no more than 2 years age difference are not criminalised.
- Criminalising the purchase of sexual services – including from a trafficked person<sup>22</sup>.

Campaigners welcomed the recent move to criminalise the buying of sexual acts (in keeping with Sweden). These changes also mean that Ireland will be able to implement the EU Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, as well as ratify the Council of Europe Convention on the protection of children against sexual abuse and exploitation. This has been something that children’s charities have been lobbying for.

Despite these positive moves, there have been criticisms that the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 has not been implemented. This would allow for the exchange of information between the NVB and a registered organisation, and also meet the UN’s call for Ireland to have proper vetting of employees and volunteers working with children in place (Children’s Rights Alliance, 2015).

## Trafficking

Campaigners have highlighted that criminal gangs – foreign and domestic – are running a sex trade in Ireland, and that prostitution and trafficking affects both women and girls (TORL, 2012).

The Children’s Rights Alliance (2012c) has stressed that it is not just migrant children in Ireland who are at risk – Irish children have been trafficked within the country as well<sup>23</sup>.

The legislative framework around the trafficking of children includes:

- The Child Trafficking and Pornography Act (1998) which provision for trafficking of children for the purposes of sexual exploitation.
- The Criminal Law (Human Trafficking) Act 2008 amends the 1998 Act by amending the definition of a child to a person under the age of 18. It also raised the maximum penalty on conviction from 14 years to life imprisonment.
- The Criminal Law (Human Trafficking) Act 2008 introduced the crime of human trafficking into Irish criminal law.
- The 2008 Act has been amended by the Criminal Law (Human Trafficking) (Amendment) Act 2013 which enacts the EU Directive 2011/36/EU on preventing and combating trafficking and protecting victims<sup>24</sup>.

22 Department of Justice and Equality press release, Nov 2014: <http://www.justice.ie/en/JELR/Pages/PR14000349>

23 Children’s Rights Alliance press release, Sept 2012: <http://www.childrensrights.ie/resources/new-report-highlights-challenge-child>

24 Blue Blindfold website: <http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/irelandsresponse-relevantlegislation-en>

Ireland has a dedicated Anti-Human Trafficking Unit in the Department of Justice and Equalities which coordinates and implements the response of the Irish Government. There is also a Human Trafficking Investigation and Coordination Unit in the Garda overseeing all investigations. The Tusla service for Separated Children Seeking Asylum is a specialist team for separated children based in Dublin. The service provides initial intake and assessment for separated children from outside the EU, carries out a needs assessment, and arranges appropriate placements for the child, generally in supported lodgings or foster care. The service also operates a reunification service where authorities refer families or adults presenting with children, if parentage/guardianship is not clear.

In 2009, the Irish Government published a National Action Plan to Prevent and Combat Trafficking in Human Beings. One of the four key sections in this plan is on child trafficking, recognising the need for a high level of protection amongst these vulnerable children.

The plan was reviewed in 2011, and amongst the actions identified were the need to further develop a joint protocol between the Garda and HSE, and refine age assessment processes using the best practice guidelines from the Separated Children in Europe Programme (Department of Justice, Equality and Law Reform, 2011). A review by GRETA in 2013 identified that Ireland needed to do more to put the rights of victims to support and protection on a statutory footing and ensure more multi agency involvement in identifying victims (GRETA, 2013).

The National Action Plan also aimed to reduce the number of unaccompanied minors going missing. Before 2010, children between 12-18 were placed in privately run hostels if they were seeking asylum and these were seen as providing substandard care (Hennessey, 2014). Some of these children may have been trafficked to Ireland for sexual or labour exploitation and were also at risk of exploitation when they went missing (Quinn et al, 2014). The Plan recommended improved cooperation between agencies, and applying the 'equity of care' principle to separated children and not placing them in hostels.

Recent indications suggest that the numbers of unaccompanied minors being referred to social services have reduced (from 5,688 2000-08 to 661 between 2009-2014) now there is a better model of care to protect these children (Quinn et al, 2014). In 2012, the Children's Rights Alliance published its findings on the progress being made around child trafficking and reported that the decision to place separated children in foster care has helped to reduce the numbers disappearing (Children's Rights Alliance, 2012b).

## Online safety

Ireland has a Paedophile Investigation Unit at the National Bureau of Criminal Investigation which has lead responsibility for online child abuse cases. The unit works with the Computer Crime Investigation Unit and the local Garda.

Ireland has also signed up to the Global Alliance against Child Sexual Abuse Online and in an update on the commitments highlighted efforts in Ireland to:

- Work with Tusla to provide follow up services to victims.
- Identify and prosecute more offenders – through strengthening legislation nationally, and contributing to international efforts via Interpol and Europol data sharing protocols.
- Public awareness through the Office for internet Safety.
- The Safer internet project for Ireland funded by the EU and consisting of a helpline, resources for teachers, and an internet advice page operated by the internet Service Providers Association in Ireland. (Global Alliance against Child Sexual Abuse, 2014).

In February 2015, the Minister for Justice and Equality organised a roundtable summit with representatives from the ICT industry, social media and the police to discuss tackling online child sexual exploitation across sectors<sup>25</sup>. However, in March 2015, Ireland was criticised for being one of eight countries in the EU who had not yet adopted EU rules on combating child sex abuse and pornography (Cahill, 2015).

## Who is leading the response?

The child protection response is primarily led by children's services (Tusla), with visible commitments from the relevant Government ministers. The Garda has a statutory responsibility for the safety and welfare of children and investigation of alleged offences.

Tusla has established a multi-agency National Steering Committee for Sexual Abuse Services to coordinate the implementation of an agreed national model of sexual abuse services. The Committee includes representatives of the key statutory and non-statutory stakeholder agencies.

The national model was developed through the work of the Ferns 4 Committee which examined the assessment, therapy and counselling needs of children who have been sexually abused and their families, and the Ferns 5 Committee which examined the assessment, therapy and counselling needs of children and adults who have exhibited sexually harmful behaviour. The model incorporates the 6 component services which are medical/forensic, child protection, criminal investigation, assessment, therapy and prosecutorial services. The Committee will shortly publish a 3 year multiagency implementation plan.

Many policy documents and voluntary sector organisations voiced concern about a lack of operational communication between the Garda and Tusla during the implementation of Children First, in particular the Garda's failure to report child sexual abuse as crimes and the allocation of non-specialist officers to work with victims of CSE; this was formally identified as a concern in November 2014 (Garda Inspectorate, 2014).

The Garda has established dedicated child protection units working closely with Tusla on individual cases. A specific Garda unit handles child abuse, domestic and sexual violence and human exploitation (O'Keefe, 2015).

## Professional responses

In 2011, the Children and Families Special Interest Group of the Irish Association of Social Workers published a report outlining the scale of the challenges that children's social workers were facing:

*"The level of dysfunction, on both a macro and micro level that Children and Families social workers encounter on a daily basis and the risk that children are exposed to as a result is remarkable and at times can be overwhelming."* (IASW, 2011: 2)

This report was in response to the moves to implement a Business Process Standardisation Project and social workers feared a bureaucratic, office based direction for social work as a result – at a time when the UK was changing this system in light of the Munro Review (Munro, 2011). The changes social workers were calling for included:

- Early intervention and preventative services alongside adequate community support services to reduce the need for crisis interventions.

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25 Department for Justice and Equality Press Release, Feb 2015: <http://www.justice.ie/en/JELR/Pages/PR15000034>

- Social workers to be able to prioritise relationship building – reflecting that it is not simply a case of needing more social workers (as recommended in the Ryan Report) but freeing up social workers for direct work with children and families.
- Equitable levels of service delivery by social work departments nationwide – as differing resource allocations means that there are different levels of social work services in different areas in Ireland.
- Child protection to be everyone’s responsibility – and a fear that HSE was not funding training and staffing in this area.

In a recent submission on the Tusla Corporate Plan, the responses from social workers highlighted that Tusla can appear *“overwhelmed and under resourced”* and that staffing and morale issues needed to be addressed. There is still work to be done to *“build trust and confidence with each other through more effective cross-agency working relationships”* (IASW, 2014: 6).

## Local level responses

Ireland has Children’s Service Committees in each of its 22 counties. These are a relatively recent development and each committee is at a different stage of development – although 4 areas piloted the approach back in 2007.

The committees are chaired by Area Managers from the Child and Family Agency and involve all organisations and agencies who work on behalf of children including members from the local authority, police, probation, voluntary sector and education<sup>26</sup>. A key focus for the committees is on interagency working, and their development has drawn on examples from elsewhere including Children’s Trusts in England, Getting it Right for Every Child in Scotland and Regional Implementation Groups in New South Wales.

The main role of the Committees include:

- Planning and co-ordinating services for children and young people.
- Overseeing the effective implementation of national and regional policies and strategies.
- Influencing the allocation of resources across the geographic area covered by the CYPSC.
- Ensuring more effective collaboration between services working with and for children, young people and families within the CYPSC area.
- Strengthening collaborative decision-making capacity at local level, recognising the voice of children and in partnership with young people.
- Promoting quality, evidence-informed and outcomes-focussed services and practices.
- Working to ensure equitable access to quality services for children and young people in the CYPSC area.
- Supporting the implementation of relevant and innovative cross agency initiatives of member agencies, for example Tusla the Child and Family Agency’s Prevention, Partnership and Family Support strategy<sup>27</sup>.

Each Committee has to develop and oversee the implementation of 3 year Children and Young People’s Plans.

26 Overview on Department for Children and Youth Affairs website: <http://www.dcy.a.gov.ie/viewdoc.asp?DocID=1394>

27 Overview from Children and Young People’s Committees website: <http://www.cypsc.ie/about-us/purpose.443.html>

# Australia

## Context

- The population of Australia in 2013 was 23.1m.
- The population of children 0-14 in Australia was 4.37m in 2013. This accounted for 19% of the total population. The Australian Bureau of Statistics count 15, 16 and 17 year olds as part of the 'working' age population (15-64).
- The age of consent varies in Australia – it is 16 in the Australian Capital Territory, New South Wales, Northern Territory, Victoria and Western Australia. In Tasmania and South Australia the age of consent is 17<sup>28</sup>.
- The age of majority in Australia is 18. However, in many areas of the law, a person under the age of 18 may make decisions or be seen as legally responsible for their actions.
- Australia has a federal system of government. Powers are distributed between a national government (the Commonwealth) and six States. Three Territories - the Australian Capital Territory, the Northern Territory, and Norfolk Island - have self-government arrangements.
- The Parliament consists of the Queen (represented by the Governor-General) and two Houses (the Senate and the House of Representatives). These three elements make Australia a constitutional monarchy and parliamentary democracy<sup>29</sup>.
- In Australia, statutory child protection is the responsibility of State and Territory governments<sup>16</sup>. Each State has its own child protection system with Legislative Acts in each State and Territory governing the way such services are provided<sup>30</sup>.
- The National Framework for Protecting Australia's Children 2009-2020 (the National Framework), endorsed by the Council of Australian Governments in April 2009, is an attempt to coordinate certain aspects of child protection practice. For example; the development of a joint approach to initial assessment by practitioners working with children.
- Families, parenting and school aged children are the responsibility of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Early years and youth services are within the portfolio of the Department of Education, Employment and Workplace Relations (DEEWR). Juvenile Justice and family law are within the portfolio of the Attorney General's Department (AGD). The Department of Health and Ageing (DoHA) is responsible for child and adolescent mental health services (CAMHS)<sup>31</sup>.

Australia created a National Action Plan on child sexual exploitation following on from the 1996 World Congress against the Commercial Sexual Exploitation of Children, held in Stockholm. Delegates representing 122 countries unanimously adopted a Declaration and Agenda for Action, committing themselves to a global partnership against the commercial sexual exploitation of children. The Agenda for Action is essentially a set of guidelines for concrete action. It proposes a five-pronged approach to the eradication of CSEC (Stockholm Declaration, 1996):

- The co-ordination of actions at the local, national, regional and international levels.
- The taking of preventive measures through the formal and informal education sector and sensitising target groups to their rights and to the issues.

28 Australian Institute of Family Studies: <https://aifs.gov.au/cfca/publications/age-consent-laws>

29 Both from: Parliament of Australia: [http://www.aph.gov.au/About\\_Parliament/Work\\_of\\_the\\_Parliament/Forming\\_and\\_Governing\\_a\\_Nation/parl](http://www.aph.gov.au/About_Parliament/Work_of_the_Parliament/Forming_and_Governing_a_Nation/parl)

30 Australian Institute of Family Studies: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

31 (both from Katz, 2013)

- The protection of children already caught in the sex trade through the strengthening or development of relevant laws, policies and law enforcement.
- The recovery and reintegration of children into society through non-punitive gender sensitive support systems.
- Promoting the participation of children, including child victims and their families, so they are able to express their views and take action to protect children from commercial sexual exploitation.

The national action plan has not been updated since.

## Definitions of CSE

There is no national official definition for ‘child sexual exploitation’, and it is not a term often used in government reports and publications.

The Australian Institute of Family Studies, the Australian Government’s key research body in the area of family wellbeing, provides an official definition for ‘child sexual abuse’ on its website: *“the use of a child for sexual gratification by an adult or significantly older child/adolescent”* (Australian Institute of Family Studies, 2012).

The Australian Institute of Criminology published a paper on ‘The commercial sexual exploitation of children’ in order to provide an overview of the situation in Australia in 1999 (Grant, Grabosky & David, 1999). It states that the majority of sexual abuse experienced by Australian children occurs within families and institutions and is non-commercial in nature. Commercial Sexual Exploitation of Children (CSEC) in Australia is reported to have three basic manifestations (Grant, Grabosky & David, 1999: 2):

- Child prostitution, including the exchange of sex for favours such as food, clothing, accommodation, or drugs.
- The production and distribution of child pornography and;
- The abduction and trafficking of children for purposes of sexual gratification.

The following definitions are given for child prostitution and child trafficking:

Child prostitution is the act of engaging or offering the services of a child to perform sexual acts for money, or other consideration, with that person or any other person. The activity may constitute what is known as ‘opportunistic prostitution’, ‘sex for favours’ or ‘survival sex’. This is where young people engage in sexual activities for gain, which may include accommodation, food, clothing, safety, drugs or transport. The phrase ‘survival sex’ is also used to refer to youth who are perceived or who perceive themselves as having no alternatives or options other than to exchange sex for their basic needs (Grant, Grabosky & David, 1999: 2).

Child trafficking: The trafficking of children as defined at the World Congress and as used within this review is the *“profitable business of transporting children for commercial sexual purposes. It can be across borders or within countries, across State lines, from city to city, or from rural to urban centre”* (Grant, Grabosky & David, 1999: 3).

Australia’s ‘National Plan of Action against the Commercial Sexual Exploitation of Children’ in 2000 draws heavily on the AIC paper, and does not provide a more detailed definition of Child Sexual Exploitation, but outlines four key areas of child commercial sexual exploitation. This includes prostitution, pornography and trafficking, but also mentions sex tourism (Department of Family and Community Services, 2000).

The UK definition of CSE developed by NWG has also been used in Australia at a conference organised by the Australian Institute of Family Studies (AIFS) in 2014. It was adapted to include manipulation, as well as violence, coercion and intimidation. The use of this definition, however, does not appear to extend beyond this particular conference.

Child Wise, one of Australia's leading not-for-profit child abuse prevention organisations provides multiple definitions of grooming in its report (Randhawa & Jacobs, 2013: 10). It states that there is limited consensus in Australia on how grooming can be defined and, as a result, offers three broad definitions from three separate sources (one of which is from the UK):

- *"The term 'grooming' refers to actions deliberately undertaken with the aim of befriending and influencing a child, and in some circumstances members of the child's family, for the purpose of sexual activity with the child. These actions are designed to establish an emotional connection in order to lower the child's inhibitions and gain access to the intended victim. In this respect grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated"* (Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations, 2013).
- *"A process by which a person prepares a child, significant adults, and the environment for the abuse of the child. Specific goals include gaining access to the child, gaining the child's compliance and maintaining the child's secrecy to avoid disclosure. This process serves to strengthen the offender's abusive pattern, as it may be used as a means of justifying or denying their actions"* (Craven et al, 2006).
- *"The manipulation or 'grooming' process involves befriending children, gaining their trust, and often feeding them drugs and alcohol, sometimes over a long period of time, before the abuse begins. The abusive relationship between victim and perpetrator involves an imbalance of power which limits the victim's options"* (NSPCC, 2013; Barnardo's, 2012).

Professor Chris Goddard confirmed that the term 'child sexual exploitation' is not the usual terminology used by the main government bodies and institutions dealing with child protection in Australia (e.g. Bravehearts, the main national charity in Australia that works on issues related to child sexual assault, and the Royal Commission into Institutional Responses to Child Sexual Abuse). The most commonly used terminology is 'child sexual abuse' or 'child sexual assault', which include crimes that in the UK would be called 'child sexual exploitation'. Goddard explained that the Federal Police do use the term 'child sexual exploitation', but specifically in relation to child sexual exploitation online and child sex tourism<sup>32</sup>.

## The prevalence of CSE

The National Plan of Action 'Against the Commercial Exploitation of Children' asserts that commercial sexual exploitation is not widespread in Australia (Department of Family and Community Services, 2000). However, more recently, a 'Human Trafficking Working Group' based at the University of Queensland states that there are a considerable number of children who have been involved in or subjected to commercial sexual activities, such as selling sex in return for some benefit to themselves or a third party (Human Trafficking Working Group, 2012). They argue that much of the information available around child sexual exploitation relates to the prostitution of Australian children, while there are little to no reports about trafficking in foreign children into Australia.

Many of the available reports, action plans and policy documents regard the majority of commercial sexual exploitation of children as opportunistic behaviour by teenagers at risk rather than organised activity - *"child prostitution is mostly an opportunistic activity engaged in by children who require food, shelter, clothes or drugs, rather than an organised activity aimed at exploiting children*

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*systematically*” (Human Trafficking Working Group, 2012), and many “*commercial sexual transactions*” occur in an ad hoc manner as the opportunity presents itself (Department of Family and Community Services, 2000: 13).

Sexual abuse and exploitation often remains unacknowledged and unaddressed – as the AIFS Conference in 2014 acknowledged (Australian Institute of Family Studies, 2014). There is also a widespread opinion in Australia that perpetrators of child sexual exploitation or abuse go abroad to commit crimes. The perception is that CSE is more of a significant issue ‘off shore’ than within Australia’s borders<sup>33</sup>.

Most of the data on the scale of CSE is under the umbrella term ‘child sexual abuse’ rather than referring specifically to CSE, and as a result it is hard to quantify or estimate the number of children and young people involved in commercial or quasi-commercial sexual activity in Australia. (Department of Family and Community Services, 2000). The AIC report gives several reasons for the difficulty in quantifying the scale of the commercial sexual exploitation of children in Australia (Grant, Grabosky & David, 1999: 4):

- Definitional ambiguities have made determining what types of behaviour are commercial and/or exploitative extremely problematic.
- The nature of the activities involved is such that both the exploiters and the exploited go to great lengths to ensure that they do not attract attention to their activities.

In 1998 ECPAT Australia research produced an estimate of 3704 children across Australia engaged in commercial sexual activity over the period of a year (ECPAT, 1998: 42). “*The majority of the instances of commercial sexual exploitation identified were for those aged from 13-17 years of age and 68% were female*” (ECPAT, 1998: 71).

The AIC report, using a variety of different figures and sources, provided an estimate of approximately 400-450 children across Australia believed to be engaged in commercial or quasi-commercial sexual activity during a typical 24 hour period (Grant, Grabosky & David, 1999). However, both of these estimates should be treated with caution as they are over 15 years old.

In terms of child prostitution, child exploitation online and child trafficking, there are some indications of prevalence and scale:

Child prostitution: The AIC research found that it was relatively rare for children to work in parlours, escort agencies or in any organised manner. However, the same report stated that this behaviour was also more common than trafficking or child pornography (Grant, Grabosky & David, 1999). Australia’s National Plan of Action acknowledged that children and young people, male and female, participate in street solicitation in all Australian capital cities and major regional centres, but maintained that organised child prostitution was for the most part largely invisible (Department of Family and Community Services, 2000).

However, Child Wise has suggested that children are being groomed by gangs in Australia. A Child Wise report on Children in Out of Home Care (OOHC) in Victoria (2014) describes how reports of paedophile gangs targeting children in OOHC have been made to the Australian Broadcasting Corporation, with between 30 and 40 children having been suspected of being sexually exploited in 18 months (Jacobs, McNeil & Van Balen, 2014). They claim that these are not isolated reports, and that service providers in Victoria have raised concerns privately about exploitation of girls in community housing, many of whom have been, or are in, OOHC. Furthermore, the report states that similar concerns exist in other states and territories in Australia and that anecdotal and substantiated evidence within Australia reflects the findings that emerged from the UK’s ‘Independent Inquiry into Child Sexual Exploitation in Rotherham’: that children affected by sexual exploitation were

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often previously known to child protection services and that children in OOHC who were being sexually exploited were often used to recruit other children both in OOHC and externally (Jacobs, McNeil & Van Balen, 2014).

Child exploitation online: There was no available data or evidence for the prevalence of this in Australia.

Child Trafficking in Australia: The evidence of child trafficking occurring in Australia is limited and often contentious. The Human Trafficking Working Group state that official sources, academics, and advocacy groups disagree about the labelling of certain phenomena and individual cases as child trafficking. While trafficking in children does exist, it appears to be extremely rare in Australia and there is little evidence that children are trafficked to Australia for the purposes of commercial sexual exploitation (Grant, Grabosky & David, 1999; Department of Family and Community Services, 2000; Anti-People Trafficking Interdepartmental Committee, 2009). In 2012 there was only one confirmed case involving charges under Australia's federal child trafficking offences (Human Trafficking Group, 2012).

## The portrayal of young people

Young people are mainly portrayed as victims in the literature. However, with older children, there is an emphasis on their often troubled upbringing. The idea of child abuse being caused by poverty is still very dominant in Australia<sup>34</sup>. When a child is sexually abused or exploited, their unfortunate circumstances will often be used to explain why the crime occurred. The AIC asserts that children 'engaging in or at risk of CSEC' are not a representative cross-section of Australian youth - *"as a result of family circumstances, often entailing abuse, many are lacking support, resources, social and/or vocational skills and it is common for their education to have been interrupted or discontinued"* (Grant, Grabosky & David, 1999: 7).

However, the 'Royal Commission into Institutional Responses to Child Sexual Abuse' portrays children as victims: *"Some children are more vulnerable because of their age, ethnicity, gender, disability or immigration status. Others are vulnerable because of where they are living or being cared for. The risks of abuse can increase with geographical isolation, where there are no trusted adults to approach, or where there is inadequate training and staff supervision"* (Royal Commission into Institutional Responses to Child Sexual Abuse, 2014: 7).

In relation to child prostitution, several reports (e.g. the National Plan of Action and the AIC report) understand it to be opportunistic and individualistic in nature. The use of 'child prostitution' leads to placing blame on the child and their choices and behaviour, rather than seeing them as the victim of rape when paid for sex or sexual favours. Young people are often 'blamed' for sexual 'abuse or exploitation' as they get older<sup>35</sup>.

## National Responses

### Child Protection context

The National Plan of Action in 2000 stated that Australia would be focusing mainly on prevention and early intervention. In 2014, Child Wise conducted extensive research around the state of the child protection system in Australia, and specifically the state of Out Of Home Care (OOHC). Child Wise argues that the Child Protection system in Australia is *"underfunded, under-resourced, and telescoped on responding to harm and risks rather than preventing them"* (Jacobs, McNeil & Van Balen, 2014: 3). Where children have been identified as at risk from child sexual exploitation, the responses are largely crisis-driven and under-resourced. There are very few cases of adoption in Australia

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and therefore no real way out of the OOHC system for children. This places significant pressure on the system and is an important factor in why OOHC children are at most risk from child sexual exploitation<sup>36</sup>.

There is concern that the child protection workforce in Australia does not have enough expertise or training specifically around child abuse. It is argued that social work professional courses do not include a sufficient focus on child abuse and child protection. This has led to the development of a workforce that lacks the necessary skills and knowledge to address the issues of child sexual exploitation in Australia<sup>37</sup>.

## National policy

The National Framework for Protecting Australia's Children 2009-2020 consists of high-level outcomes and supporting strategies to be delivered through a series of three-year action plans. Government and the non-government sector have set the following target: A substantial and sustained reduction in child abuse and neglect in Australia over time (Council of Australian Governments, 2009: 11). This overall target is broken down into six supporting outcomes, one of which is:

- Children are protected from all forms of sexual exploitation and abuse through targeted prevention strategies, and survivors are supported by the community, and through specific therapeutic and legal responses (Council of Australian Governments, 2009: 31).

The main strategies to achieve this are:

- Raise awareness of child sexual exploitation and abuse, including online exploitation. This includes nationwide initiatives undertaken in all jurisdictions such as implementing cyber-safety initiatives such as education and search warning mechanisms; and increasing support for community-based strategies to raise awareness in children, families and the community about child sexual abuse.
- Strengthen law enforcement and judicial processes in response to child sexual abuse and exploitation. This is to be led by the national government and will focus on detection, investigation and prosecution of online sexual exploitation.

In terms of the overall approach a focus on broader early intervention and prevention is clear – moving away from a traditional 'single agency' approach for the ongoing management and monitoring of the National Framework: *"The National Framework will require integrated governance arrangements that cut across government boundaries and include the non-government sector in order to plan and implement actions."* In order to support this aim, a Ministerial Forum on Protecting Australia's Children was convened to bring together Ministers with responsibilities under the National Framework.

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## The Royal Commission

The Royal Commission into Institutional Responses to Child Sexual Abuse was appointed by the Prime Minister, Julia Gillard, in 2013 to inquire into individual cases and organisational issues and to make recommendations on systemic issues. This has involved private sessions, public hearings and a programme of research and policy. By 31 May 2014 The Commission had held 1,677 private sessions and received 1,632 written accounts. 500 cases of child abuse within institutions were being investigated at the time of writing.

The Royal Commission has had a significant impact in Australia. It has led to widespread and national recognition of child sexual abuse within institutions and to a greater understanding among the public about the extent of the problem<sup>38</sup>. The Commission has a broad remit and has been able to investigate the responses of a very wide range of 'institutions', including churches, schools and health services.

The Royal Commission has stimulated significant media coverage around child sexual exploitation, focused on child sexual abuse within institutional settings, especially within the Catholic Church and schools. Media coverage of the evidence of abuse given at the Royal Commission has prompted other victims of child abuse within institutional settings to come forward because they now realise it has happened elsewhere and are not alone (Hermant, 2015; Lavoipierre, 2015; Oriti, 2015).

## Human trafficking

The Department of Social Services states a commitment to working with other governments (domestic and international) to prevent human trafficking in all its forms, prosecute perpetrators and protect and support victims (Department of Social Services, 2014). It implemented a strategy to eradicate human trafficking in 2003 and the Anti-People Trafficking Interdepartmental Committee released a report on the strategies implementation between 2004 and 2009. This report restates that there is no evidence of child trafficking specifically within Australia (Anti-People Trafficking Interdepartmental Committee, 2009).

## Online CSE

Australia is viewed as being very aware of, and responsive to, child sexual exploitation online. Australian Federal Police (AFP) Child Protection Operations (CPO) team performs an investigative and coordination role within Australia for multijurisdictional and international online child sex exploitation matters within the online and travel and tourism environments. The AFP investigates online child exploitation which occurs using a telecommunications service, such as computers with internet connectivity or mobile phones. Grooming and procuring of children over the internet is also investigated by the AFP.

The AFP encourages people to protect themselves and their children online. ThinkUKnow Australia<sup>39</sup> is a partnership between the Australian Federal Police and Microsoft Australia, and focusses on raising awareness among parents, carers, teachers and young people of the issues which young people face online. ThinkUKnow was developed in the UK by the Child Exploitation and Online Protection (CEOP) Centre. CEOP and the Australian Federal Police (AFP) are partners in the Virtual Global Taskforce (VGT) and it is through this relationship that ThinkUKnow was brought to Australia.

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39 Australian Federal Police THINKUKNOW website: <http://www.thinkuknow.org.au/>

## Relevant legislation

The laws relating to the commercial sexual exploitation of children are complicated (AIC report - *ibid*). There are nine Australian jurisdictions, including the Commonwealth. Each jurisdiction has its own unique set of laws that criminalise, either directly or indirectly, the commercial sexual exploitation of children:

*“Even though some of the current legislation is poorly adapted to deal with the complex reality of commercial sexual exploitation of children, legislation in most States and Territories makes some attempt to prohibit persons under the age of 18 from engaging in commercial sex. However, the confusion surrounding the age of consent to commercial sexual activity is also driven by the absence of consistency between jurisdictions in the meaning of terms such as ‘commercial sexual activity’ and ‘prostitution’”* (Grant, Grabosky & David, 1999: 9).

Very little has been done to find agreement and consistency among the different states and territories in Australia on legal terminology and procedures related to child sexual abuse and sexual exploitation which inhibits the national and local response (Mathews, 2014).

Recent legislation includes:

- Slavery and trafficking offences are set out in divisions 270 and 271 of the Australian Commonwealth Criminal Code.
- The Criminal Code Amendment (Trafficking in Persons Offences) Act 2005 inserted new offences into the Criminal Code that criminalise trafficking in persons activity, fulfilling Australia’s legislative obligations under the Trafficking Protocol. The legislation provides for specific trafficking in children offences, which criminalise organising or facilitating the transportation of a child into, out of, or within Australia, where the perpetrator intends or is reckless as to whether the child will be used to provide sexual services or will be exploited. (The elements of this offence are different to the elements of trafficking in adults as they do not require force or deception) (Anti-People Trafficking Interdepartmental Committee. 2009).
- Most jurisdictions within Australian have legislation in place that criminalises online child grooming for the purposes of sexual contact, and prosecutions have already taken place under this legislation (Australian Institute of Criminology, 2008).
- 2010 changes to legislation which increased the penalties applying to the grooming or procuring of children online. Australians who groom or procure a child for sexual activity overseas can be imprisoned for up to 15 years<sup>40</sup> (Australian Federal Police).
- The reforms also enhanced the coverage of offences for using a carriage service, such as the internet, for sexual activity with a child or for child abuse material.

There is an indication that, although legislation around grooming and procurement does exist around Australia, it is not being effectively implemented<sup>41</sup>.

Child Wise has argued that there are limited attempts to identify and prevent the escalation of grooming behaviours in Australia:

*“Efforts in this field are hampered by the lack of a strong legislative framework through which grooming a child for sexual abuse is classified as a specific offence, and a lack of community understanding about the nature and patterns of grooming behaviours conducted by child sex offenders.”* (Randhawa & Jacobs, 2013: 6)

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40 Australian Federal Police website: <http://www.afp.gov.au/policing/child-protection-operations/online-exploitation.aspx>

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## Professional and voluntary sector responses

Child Wise is campaigning for the introduction of preparatory grooming legislation in Australia, and specifically in Victoria. It argues that only through recognising the importance of grooming as a stage in the sexual abuse of a child (before any 'sexual abuse' has occurred) can effective interventions and preventative measures be implemented. They believe that, if the legislation is comprehensive, effective, and well implemented, police will be able to intervene at every stage of the child abuse process – from grooming, to encouragement, to actual abuse (Randhawa & Jacobs, 2013).

A preparatory grooming offence has been introduced in Queensland (s218B of the Criminal Code Act 1899 Qld). Due to its relatively recent enactment, it is not yet been possible to gauge how it has been operating in practice. Nevertheless, Child Wise believe that it provides the best current model for capturing conduct that is preparatory to child sexual assault. Child Wise feels that effectively implemented and utilised grooming offences will help to deter potential offenders from targeting and grooming children, and it may help to detect instances of grooming prior to physical sexual abuse taking place (Randhawa & Jacobs, 2013: 24).

Child Wise also considers the development of training and information packages around grooming for police, prosecutors, child protection workers and the judiciary as very important. Parents, carers, and people who work with children should all be provided with the tools and knowledge to identify child sex offenders and report suspected grooming and child abuse to police or child protection (Randhawa & Jacobs, 2013).

Bravehearts, a national charity in Australia that is focused on lobbying for policies and legalisation in relation to child sexual assault, do a lot of awareness and education work around 'keeping safe online', offering advice to young people, parents and carers around grooming and exploitation.

The charity collaborates with a wide range of stakeholders with their campaign work, including the Australian Federal Police and the Federal Government's Cyber-Safety Consultative Working Group which includes Google and Facebook. It has backed the implementation of a data retention scheme that supports the investigation of child exploitation and other serious offences against children. The charity sees this as a critical tool for supporting the investigation of online child sexual exploitation, especially as it is already in place in many EU countries, including the United Kingdom:

*"Law enforcement authorities in most EU States have reported that retained data play a central role in their criminal investigations... The retained data provided valuable leads and evidence that have resulted in convictions for criminal offences and in acquittals of innocent suspects in relation to crimes which, without an obligation to retain these data, might never have been solved"* (European Commission, 2013).

The national strategies recognise the importance of multi-agency responses but in practice this is not well developed. There has been some progress towards improved collaboration and coordination between social services and the Police but this is inconsistent and less than effective. It has been argued that local police forces need more specialist teams specialising in child sexual abuse and child sexual exploitation<sup>42</sup>.

Reporting child abuse is mandatory in Australia (Mathews, 2014) but the reporting culture within professional institutions remains weak. It is thought that much serious child abuse is still not reported by professionals working with children (e.g. social workers, teachers, doctors).

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## Who is leading the response?

Australia's National Plan of Action emphasises both a national focus as well as one taken on by State and Territory Governments – with a focus on early intervention and prevention. The plan supported the need for a collaborative approach across all sectors (education, health, social services, probation services, government and nongovernment) to identify and respond effectively to child abuse and neglect (Department of Family and Community Services. 2000).

There is a consensus in Australia that a public health approach to child protection is needed, to address the underlying determinants of child wellbeing problems: domestic violence, mental health, and substance misuse (Broadley, Goddard & Tucci, 2014; Jacobs, McNeil & Van Balen, 2014). However, Child Wise argues that *“the rhetoric around introducing a public health model has not led to fully implementing that model – a serious, and long-term commitment must be secured, including funding and a willingness to invest resources at all levels of intervention”* (Jacobs, McNeil & Van Balen, 2014: 3).

One of the main stumbling blocks is a lack of national data (Broadley, Goddard & Tucci, 2014). The eight States and Territories have different approaches to such important issues as the definition of child sexual abuse, the age of consent or the age of a child, and child abuse reporting laws. These big differences between jurisdictions, around definitions, policies and practices, affect the data provided, making it impossible to make meaningful comparisons (Broadley, Goddard & Tucci, 2014). A public health approach requires transparent and comparable data:

*“It is almost impossible to know the magnitude of the child abuse and neglect problem, because there are no clear and uniform definitions of child abuse and neglect across jurisdictions. It is also almost impossible to know whether incidence of child abuse and neglect is increasing or decreasing because there is no consistent use of definitions over time.”* (Broadley, Goddard & Tucci, 2014: 16).

## Local responses

### Victoria case study

The Child Wise report on Children in Out of Home Care (OOHC) in 2014 reports concern about the rate of sexual exploitation occurring within OOHC in Victoria. The Commissioner for Children and Young People initiated an inquiry in 2014 into the sexual exploitation of children in residential facilities, particularly focusing on the responses of service systems and the associated policies and procedures (Jacobs, McNeil & Van Balen, 2014: 11).

The Office of Professional Practice, within the Department of Human Services (DHS), has been running a child sexual exploitation prevention project with Victoria Police over the past few years to establish a more effective response to the sexual exploitation of young people. It has been focusing on young people who are in OOHC as they are seen as most at risk of child sexual exploitation (Australian Institute of Family Studies, 2014).

The work has been led by the DHS, which has co-located officers into the Victoria police force to build a strong network between the two organisations. Close collaboration occurs with the specialist Victorian Police squads, who work with child abuse and sexual crime, and the sex crimes division. They are also helping police understand and effectively use the Australian National Child Offender Register (ANCOR) reports.

The project has trained about 2000 people in the last year. It has brought police, child protection officers and residential care workers together through the training – encouraging them to work together and think about how they can respond in more effective ways through increased collaboration.

The aim is to put in a place a more proactive response to child sexual exploitation. Teamwork between social care and residential care officers and the police is critical so that information sharing occurs in a more targeted way. As it stands, residential carers and child protection workers have a lot of information about offenders that is not being understood and used effectively by police.

They have also developed specialist practice advice and information resources that are free to download.

The work is encouraging more senior and experienced staff within the social care and residential care setting to work on the more difficult serious cases and is increasing the training and supervision that staff receive to handle such cases. The aim is to create an environment where young people are more likely to disclose and staff are more capable of identifying and understanding the patterns around 'grooming'. The project feels that it will be through supporting residential carers, child protection and youth workers, and family counsellors to engage young people in meaningful ways that they will have the best chance of preventing child sexual exploitation.

The project is also focusing on the ongoing training and retention of frontline workers. They look at how all organisations involved in the project practice self-care as practitioners and understand the impact of trauma on staff. They highlight the importance of supervision, reflective practice, and critical reflection.

## Media narratives

The Royal Commission has had a big impact on media coverage of child sexual abuse and child sexual exploitation. It is currently very focused on child sexual abuse within the institutional setting, with many newspaper reports on cases of child sexual abuse within schools and churches dating back 30 years (Hermant, 2015; Lavoipierre, 2015; Oriti, 2015).

Many issues in relation to child sexual abuse and exploitation, such as definitions to be used, the incidence of the problem, theoretical approaches to causation, the perpetrators of abuse, the effects on victims, efficient approaches to practice, the adequacy of child protection policies, have increasingly been debated in the broader media as well as in professional journals<sup>43</sup>.

This publicity follows earlier coverage in Australia and the UK of the experience of child migrants, young people who were shipped out to Australia and other Commonwealth countries over several decades, mainly from residential homes in the UK, and who suffered abuse in residential homes and other settings. A campaign by the Child Migrants Trust resulted in a formal apology by the governments of Australia and the United Kingdom (Humphreys, 2011). The feature film 'Oranges and Sunshine' brought these matters to international attention.

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# Canada

## Context

- Canada has a federal system with 10 largely self-governing Provinces and three Territories with a lesser degree of self-government (Forsey, 2012).
- The population of Canada in 2014 was 35,540,000 Population density varies widely across the territories/ provinces with the highest population residing in Ontario (13.7 million) the smallest in Nunavut with (34,000).
- In 2012, the number of children (aged 0 to 14) was estimated at 5,663,200 or 16.2% of the population. The population distribution in the territories tends to be younger, while that in the provinces is older<sup>44</sup>.
- Canada's age of consent for all forms of sexual activity is 16 years. This was raised from 14 years in 2008 by the Tackling Violent Crime Act. There is an exception for 14 or 15 year olds who consent to sexual activity with a partner less than five years older, and where there is not relationship of trust, authority, dependency or any other exploitation.
- The age of consent is 18 years where the sexual activity is considered to be exploitative. This depends on the nature of the relationship (i.e. a relationship of authority, influence, control, trust, and dependency), the age difference between the young person and their partner, and how the relationship developed. No 16 or 17 year old can consent to sexual activity that involves prostitution or pornography<sup>45</sup>.
- Child welfare responsibilities are decentralised to the provinces and territories. Each region has well established child welfare systems to address neglect, abuse and exploitation.
- Aboriginal child welfare agencies have separate agreements with federal and provincial governments around the delivery and funding of services to their communities<sup>46</sup>.

## Definitions of CSE

The standing Senate Committee on Human Rights (2011) examined a broad range of issues within the scope of child sexual exploitation including: domestic sexual abuse; children exploited through prostitution; trafficking in children for the purposes of sexual exploitation; sex tourism; luring over the Internet, and child pornography. It noted that across these areas there was a common thread, namely: *"a child whose inherent human dignity has been violated for the sexual gratification of adults"* (Jaffer & Brazeau, 2011: 6).

This collective definition is more inclusive than that used in the US, as it includes exploitation of a non-commercial nature and domestic sexual abuse perpetrated by family and friends.

Canada's Criminal Code defines several offences related to the sexual exploitation of children including offences such as prostitution and child pornography. Section 153 establishes a general offence of sexual exploitation, defined as:

*"A crime when a person who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person then proceeds to touch, or have another person touch, any part of the young person's body for a sexual purpose."<sup>47</sup>*

44 All from Statistics Canada, Government of Canada website: <http://www.statcan.gc.ca/pub/91-215-x/2012000/part-partie2-eng.htm>

45 Department of Justice website: <http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

46 Both from Canadian Child Welfare Research Portal website: : <http://cwrp.ca/faqs#Q12>

47 Government of Canada: Justice Laws Website. <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-153.html?pedisable=true>

Recently, there has been a marked shift in the language used within definitions of child sexual exploitation, specifically the reframing of 'youth prostitution' as a manifestation of sexual abuse. The 1984 Badgley Committee report on sexual offences against children was central to this shift, as it classified prostitution involving 14 to 17 year-olds as a form of abuse, despite the age of consent being 14.

## The prevalence of CSE

The literature from Canada shows CSE to be an issue of serious national concern and growing in scale. The organisation End Child Prostitution, Child Pornography and Trafficking of Children (ECPAT) International confirms this:

*"The child sex trade is growing in Canada and especially in cities like Toronto, Vancouver, and Montreal. A report by the Canadian Council on social development claims that 'Canada has become a world trade destination for people seeking children through the sex trade'"* (Hay 2004: 119).

Canada's report, Child Luring through the Internet, demonstrates that reported child luring incidents have increased every year since the introduction of this offence in the Criminal Code (Loughlin & Andrea Taylor-Butts, 2009).

However, due to the largely hidden nature of these crimes the true extent of child sexual exploitation is largely unknown. The data that is available tends to focus on large urban centres like Vancouver, Toronto, and Montreal (Sethi, 2013). In smaller communities, youth sexual exploitation is less visible and sometimes completely invisible to all but those directly involved and well-informed professionals (Ministry of Attorney General, British Columbia, 2001).

It is widely accepted within the literature and by federal and provincial governments that children from Aboriginal communities are disproportionately affected by the issue (Hay, 2004; Jaffer & Brazeau, 2011; Native Women's Association of Canada, 2014). Estimates regarding the percentage of Aboriginal girls involved commercial sexual exploitation range from 14% to 60% across various regions in Canada (Sethi, 2013). The Standing Senate Committee on Human Rights which is authorised to examine and report upon the issue of the CSE in Canada heard that:

*"Nowhere is the devastation of sexual exploitation more pervasive than among Aboriginal children and youth, who represent over 90% of those being exploited in certain cities."* (Jaffer & Brazeau, 2011:vi)

The report states that the reasons for the overrepresentation of Aboriginal youth affected by CSE are complex and underpinned by a compound of contributing factors affecting their communities including poverty, substance misuse; homelessness, family violence; racism; poor access to services.

## The portrayal of young people

The Canadian literature accessed in this research promoted a consistent message that young people affected by CSE should be treated as victims and the language used when discussing CSE is considered important in this regard. A report from the Assistant Deputy Ministers Committee on Prostitution and the Sexual Exploitation of Youth in British Columbia, for example, clarified from the outset that within the report *"children and youth will not be referred to as 'prostitutes'"* (2001:1).

Canada's federal laws are also designed to respond to children involved in prostitution offences as victims, not offenders. Soliciting a minor is heavily penalised under the Criminal Code. Procedural safeguards have also been implemented for juvenile witnesses to protect their identity such as allowing them to testify outside the courtroom, behind a screen or by video link. (Department of Justice, 2012).

Young people involved in prostitution have not always been conceptualised as victims and Canada had a history of law enforcement that punished rather than protected victims (Department of Justice,

2012). The literature notes that a marked shift in the narrative took place in the mid-1990s amid growing awareness and campaigning around the issue and the implementation of new initiatives to address it.

## National responses

The importance of taking a nationally coordinated approach to the issue has been emphasised throughout the literature (Gough et al., 2009) and there are a number of national initiatives in place including:

- The Royal Canadian Mounted Police's Human Trafficking National Coordination Centre (established 2005) working with municipal, provincial, federal and international partners, government agencies and NGOs to coordinate national awareness training and anti-trafficking initiatives<sup>48</sup>.
- Canadian Police Centre for Missing and Exploited Children works with the provincial Integrated Child Exploitation Units across Canada, and with municipal investigators and international partners<sup>49</sup>.
- The 2004 National Strategy for the Protection of Children from Sexual Exploitation on the Internet (NSPCSEI)<sup>50</sup>.
- The Canadian Centre for Child Protection's NeedHelpNow.ca website, which Canadians can use to report online sexual exploitation of children and seek help from exploitation resulting from the non-consensual sharing of sexual images<sup>51</sup>.
- The establishment and expansion of Child Advocacy Centres (CACs) across Canadian cities providing a variety of services and a multi-disciplinary team of professionals for child victims (Jaffer & Brazeau, 2011).

Commentators and campaigners argue that greater national cooperation is still needed, particularly to provide a coordinated response to the exploitation of Aboriginal youth. Anupriya Sethi, an expert on domestic sex trafficking of Aboriginal girls in Canada, recently called for a national-level strategy and an alliance between Aboriginal and non-Aboriginal people<sup>52</sup>.

## Relevant legislation

Canada's Criminal Code contains a number of provisions to protect children from sexual exploitation (Department of Justice, 2011):

- **Child Pornography:** The Canadian Criminal Code includes offences for those showing or depicting a minor engaged in sexually explicit activity. This includes showing or depicting their sexual organs or anal regions for a sexual purpose. It also extends to a person appearing to be a minor. (Sections 163.1 to 164.2)
- **Online Exploitation:** The Tougher Penalties for Child Predators Act and the Protecting Canadians from Online Crime Act.
- **Sex Tourism:** Since 1997 Canada's Criminal Code provides for the prosecution of those involved in child sex tourism. This includes 11 sex-related criminal offences against minors. Before

48 National Action Plan to Combat Human Trafficking: <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx>

49 Royal Canadian Mounted Police Report on Plans and Priorities 2013-2014: <http://www.rcmp-grc.gc.ca/rpp/2013-2014/rpp-eng.htm>

50 Cybertipica website: [https://www.cybertip.ca/app/en/partners-national\\_strategy](https://www.cybertip.ca/app/en/partners-national_strategy)

51 Need help now website: <https://needhelpnow.ca/app/en/>

52 CBC News March 12th 2015. <http://www.cbc.ca/news/canada/manitoba/domestic-trafficking-an-issue-for-aboriginal-women-and-girls-says-canadian-author-1.2992043>

1997, there was little the Canadian justice system could do about sex-related offences committed outside Canada. (Section 7(4.1))

- **Children Exploited through Prostitution:** Although the Criminal Code does not include a general prohibition against prostitution, many related activities are criminal offences. For example, it is a criminal offence to buy sex or communicate about buying sex from a person that is under the age of eighteen. Furthermore, the Criminal Code states that children under the age of 16 are too young to give informed consent to sex if there is more than five years difference between them and the age of their partner. Also, those under the age of 18 cannot consent to sex in exploitive relationships.
- **Sexual offences against children:** In 2001 the Department of Justice announced Bill C-10. It introduces two new offences with mandatory prison sentences that make it illegal to provide 'sexually explicit material to a child for the purpose of facilitating the commission of sexual offences against that child' and 'to use telecommunications, including the Internet, to communicate with another person in order to commit a sexual offence against a child' (Canadian Library of Parliament, 2011).

## Local responses

While the Provinces do not have the jurisdiction to pass criminal laws, they do have clear jurisdiction over child protection and therefore have the responsibility to address child sexual exploitation. Each Province and Territory has separately enacted variable laws and practices relating to child welfare.

As previously noted, the 1990s was a time of increased awareness and interest in CSE and saw a surge in federal and provincial initiatives to identify and respond to child victims. In many Canadian Provinces there were examples of new initiatives and strategies aimed at protecting victims (Department of Justice, 2011).

Some Provinces added provisions to existing child welfare legislation that redefined juvenile prostitution as a form of child sexual abuse. British Columbia, Alberta, Saskatchewan, and Prince Edward Island implemented legislation to grant welfare authorities the power to remove children at risk of prostitution and place them into the child welfare system (Barnett, 2008). The enacted 'Secure Care' legislation allowing for the involuntary detention of children involved in prostitution was met with some criticism and constitutional challenges over concerns that it inhibited the child's legal rights (Department of Justice, 2011).

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In 2002, Saskatchewan implemented the 'Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act'. This allows police and social workers to apply for an emergency intervention order if they have reasonable grounds to believe that a child is or is likely to be abused. The order keeps the alleged offender from contacting the victim. 'Breach of an Emergency Intervention Order' or 'failure to report sexual abuse' is an offence (Statutes of Saskatchewan, 2006).

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Provincial initiatives highlight the importance of a coordinated response across the various agencies involved in the response to CSE. For example:

- Ontario's Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet co-ordinates intelligence, investigative support and information sharing across multiple police forces across the province. The strategy takes a victim-centred approach through the whole process through investigation, offender prosecution, victim identification, support services, prevention and awareness. The strategy is administered by a multi-disciplinary management team of officers from police services, the Ministry of the Attorney

General and Ontario's Ministry of Community Safety and Correctional Services<sup>53</sup>.

- In 2006 the British Columbia government launched a provincial action plan on prostitution that encouraged police, service providers, parents, youth and communities to work together to develop a collaborative response to child victims of exploitation (Department of Justice, 2011).

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## Manitoba's Response

In the province of Manitoba, CSE is a serious concern and the provincial government has been active in implementing legislation and initiatives to address it. This is highlighted by the fact that the second week in March is now Manitoba's annual 'Stop Child Sexual Exploitation Awareness Week' (Manitoba Family Services and Housing, 2008).

State legislation has been enacted in the last few years to protect child victims. Manitoba's legislation defines sexual exploitation of children as a form of child abuse<sup>25</sup>:

- The Child Sexual Exploitation and Human Trafficking Act 2012: This creates a protection order for victims of human trafficking or child sexual exploitation and will allow certain parties to seek an order of protection on behalf of victims of child sexual exploitation and human trafficking. The law also allows a victim of human trafficking to sue their trafficker.
- The Child and Family Services Charge Act: Where children are in care and Child and Family Services has guardianship, this legislation empowers child and family service agency workers to make applications for protection orders on behalf of minor children who are being sexually exploited or trafficked.

In 2002 Manitoba launched Tracia's Trust: Manitoba's Sexual Exploitation Strategy (Manitoba Family Services and Housing, 2008). The strategy was developed to build on the existing work undertaken by community groups and address gaps in service provision. The Department of Family Services is responsible for implementing the Strategy, with partner departments and agencies leading specific responses within the Strategy. Over the past several years, the Strategy has included several initiatives in the areas of prevention, intervention, legislation, coordination, research and evaluation.

More recent adaptations of the strategy have focused on increasing access to training for professionals and building a network of dedicated workers in the field trained to develop and share expertise on sexual exploitation (ibid, 2008).

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The Canadian Association of Social Workers has drawn attention to the inconsistent response to young people over 16 across the Provinces and Territories (CASW, 2013). 7 of the 13 regions do not have mandatory reporting of abuse of young people over 16 and in some cases support for young people 'in care' stops at age 16. CASW has pointed out that this places young people leaving care in extreme vulnerability. Ontario has recently raised the age for mandatory reporting and has legislated to allow services for young people already in care at their 18<sup>th</sup> birthday to continue receiving support until they are 24. CASW also notes that child protection work is not a restricted occupation in some Provinces meaning that people with no qualifications are able to do the work. Following the 1999 policy initiative Children Come First, New Brunswick established requirements for professional qualifications and continuing professional development for social workers delivering child protection services<sup>54</sup> and also placed Family Group conferences at the centre of its practice, ensuring the active involvement of family members and children in decisions about case management (Baiani and Rapaport, 2015).

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53 Ontario Provincial Police, 'Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet', <http://www.opp.ca/media/provincial-strategy/>

54 Interview with Morrel Cassie

## Media narratives

Recent media reporting on cases of missing children and abuse in Canada has highlighted the issue of CSE, particularly among the Aboriginal communities. Following recent reports of abuse of children under state care, the main Aboriginal leader in Manitoba is calling for a First Nations children's advocate to help prevent incidents of abuse for Aboriginal young people<sup>55</sup>.

As this study was concluding, a report (Turpel-Lafond, 2015) on the death of a 19 year old young woman in British Columbia was published, illustrating concerns about the response both to teenage sexual activity and to Aboriginal young people in trouble and attracting significant media coverage<sup>56</sup>. The Representative for Children and Youth of the B.C. Legislative Assembly has the statutory duty (Section 16 of the Representative for Children and Youth Act) to report to the Assembly on reviews and investigations of critical injuries and deaths of children receiving reviewable services. Her report reviewed the services which the young woman came into contact with, including foster care. In summary, she had spent a considerable period in the care system and was known to police and social services at the time of her death by overdose in downtown Vancouver. It was known that she had been involved in trading sex for alcohol and drugs, she had three abortions and several sexual assaults had been investigated from early teenage onwards but not pursued.

### Paige's story: abuse, indifference and a young life discarded (selected extracts)

"Paige's story is a difficult one to tell, perhaps the most difficult report this Office has ever undertaken. ...."

'The Representative also recognizes there are dedicated staff working with children such as Paige and that telling her story can cast a pallor of blame on individual staff and can traumatize these individuals. That is not the intent of this report. We thank those who work in social care and child welfare, but it is time to own the dysfunction and disarray that resulted in a failure to save Paige. The purpose of this report is to focus on changing the pathway that Paige's life took in order to prevent other girls from a similar fate.'

'Paige's story reveals the massive gap between our understanding of the effects of trauma and the systems at the front line - the social workers, police, school staff and health care providers. Professional standards of care were not upheld in how Paige was treated.'

'The Representative is troubled by the fact many professionals and others involved on the front lines seem to regard poor outcomes for Aboriginal children and youth as inevitable, justifying this by blaming these children for being "service-resistant" or inappropriately placing the onus on the child or youth to seek help when they are already traumatised, abused and effectively abandoned to fend for themselves on the street. This normalisation of unacceptable outcomes and indifference perpetuates the cycle of intergenerational trauma that characterizes the lives of many vulnerable Aboriginal children, including Paige. Even when they seek service, there is no coherent system of care available to them. The Representative has made numerous recommendations pertaining to Aboriginal children, families, communities and services in 15 previous reports.'

55 CTV news. Manitoba Grand Chief Nepinak,, 'Child welfare system 'creating more victims'. April 9th 2015. <http://www.ctvnews.ca/canada/child-welfare-system-creating-more-victims-manitoba-grand-chief-nepinak-1.2320231>

56 Sherlock, T. (2015) 19-year-old former foster child died within a year of leaving care (14 May 2015) <http://blogs.vancouver.sun.com/2015/05/14/19-year-old-former-foster-child-died-within-a-year-of-leaving-care>

# New Zealand

## Context

- The population of New Zealand in 2014 was 4.44m.
- The population of children 0-14 in New Zealand was 908,800 in 2013 (15, 16 and 17 year olds are included within the age group 15-39)<sup>57</sup>.
- New Zealand's Parliament consists of the Sovereign and a democratically elected House of Representatives. There is only one chamber (the House of Representatives) and there is no upper house<sup>28</sup>.
- The age of consent in New Zealand law is 16.
- The Age of Majority Act 1970 in New Zealand states that 'for all the purposes of the law of New Zealand, a person shall attain full age on attaining the age of 20'. This means children are legally minors until 20, although at 18 children are legally independent of their parents<sup>58</sup>.
- At the local government level, New Zealand has 12 regional councils, which are divided into either City or District Councils. There are 16 City Councils and 57 District Councils.
- The Vulnerable Children Act 2014 made changes to the child protection system in New Zealand. The heads of five government departments are now jointly accountable for working together to develop, deliver and report on a cross-agency plan to protect vulnerable children and improve their wellbeing. This includes NZ Police and the Ministries of Health, Education, Justice, and Social Development<sup>59</sup>.
- Within the Ministry of Social Development, the Child, Youth and Family Service provides the statutory care and protection of children and young people, youth justice services, adoption services and funding to community service providers. It has the legal powers to intervene to protect and help children who are being abused or neglected or who have problem behaviour<sup>60</sup>.
- The Ministry of Health is charged with the public health of New Zealand.

## Definitions of CSE

New Zealand's National Plan of Action 'Against the Commercial Sexual Exploitation of Children' (Ministry of Justice, 2002) uses the term Commercial Sexual Exploitation of Children (CSEC) to describe:

*"...the various activities that exploit children for their commercial value including child prostitution, child pornography, child sex tourism and child trafficking for sexual purposes. The term implies that the child is not only sexually exploited but that there is a profit arising from the transaction, in cash or kind, where the child is considered to be a sexual and commercial object. According to the United Nations Convention on the Rights of the Child, which New Zealand has ratified, a child is a person aged under 18 years of age."* (Ministry of Justice, 2002)

The term Commercial Sexual Exploitation of Children is occasionally used in relation to CSE among government and NGO circles but the umbrella term of child sexual abuse is far more common<sup>61</sup>.

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57 Both from Statistics New Zealand website: [http://www.stats.govt.nz/browse\\_for\\_stats/population/estimates\\_and\\_projections/NationalPopulationEstimates\\_HOTPAT30Jun14.aspx](http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/NationalPopulationEstimates_HOTPAT30Jun14.aspx)

58 Te Ars website: <http://www.teara.govt.nz/en/childhood/page-1>

59 Children's Action Plan: <http://www.childrensactionplan.govt.nz/legislation/>

60 Ministry of Social Development – Children, Youth and Family Service website: <http://www.cyf.govt.nz/>

61 Interview with Maggy Tai Rakena

The focus, as in Australia, is on four areas: child prostitution; child pornography; child sex tourism; and child trafficking for sexual purposes.

The National Plan of Action gives a definition for these activities: (Ministry of Justice, 2002)

- **Child Prostitution:** The term prostitution is used to describe commercial sexual activities. New labels for the commercial sexual activity of young people have been developed, including 'sex for survival', 'opportunistic prostitution' and 'sex for favours'. Such terms acknowledge that, when a young person engages in sex, the transaction may not always involve money, but may involve an exchange for basic needs such as accommodation, food, clothing, drugs or safety.
- **Child Pornography:** Child pornography is defined as any representation of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose. Child pornography can exist in different forms and can include visual child pornography (the most common) and audio child pornography intended for the sexual gratification of the user.
- **Child Trafficking:** Trafficking is defined as the transporting of a person from one place to another through means of deception, kidnapping, actual, threatened or implied violence, and/or the abuse of individuals actual or perceived by a person in a position of authority. It implies a profit arises from the transportation of the child.

'Child ALERT' (part of the global ECPAT movement in New Zealand) produced a report on the 'Commercial Exploitation of Children in New Zealand' (CSEC II project) and explored the term 'child prostitution' in more detail within the context of New Zealand that defines 'children' as those under the age of 16 (Child Alert ECPAT NZ, 2008).

- New Zealand recognises the vulnerability of the under 18 year olds by making it an offence to employ women under 18 years old in massage parlours (Massage Parlours Act 1978) and the PLR bill made it illegal to have commercial sex with a person under 18 years old. The United Nations has called for consistency around the world on defining the age of children (under 18 years is the proposal) but to date New Zealand has not responded to this. Usually, under-age sex is viewed as statutory rape. What has differentiated child prostitution from statutory rape is the exchange of money, drugs or other goods as payment for services rendered (Child Alert ECPAT NZ, 2008).

The report examines the distinction between childhood sexual abuse and prostitution. It argues that, if a child is paid for sex by several offenders, then it is more likely to be classified as child prostitution. 'Survival sex' is defined to include instances where children are being sexually abused without money or goods being involved. The trade is in meeting the emotional, physical and social needs of the child. Coercion might also lead to child sexual exploitation, where a child might not receive payment but protection from the threat of violence to either themselves or another party (Child Alert ECPAT NZ, 2008). If a child is older than ten and is paid for sex by several offenders, it is more likely to be classified as an example of underage commercial sexual activity (Saphira & Herbert, 2004). The authors of the report imply that it depends on the age of the child and how often the child is being paid for sex as to whether it is termed 'survival sex' or child prostitution/ underage commercial sexual activity.

## The prevalence of CSE

There is a consensus among the voluntary sector, (from organisations like ECPAT NZ and Action for Children and Youth Aotearoa, ACYA), that CSE is a serious issue in New Zealand. In common with Australia, child trafficking is not seen as a big problem, and the focus is more on child prostitution and child abuse more generally<sup>62</sup>.

ECPAT NZ's national survey of counsellors and welfare agencies found over 195 known cases of underage commercial activity and children under 16 years of age were involved in 145 of these cases. It was acknowledged that most children who are sexually exploited do not come to the attention of professionals, so this figure was thought to represent only a small proportion of those involved. Commercial sexual activity involving children was reported in country districts and provincial towns as well as large cities (Saphira & Herbert, 2004). More reliable data is available for the prevalence of child sexual abuse - as many as one in four women in New Zealand are said to have been sexually abused as children<sup>63</sup>.

There is an indication that the prevalence of child prostitution, child trafficking and child pornography in New Zealand is as follows:

- Child Prostitution: In 2008, an estimate was made that there were approximately 200 children involved in prostitution in New Zealand<sup>64</sup>. The Prostitution Reform Act of 2003 decriminalised prostitution and therefore brothels operate legally, although the employment of all persons under the age of 18 is illegal. ECPAT argues that this has had the effect of driving children to 'less secure environments' and making it harder to quantify the number of children engaged in commercial sex (ECPAT, 2012: 1).
- Child Trafficking: The National Action Plan identified trafficking to New Zealand as a small but growing issue. The Plan argued that it was impossible to determine how many were under the age of 18 since the majority of 'girls' were under constant surveillance by their traffickers and therefore not accessible for interview (Ministry of Justice, 2002). To date, there have been no prosecutions for child trafficking in or out of New Zealand. However, the 2011 Trafficking In Persons Report (issued by the U.S. State Department's Office) has identified New Zealand as a country of internal trafficking. This view is however rejected by the New Zealand Government, which only recognises trafficking as a transnational activity (ECPAT, 2012).
- Child pornography: Child pornography is a growing issue in New Zealand due the increased use of the Internet. There have been a number of successful convictions in New Zealand for the possession and distribution of child pornography, but not for the actual production of such material (ECPAT, 2012).

## The portrayal of young people

In New Zealand, social workers, as well as the general public, tend to view teenage sex workers as actively and freely choosing prostitution as a job. As such, intervention can be seen as "*paternalistic and a denial of their rights to make a choice.*" (Child Alert ECPAT NZ, 2008: 6). Child Alert ECPAT NZ argues that believing teenagers are making a choice to work as a prostitute assumes a situation of informed choice where equalling compelling alternatives are available. This opinion ignores the realities that many disenfranchised teenagers who turn to 'prostitution' face, such as family breakdown, child abuse, life on the street, life with an addiction and personal damage. They see young people in this context as the victim:

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62 ACYA is a coalition of non-governmental organisations, families and individuals that promote the rights and wellbeing of children and youth through advocacy and education using international human rights instruments.

63 Child ALERT (ECPAT NZ). Fact Sheet: Learn the Facts: <http://www.ecpat.org.nz/Resources/Learn-the-facts.aspx>

64 Child ALERT (ECPAT NZ). Fact Sheet: Learn the Facts: <http://www.ecpat.org.nz/Resources/Learn-the-facts.aspx>

*“In commercial sexual matters, teenagers lack not only a cognitive understanding of the transaction and its long term consequences, but they also lack the sexual maturity (both physically and socio-emotionally) to engage in a fully competent manner”* (Saphira & Herbert, 2004: 2).

ECPAT New Zealand suggests that there is a strong relationship between poverty and commercial sexual exploitation of children. Given that 200,000 children in New Zealand live in poverty, it seems probable that a small percentage will be driven to prostitution in order to support themselves and their families (ECPAT, 2012).

The way young people are portrayed in the CSE narrative in New Zealand is currently showing some minor improvement due to a shift to a more informed media commentary<sup>65</sup>. However, some say there is still a tendency for the public to see adolescents as making conscious choices to engage in sexual exchanges rather than being the victims of ‘exploitation’ (Saphira & Oliver, 2002), especially runaways and those in care who engage in street work. Maggy Tai Rakena, Manager of START, a specialist social service in Christchurch, perceives this to be reflected in the decrease in the number of convictions against perpetrators of sexual violence as child victims get older<sup>66</sup>.

## National Responses

The New Zealand government is responsible for the investigation and prosecution of any child protection concern and NGOs provide the large majority of other services, including recovery support services after the abuse has been identified. This devolution of the spectrum of social service provision occurred many years ago and was in part a response to Maori community criticisms of state services which were not culturally sensitive. However, there are significant challenges with the way that social services operate<sup>67</sup>.

The NGOs that provide these services are part-funded by the Ministry of Social Development, but each must raise additional funding from non-government sources. This has an impact on the ability of social service professionals to work effectively and address CSE among children and young people. Recent reports have highlighted the workload pressure on social workers (Office of the Chief Social Worker, 2014). There is also no specific training on child sexual violence or CSE available to social workers<sup>68</sup>.

## National Policies and Initiatives

New Zealand’s National Plan of Action ‘Against the Commercial Sexual Exploitation of Children’, (Ministry of Justice, 2002) was put in place following the second World Congress against the Commercial Sexual Exploitation of Children held in Japan in 2001. It identified activities which needed to take place in order for New Zealand to work towards the goal of eliminating the exploitation and abuse of children. The plan had 13 objectives with supporting activities (Ministry of Justice, 2002):

- To identify ongoing causes of vulnerability and patterns of exploitation among young people experiencing commercial sexual exploitation and gaps in existing legislation, policies and services that protect.
- To ensure public, political, community and official awareness of child abuse and CSEC.
- Ensure that there are comprehensive laws that cover all aspects of CSEC.
- To ensure international co-operation and coordination in prosecution of offenders and protection of children.

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65 Interview with Maggy Tai Rakena

66 Interview with Maggy Tai Rakena

67 Interview with Maggy Tai Rakena

68 Interview with Maggy Tai Rakena

- Enforcement of laws to protect children from CSE.
- To ensure that children are not victimised by the legal system.
- To reduce factors that make children vulnerable to CSEC.
- To ensure that children are educated to protect themselves against CSEC.
- To prevent computer literate children from being sexually exploited.
- To provide health care and sex education for young people.
- To provide services to rescue and protect children from CSEC.
- To enable children who have experienced CSEC to recover and reintegrate.
- To encourage child participation and increase community based child advocacy.

Following the 1996 Stockholm and 2001 Yokohama global forums of CSEC, New Zealand reaffirmed its commitments at the World Congress III in 2008 in Rio de Janeiro (ECPAT, 2012). In 2006 there was a stocktake of the 'National Plan of Action against the Commercial Sexual Exploitation of Children'.

ECPAT NZ has criticised the government for not addressing the issues of child sexual exploitation in New Zealand in recent years. It argues that the National Plan of Action has received low levels of inter-agency coordination and a lack of implementation (ECPAT, 2012: 2). The Plan has also not been reviewed since 2006 and needs to be updated to take into account New Zealand's ratification of the Optional Protocol Against the Sale of Children (OPSC) in 2009 (Child Alert, 2013). Action for Children and Youth Aotearoa (ACYA) have stated that much remains to be done to free children from sexual exploitation in New Zealand and this requires an increase in public awareness and joint action of government, NGOs and individuals (Bell, 2010).

The Action plan has been overshadowed by the 2009 Plan of Action to Prevent People Trafficking released by the Minister of Immigration. This is described as an 'across-government' initiative that allocates responsibilities to various Ministries. The Plan neither mentions nor specifically addresses the trafficking of children, nor recognises the special risks pertaining to children (Bell, 2010: 6). This has been perceived as leading to other manifestations of commercial sexual exploitation of children receiving less attention (ECPAT, 2012).

The 2002 Victims' Rights Act gives victims of CSEC access to support services including welfare, health, counselling, medical, or legal needs arising from the offence. However, there is no formal procedure in place to refer these victims to NGOs and service providers - nor are there shelters specifically allocated to victims of particular offences, such as trafficking (ECPAT, 2012: 5).

## Online child sexual exploitation

The coordination of the response to child pornography, through the Department of Internal Affairs (DIA), is seen as being effective (ECPAT, 2012). This division is responsible for the enforcement and implementation of the country's censorship legislation, including all investigations into the possession and trading of any material exploiting children. This is mainly managed through NetSafe - an independent non-profit organisation working towards cyber safety by promoting safe and responsible use of online technologies<sup>69</sup>.

NetSafe recently developed an online reporting mechanism called 'the Orb', which provides a quick and easy way to report any questionable online behaviour or material. NetSafe has also focused on early education on the Internet. The Ministry of Education has partnered with NetSafe and teachers of all levels in its efforts to create a national curriculum supporting the integration of technology into schools. NetSafe's online programmes and safety information focuses on smart

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69 NetSafe: <http://www.netsafe.org.nz/about-netsafe/>

and child-safe online practices, and provides children aged two to nine with interactive, animated online episodes to raise awareness (Butterfield, 2002).

The New Zealand Government has established various mechanisms to combat child pornography, such as the Censorship Compliance Unit<sup>70</sup> and the Online Child Exploitation Across New Zealand (OCEANZ) Police Unit, with experience in detection and prosecution of offenders. The Censorship Compliance Unit makes sure that New Zealand's censorship legislation is enforced. OCEANZ is a specialist Police unit which works as part of the Virtual Global Taskforce, to protect children from online child abuse.

Some of its responsibilities are to<sup>71</sup>:

- Coordinate international investigations into online paedophile networks.
- Identify child sexual offenders by monitoring social network websites.
- Target New Zealand child exploitation sites, including those producing images and abuse for financial gain, in an effort to identify and rescue victims.
- Gather intelligence for sharing with District-based child exploitation squads, the Department of Internal Affairs, Customs and international partners.

The DIA launched a 'Digital Child Exploitation Filtering System' (DCEFS), which was introduced to block websites hosting known child sexual abuse images and efforts are now focused on increasing Internet Service Providers (ISP) participation and private sector support. Currently, seven of New Zealand's largest ISPs have voluntarily been using this filter, accounting for over 95% of online traffic. ECPAT believe these efforts have put New Zealand at the forefront of combating child pornography, although they think more 'vigilant action' is still required to ensure that all children are protected (ECPAT, 2012: 2).

## Relevant legislation

The legislative, judicial and administrative measures (between 2001-2008) that relate to the UN Convention on the Rights of the Child in New Zealand are (United Nations, 2010):

- The Department of Human Services (Child, Youth and Family) works closely with the Police in situations where young people under 17 years are identified or suspected of engaging in underage prostitution and will address care and protection concerns.
- New Zealand has amended the Crimes Act 1961 to prohibit and criminalise sexual exploitation and related trafficking and to impose a maximum penalty of up to 20 years imprisonment, a fine not exceeding \$500,000, or both. Further provisions criminalise dealing in people under the age of 18 years for sexual exploitation, removal of body parts or engagement in forced labour. These provisions came into force on 14 June 2006.

The law relating to prostitution applies throughout New Zealand (Ministry of Justice, 2002): Section 149A of the Crimes Act 1961 "*prohibits any person being a client in an act of prostitution by a person under 18 years of age.*" The Amendment Act (2001) corrected a gender bias in the legislation. Previous legislation only prohibited the procuring of females for sexual intercourse with males but Section 149 of the Crimes Act now prohibits 'the procuring of a person for the purposes of prostitution with another person.'

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70 Department of Internal Affairs. 2015. Censorship Legislation: <http://www.dia.govt.nz/censorship>

71 New Zealand Police – Online child safety: <http://www.police.govt.nz/advice/email-and-internet-safety/online-child-safety>

In June 2003 New Zealand decriminalised sex work with the Prostitution Reform Act 2003 (PRA). One of the Bill's stated aims was: *"Protecting children from exploitation in relation to prostitution"*<sup>72</sup>.

The significance of the Act has been interpreted as: specifically criminalising the receipt of sexual services from anyone under the age of 18;

- Increasing the maximum penalty from five to seven years and removing the defence of 'reasonable grounds' whereby offenders could contend that they believed the victim to be over the age of 18.
- Transferring criminal liability from those underage people who provide commercial sexual services to those who arrange, profit from, or receive those services (ECPAT, 2012).

However, ECPAT has suggested that, despite New Zealand having a strong legal framework to protect children from child sexual exploitation, it is not being used adequately to protect children. For example, one of the drawbacks of the domestic law on child prostitution is that police may only enter brothel premises where they suspect that an underage person is working for prostitution and if the child is between the ages of 14 and 16. In practice, this excludes 17 year olds. Moreover, brothel owners are not obligated to keep a record of sex workers or their ages, hindering the ability of law enforcers to identify underage sex workers (ECPAT, 2012: 4).

In 2008 the Ministry of Justice established a Prostitution Law Reform Review Committee to study the impact of the PRA over a five year period. The Committee found that the current powers available to the police under the Children, Young Persons and their Families Act 1989 are sufficient to safeguard young people under the age of consent. The Committee did not support decriminalising under-age people involved in prostitution, or extending police powers to demand age verification of young people suspected of being involved in prostitution (Bell, 2010). However, there were some recommendations made to encourage a more collaborative approach between police, the Ministry of Social Development, the Ministry for Youth development and relevant NGOs (Prostitution Law Review Committee, 2008).

## Professional and voluntary sector responses

ECPAT NZ Child Alert<sup>73</sup>: This is an organisation in New Zealand whose sole focus is to address the sexual exploitation of children, and it was a key partner alongside the government in the implementation of the National Plan of Action, 'Protecting Our Innocence' as well as in monitoring progress. It is involved in several pieces of research, namely:

- Trafficking Coalition Research: This research is in progress and is being carried out by the University of Auckland. The aim is to research worker exploitation within New Zealand. There will be specific findings on underage workers including trafficking and involvement in the sex industry. The research will be used to inform government, agencies, schools and child carers, parents and the general public about people trafficking within New Zealand. It will also be widely disseminated and used as a tool to provoke stronger child protection measures within New Zealand.
- Commercial Sexual Exploitation of Children research project (ECPAT, 2012): the aim was to survey the extent and the characteristics of commercial sexual exploitation of children in New Zealand in order to be able to provide effective education, counselling, policy, law changes and economic support to counter child prostitution.
- The Involvement of Children in Commercial Sexual Activity Research (Saphira & Herbert, 2004): the study set out to uncover what factors surrounded young people's first involvement with commercial sexual activity. The survey found young people who have experienced a high

72 New Zealand Parliament – Prostitution law reform in New Zealand, 2012: <http://www.parliament.nz/en-nz/parl-support/re-search-papers/00PLSocRP12051/prostitution-law-reform-in-new-zealand>

73 Child Alert ECPAT NZ website: <http://www.ecpat.org.nz/About-Us.aspx>

incidence of sexual abuse in early childhood may be more susceptible to the suggestion that they can make money from commercial sexual activity; Indigenous young people appear to be most vulnerable to this form of exploitation; enhancing family attachments may decrease early sexual behaviour and drug and alcohol abuse and allow healing to occur; multi-agency networking and an increase in law enforcement against those who use young people for commercial sexual activity would reduce the exploitation of young people.

## Who is leading the response?

Sexual exploitation online is led by the Department of Internal Affairs and the Criminal Justice system. Initiatives and polices around other aspects of child sexual exploitation have been led by NGOs, with ECPAT NZ at the forefront of this.

TOAH NNEST, a national network for ending sexual violence in New Zealand, has lobbied to encourage a department to take this issue on as part of its remit. The Department of Social Development has now made considerable progress in cross government discussions. However, it is still NGOs that lead the debate on child sexual violence (including CSE)<sup>74</sup>.

## Local responses

The National Plan of Action in 2002 mentioned the Child and Young Person's Prostitution Programme as being particularly effective at engaging young people. It developed through collaboration between the New Zealand Prostitutes Collective Charitable Trust and the Youth Health Trust. The pilot programme operated out of Christchurch<sup>75</sup>.

The Programme provides timely and appropriate responses to the mental, physical, social and spiritual needs of targeted children and young people. It aims to keep young people aged between 16 and 18 years safe when they engage in sex work, and takes a pragmatic approach, as they feel this is critical to immediately reducing harm faced by these young people.

*"Programme staff work in partnership with the youth to break down their mistrust of healthcare and social service agencies which has resulted from either a real experience or a perception of past institutional abuses or inadequacies."* (Ministry of Justice, 2002)

Another example given in the National Plan is the programmes provided by Te Aronga Hou Trust. These are delivered by Māori according to their values. Te Aronga Hou provides three services to takataapui (LGBT) and youth soliciting on the streets of Counties-Manukau. The outreach service, Toro Atu, is a mobile service offering information, advice and support. The support and advocacy service, Awhinatia, evaluates the needs of takataapui (LGBT) youth and links them with appropriate support services. The knowledge and training service, Matauranga, provides wellbeing education and awareness programmes, personal development and vocational rehabilitation (Ministry of Justice, 2002).

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74 Interview with Maggy Tai Rakena

75 It has not been possible to verify whether this programme is still active following the Christchurch earthquakes.

## Media narratives

TOAH NNEST, the National Network Ending Sexual Violence Together, conducted an analysis of media reporting on sexual violence in New Zealand. Its analysis included media reports on child sexual abuse, which it defined as involving a child or young person in sexual activities, touching them in a sexual way, or using a child for sexual gratification. Although this report was not specifically about CSE, it did include media reports on CSE. The findings included:

- 22% of the articles covered child sexual abuse. Nearly all were stories about court cases relating to historical abuse.
- 96% of the articles were responding to a specific event of sexual violence.
- Court proceedings were the main focus of 70% of the stories, including trials, appeals and sentencing.
- 4% of articles explored sexual violence as a social issue. These stories were notable for the complete absence of expert commentary (Wood & Dickson, 2012).

The perception that young people are increasingly seen as victims rather than offenders could partially be attributed to more informed and responsible reporting by newspapers, as well as a few high profile cases that have helped break down the stereotypes and assumptions.

One example was the 1986 case of Louise Nicholas, a teenager who was repeatedly raped by police in Rotorua, New Zealand (O'Rourke, 2007). When it initially came into the public domain, media reports portrayed Louise as a liar because there were no convictions. Following new information and a film that was made about her story, media reports have more recently told a different story (Nicholas, 2014). There is a sense that people in New Zealand are becoming more informed about the processes of grooming and the silence of victims<sup>76</sup>.

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76 Interview with Maggy Tai Rakena

# United States of America

## Context

- The U.S. is a federal republic made of 50 states, the District of Columbia and U.S. Territories and associated States.
- The U.S. population in 2014 was 318.9 million. The most populous state is California with 38.8 million residents. In 2014 there were 74.3 million children, of which 24.9 million are aged 12-17<sup>77</sup>.
- The age of consent in the USA is determined at state level. All states have set the age between 16 and 18. All US federal laws relating to crimes against children including sex trafficking, sexual exploitation and sexual abuse, define a 'minor' as a child under the age of 18, unless otherwise specified<sup>78</sup>.
- Authority is divided into three tiers of National/Federal, State and Local. The Federal Government consists of three branches: legislative, executive and judicial. Powers not granted to the Federal Government are reserved for States and divided between State and local government. Each State has its own written constitution<sup>79</sup>.
- Individual states have primary responsibility for child welfare services. Each State has its own agencies, legal structures and programmes to address the needs of children and families. States must comply with specific federal legislation and guidelines to be eligible for federally funded programmes (CWIG, 2012).
- The Federal Department of Health and Human Services has responsibility for medicine, public health and social services. It houses the Administration for Children and Families that oversees policy on children and youth, families and human trafficking<sup>80</sup>.

## Definitions of CSE

Child sexual exploitation has been primarily framed within two key discussions in the US literature: commercial sexual exploitation of children (CSEC) or trafficking, and internet sexual exploitation (including child pornography and online enticement). Our independent advisor Jan Nisenbaum<sup>81</sup> explained that CSE is defined at the State level, rather than Federal, with each state implementing its own systems for identifying and addressing the issue.

Federal and State understandings of child sexual exploitation include a range of exploitations. For example, the Department for Justice 2010 National Strategy for Child Exploitation Prevention covers the following types of child sexual exploitation: child pornography; online enticement of children for sexual purposes; commercial sexual exploitation of children, and child sex tourism (Department for Justice 2010). Formal definitions also recognise the interconnectedness of the types of sexual exploitation with other forms of sexual abuse, as highlighted by the California Child Welfare Council's definition of CSEC:

*"Child sex trafficking, child pornography, and child sex tourism are all forms of CSEC. Other forms of sexual abuse, including enticement of children for sexual acts and statutory rape, often lead to CSE. Frequently, victims are exploited through more than one form of abuse."* (California Child Welfare Council 2012:11)

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77 US Census Bureau website: <http://www.census.gov/popclock/>

78 FBI website: [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/federal-statutes](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/federal-statutes)

79 Whitehouse website: <https://www.whitehouse.gov/1600/federal-agencies-and-commissions>

80 US Department for Health and Human Services website: <http://www.hhs.gov/>

81 Jan Nisenbaum, Former Deputy Commissioner for Clinical Policy and Practice, Dept of Children & Families, Massachusetts, USA (now in independent practice)

## The prevalence of CSE

It is consistently recognised throughout the literature that child sexual exploitation is a significant issue in the US, and one that is probably growing in both prevalence and recognition.

The National Centre for Missing and Exploited Children, the country's leading non-profit organisation working to reduce child exploitation, highlights the following key facts on their website<sup>82</sup>:

- U.S. law enforcement agencies have seen a dramatic increase in cases of sexual exploitation of children since the 1990s.
- In 2006 U.S. attorneys handled 82.8% more child pornography cases than they had in 1994.
- ICAC Task Forces noted a more than 1,000% increase in complaints of child sex trafficking from 2004 to 2008.
- As of January 2015, the national CyberTipline has received more than 3.3 million reports of suspected child sexual exploitation since it was launched in 1998.
- 1 in 6 endangered runaways reported to the National Centre for Missing & Exploited Children in 2014 were likely sex trafficking victims.

Other literature refers to a substantial body of evidence that commercial sexual exploitation and sex trafficking of children is a serious problem in the US. However, due to the hidden nature of these crimes, the literature cautions that any estimates of prevalence are likely to be highly unreliable. For example, Stransky and Finkelhor's (2008) analysis found that estimates of the number of young people exploited through prostitution in the United States ranged between 1,400 and 2.4 million. Finkelhor (2004, 2015) has found that, in contrast, the incidence of sexual abuse with the family in the USA has been consistently falling over the past 20 years.

The last several years have also seen a heightened awareness of the extent of online sexual exploitation. The FBI's Violent Crimes Against Children Programme reports more online instances of these crimes being identified for investigation than ever before. Between 1996 and 2007 the number of cases grew from 113 to 2,443 and has continued to rise steadily since. In December 2013, the FBI had approximately 7,759 pending child pornography/child sexual exploitation investigations under this program<sup>83</sup>.

Larger cities and urban areas tend to be more aware of CSE issues than rural<sup>84</sup>. The Innocence Lost National Initiative, targeting domestic child prostitution, identifies 13 cities as being high intensity areas for children exploited through prostitution: Dallas; Detroit; Las Vegas; Los Angeles; Miami; Minneapolis; New York; San Diego; San Francisco; St. Louis; Tampa; and Washington D.C<sup>85</sup>.

## Commercial sexual exploitation children (CSEC)

The commercial sexual exploitation of children (CSEC) has been widely defined in Federal and State produced documentation and other literature. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) states that: "*commercial sexual exploitation of children (CSEC) involves crimes of a sexual nature committed against juvenile victims for financial or other economic reasons.*" (Estes and Weiner, 2001).

82 Nation Center for Missing and Exploited Children , Key facts, Accessed: <http://www.missingkids.com/KeyFacts>

83 FBI 'Overview and History of the Violent Crimes Against Children Program', FBI website, accessed: 20.04

84 Interview with independent adviser Jan Nisenbaum

85 Office for the Inspector General, Audit Report (2009) Accessed 25/05/2015: <https://oig.justice.gov/reports/FBI/a0908/chapter4.htm>

The California Child Welfare Council offers a broader definition to encompass: *“sexual abuse of a minor entirely, or at least primarily, for financial or other economic reasons. The economic exchanges involved may be either monetary or non-monetary (i.e., for food, shelter, drugs, etc.).”* (California Child Welfare Council, 2012:9).

The types of crimes encompassed within these definitions of CSEC can be wide ranging. While discussion of CSEC typically refers to children exploited into prostitution and trafficking for sexual purposes, other crimes that are sometimes placed within this category include the mail-order bride trade, early forced marriages, and participation of underage youth in strip clubs. Across and within these crimes the commercial aspects can more or less be apparent (Mitchell et al. 2011).

Commercial sexual exploitation is often used interchangeably with, and referred to as ‘domestic minor sex trafficking’ (DMST). Under federal law any person under the age of 18 who is induced to perform a commercial sex act is deemed to be trafficked. The Trafficking Victims Protection Act (TVPA)<sup>86</sup> states that: *“any person under the age of 18 who performs a commercial sex act is considered a victim of human trafficking regardless of whether force, fraud or coercion was present.”*

In practice however, research by Adams et al. (2010) has shown that prosecutors are applying different definitions of what constitutes CSEC. For example, many felt that CSEC involved US citizen victims, whereas human trafficking involved foreign national victims. These differing definitions affected which legislation they thought pertained to CSEC related crimes.

## Internet sexual exploitation

The National Centre for Missing and Exploited Children provides the following definition of internet sex crimes against children:

*“Internet sex crimes against minors comprise a diverse range of offenses including completed and attempted sexual assaults; illegal use of the Internet to transmit sexual material to and solicit minors; and the possession, distribution, and production of child pornography.”* (Wolak et al, 2003:3)

## The portrayal of young people

The wider cultural context within which the debate has been framed differs from State to State. There is variability in understanding the complexity of the psychological, familial and systemic dynamics related to CSE. There are still people, often in the more culturally conservative States, who are inclined to blame parents for not managing their children effectively<sup>87</sup>.

It has been an ongoing concern to campaigners that children who are victims of commercial sexual exploitation have long gone unrecognised as victims by agencies. A high proportion of these children are in contact with child welfare services (including being placed in residential or foster homes) and the criminal justice system (GEMS, 2015). It has tended to be law enforcement and probation systems which deal with CSEC victims, resulting in many CSEC victims being arrested for prostitution or related offenses, rather than young people being seen as vulnerable and in need of care (Harbert & Tucker-Tatlow 2014).

However, recent national efforts to increase CSEC awareness have been effective in shifting the attitudes of professionals from viewing and processing victims of child prostitution as juvenile delinquents, to defining them as victims of exploitation. Mitchell et al. (2010: 34) note that:

*“Until recently, social service agencies and the criminal justice system have largely viewed prostitution*

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86 Accessed: <http://www.state.gov/j/tip/laws/>

87 Interview with independent adviser Jan Nisenbaum

*among juveniles as part of the spectrum of delinquency engaged in by adolescent runaways and 'street youth' This is beginning to change, however, and the problem of youth involved in prostitution is increasingly being defined as 'commercial sexual exploitation', a particularly serious form of sexual victimization."*

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## **Child Sexual Exploitation in Indian Country**

A lack of coordination in the collecting and reporting of CSE offences by agencies in Indian Country means that the prevalence of CSE crimes is unavailable. However, prosecutors at the Department for Justice have indicated that the rate of child sexual abuse and exploitation are higher compared to the rest of the US, though the prevalence of internet sexual exploitation is lower (US Department of Justice, 2010).

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## **National Responses**

There has been a growing national response in the US with a number of Federal Government policies and initiatives implemented to identify and address CSE in different forms.

### Who is leading the response?

The Federal response has been led primarily within the Federal judicial system, rather than the welfare system, and particularly relates to internet and inter-territory trafficking, which are Federal offences.

The 2010 Department for Justice National Strategy for Child Exploitation Prevention and Interdiction outlines the following initiatives as protecting victims of CSE:

- The FBI's Innocence Lost Database assists with the investigation of domestic child prostitution. The Innocent Images National Initiative addresses crimes related to child pornography and online exploitation of children.
- The Internet Crimes Against Children Task Force Programme established in 1998, is a national network coordinating and building capacity across federal, state, local law enforcement agencies to address these offences.
- The US Marshal Service recovers missing and exploited children through its Operation Pickup program.
- The US Attorney's Office Project Safe Childhood (PSC) supports a coordinated effort to investigate and prosecute online sexual offenders through a network of federal, state and local agencies.
- The Child Exploitation and Obscenity Section (CEOS) leads the Criminal Division's campaign against the sexual exploitation of children through policy influencing, national investigations and offering guidance and training for prosecutors and agencies.

The Federal Department of Health and Human Services has recently introduced the 2013 Strengthening the Child Welfare Response to Human Trafficking Act<sup>88</sup>. The Act directs the Secretary of Health and Human Services (HHS) to develop and publish guidelines to assist State child welfare and juvenile courts to serve appropriately child victims of trafficking.

There is a recognised issue of fragmentation between different agencies' response to CSE. The 2010 Department for Justice National Strategy for Child Exploitation Prevention and Interdiction aims to

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88 Accessed 26.05.2015: <https://www.congress.gov/bill/113th-congress/house-bill/1732>

address this through leverage assets across the Federal government in a coordinated manner (Department for Justice 2010). The Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States also states the alignment of efforts and coordination of services as being key priorities (President's Interagency Task Force To Monitor And Combat Trafficking In Persons, 2014).

## Relevant legislation

The Trafficking Victims' Protection Act (TVPA) 2000<sup>89</sup> is the main legislation enacted to address human trafficking and treats sex trafficking as a severe form of human trafficking. The Act has been reauthorized four times since enactment. The most recent reauthorisation, which was part of the Violence Against Women Reauthorization Act of 2013, includes a particular focus on sex trafficking of minors. It provides that the trafficking of a minor does not require proof of force, fraud or coercion of the minor.

The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act 2003<sup>90</sup> increased criminal penalties for repeat child abuse offenders, strengthens laws against sex tourists, and strengthened prohibitions on forms of virtual child pornography. It also increased support for the National Centre for Missing and Exploited Children (NCMEC) to improve investigations and created a Cyber tip line to report online exploitation.

The Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act (the "PROTECT Our Children Act") 2008<sup>91</sup> requires the Department of Justice to develop and implement a National Strategy on Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

## State level responses

### Who is leading?

Sherman and Grace (2011) argue that the important gains made at the Federal level to fight commercial sexual exploitation of children have been slow to permeate down to the State level.

Historically, law enforcement and probation have been the primary systems addressing CSEC victims and the majority of State legislation has been based within the judicial system and focused on the prosecution of perpetrators. There has been notably less of a focus on prevention, victim protection and support services. Programmes that identify victims and respond to their needs are largely insufficient, uncoordinated and underfunded (Clayton et al., 2013).

An Institute of Medicine and National Research Council study into the commercial sexual exploitation of children and sex trafficking of minors called for more collaborative multi-sector approaches across all aspects of identifying, preventing and responding to the issue (Clayton et al, 2013). Some States have made efforts to facilitate a coordinated response between agencies. In the State of Massachusetts legislation has developed increased dialogue between police, health and welfare agencies<sup>92</sup>. The State of California has developed local level response to serve CSEC victims across agencies including child welfare, probation, mental health, public health, education, law enforcement, the courts and/or community based providers (Harbert & Tucker-Tatlow, 2014).

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89 US Department of State website: <http://www.state.gov/j/tip/laws/>

90 US Department of State website: <http://www.state.gov/j/tip/laws/120170.htm>

91 Gov Track website: <https://www.govtrack.us/congress/bills/110/s1738>

92 Interview with Jan Nisenbaum, independent adviser

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## Local collaboration - Child Exploitation Task-forces

In support of multi-sector collaboration, the Department of Justice has provided funding for communities to establish anti-human trafficking task forces, which include state and local law enforcement, investigators, victim service providers, and other key stakeholders.

As part of the FBI's Innocence Lost Initiative, Child Exploitation Task Forces have been established across the US. Task forces involve collaborations across federal and state agencies, which have played critical roles in helping law enforcement target their investigations and in helping rescued sexually exploited children recover.

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## Criminal justice system

Most States continue to arrest commercially exploited children as criminals rather than treating them as victims. Epstein and Edelman (2013) note that across the majority of jurisdictions in the United States girls are charged with prostitution or related offences and kept in custody with little access to support and treatment services.

However, the literature also notes that awareness around CSE is growing and several States have now passed laws that recognise young people as victims and redirect them away from the criminal justice system and into support services. Several States have also passed laws establishing statutory duties and obligations owed by their child welfare agencies to CSE victims (Harbert, & Tucker-Tatlow, 2014).

One State approach has been to prohibit the prosecution of children for prostitution offences. Tennessee, Connecticut and Minnesota have passed legislation to decriminalise prostitution for young people under a certain age (Geist, 2012). New York was the first State to pass a Safe Harbour Law aimed at protecting and providing services to victims of CSE. Washington, Illinois and Minnesota have adopted similar approaches.

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### New York State Safe Harbour Law

The New York State Safe Harbour for Exploited Children Act 2008 guarantees that children who are sexually exploited will be treated as child victims, not perpetrators of criminal activity and guarantees diversion into specialist services.

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## Education system

While much of the work focuses on responding to CSE after the child has been exploited (through the criminal justice and welfare systems) more recently there has been a wider exploration of preventative initiatives including education based approaches. Examples include the My Life My choice (MLMC) curriculum which is designed to educate and prevent young women being recruited into commercial sexual exploitation has been replicated in states including Minnesota, Connecticut, Illinois, and California. In 2006 the United States Department of Justice recognised My Life, My Choice as a national model for prevention of sex trafficking. Project P.R.E.V.E.N.T. (Promoting Respect, Enhancing Value, Establishing New Trust) is being implemented in high risk neighbourhoods in Atlanta, and the 'Powerful Voices Powerful Choices' programme is targeting young women and girls in Seattle (Center for the Human Rights for Children, 2011).

## Welfare System

Child welfare agencies across the US have been insufficiently prepared to address the problem of CSE despite being typically one of the first points of contact for victims. Research indicates that over half, and sometimes as many as 85%, of the victims of CSE have a history with the child welfare system (California Child Welfare Council, 2012).

Factors identified as contributing to this include a lack of resources and training, high caseloads, and a cultural perception among professionals that CSEC should be handled in the justice system rather than child welfare (Harbert & Tucker-Tatlow, 2014). More broadly, professionals across agencies lack awareness of Federal and State anti-human-trafficking laws or that non-government and government resources and programs exist to help respond to trafficked children (Hardy et al, 2013).

There are however examples where States that have introduced comprehensive child welfare led initiatives for identifying and dealing with victims of CSE, such as the State of Connecticut's Department of Children and Families.

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### **The Connecticut Department of Children and Families**

The Connecticut Department of Children and Families (CDCF) has introduced the following measures to address CSE (cited in California Child Welfare Council, 2012):

- Improved identification of victims by screening every child who enters its system for CSE and training abuse hotline staff to identify CSE cases.
- Established protocols to coordinate care for youth suspected of being victims of CSE through individual assessments, care plans and referrals.
- Additional support services such as community services for mentoring, safety planning, personal development for job and life skills, and programs for family and significant others.

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Illinois was the first partner of the Building Child Welfare Response to Child Trafficking Project, a Federal initiative to build the capacity of child welfare agencies to respond to victims of CSE by correctly identifying victims as trafficked persons and ensuring that they receive the appropriate protections and referrals to specialized services to which they are entitled under Federal and State laws (Center for the Human Rights for Children, 2011).

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### **Illinois Safe Children Act 2010**

The Act removes the criminal status of juvenile prostitution and identifies children who are prostituted as victims of human trafficking. Under this law, the Department of Children and Family Services are required to respond to these victims and provide appropriate support and case management.

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In the literature we covered it was recognised that there are few evidence-based programs designed to address CSE through prevention (educating young people, public, and sex buyers), identification or victim support.

The Stewards of Children programme educates professionals working directly with children to better identify and support those at risk of sexual abuse and exploitation. A study by Rheingold and colleagues (2011) using a block randomisation design found positive significant differences in the knowledge and behaviours the adults who undertook the training programme compared to the control group.

The California Child Welfare Council also highlights a number of promising school based models of practice across the US, but notes that none have been fully evaluated for their efficacy in addressing CSE.

## Media narratives

Unlike the UK, the US has not seen any recent, major, high profile federal cases to fuel public concern<sup>93</sup>. There are generally low levels of awareness of CSE amongst the public, although awareness has grown surrounding the online sexual exploitation of children.

Non-profit organisations such as the National Center for Missing and Exploited Children have been campaigning to raise public awareness around these issues. The Girls Education and Mentoring Services (GEMS) released the documentary 'Very Young Girls' which features the journey of young victims of commercial sexual exploitation and highlights the role that criminal justice processes and support services can play in preventing victims from becoming trapped in the system<sup>94</sup>.

The Innocence Lost National Initiative, (FBI Violent Crimes Against Children Unit and The National Center for Missing and Exploited Children) can claim some key cases as being illustrative of the success of the initiative. For example, their largest enforcement action to date known as Operation Cross Country (a three-day nationwide enforcement action focusing on underage victims of prostitution) concluded with the recovery of 105 sexually exploited children and the arrests of 150 pimps and other individuals<sup>95</sup>.

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93 Interview with Jan Nisenbaum, independent adviser

94 UNICEF website: [http://www.unicef.org/protection/usa\\_46464.html](http://www.unicef.org/protection/usa_46464.html)

95 FBI, Violent crimes against children, Innocence Lost National Initiative, major cases, FBI website accessed 20.04: [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

# The European Union

## Overview

As an economic and political partnership between 28 European states, the EU does not legislate or implement policy on purely national matters. The principle of subsidiarity means *“the Union only acts where action will be more effective at EU level than at national level”* (EU, 2014: 8).

Decision-making takes place at a number of different levels within the EU. In summary, the European Commission (similar to a European civil service, representing the interests of the EU as a whole) proposes new laws. These are then debated, revised and adopted by the (directly elected) European Parliament and the Council (representing the member state governments). Legislation is implemented by member states and the Commission. The EU can only take decisions in policy areas where it has either exclusive or shared competence. In other policy areas including health, education, and social policy, the Commission cannot propose new laws (EU, 2014: 8), and full powers rest with individual member states.

As a result of this framework, the EU’s approach to child sexual exploitation has focused on international dimensions, specifically issues surrounding trafficking and the online sexual exploitation of children, where international collaboration is required.

## Policy context

In 2010, the EU developed a multi-annual policy cycle intended to ensure effective cooperation and targeted action against criminal threats to the EU (EUROPOL, 2015). Based on recommendations from EUROPOL, the Council agreed 9 Serious Organised Crime (SOC) priorities for 2013-17 which have been turned into EMPACT projects designed to coordinate action. Two EMPACT projects include reference to child sexual exploitation:

- Trafficking in Human Beings – aiming to: disrupt organised crime groups (OCGs) involved in intra-EU human trafficking and human trafficking from the most prevalent external source countries for the purposes of labour exploitation and sexual exploitation; including those groups using Legal Business Structures to facilitate or disguise their criminal activities.
- Cybercrime – aiming to: combat cybercrimes committed by OCGs and generating large criminal profits such as online and payment card fraud, cybercrimes which cause serious harm to their victims such as Child Sexual Exploitation, and cyber-attacks which affect critical infrastructure and information systems in the EU.

## EU legislation

The two key EU ‘laws’ relevant to CSE are both Directives:

- Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.
- Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.

As Directives, they are binding upon member states and determine an end result that must be achieved by a specified date. National authorities are free to adapt their own laws in any way they choose in order to meet the goals outlined in the Directive (EU, 2014: 23). The EU has the power to determine the broad approach, but cannot prescribe how member states implement policy or which agencies take responsibility for the changes.

## Sexual exploitation of children

The EU does not appear to use one definition for CSE consistently instead, tending to outline the activities deemed to constitute the 'sexual exploitation of children'. For example, article 4 of Directive 2011/93/EU deals with offences concerning sexual exploitation. It describes a number of offences relating to 'causing or recruiting', 'coercing or forcing' and 'threatening' children to participate in pornographic performances or child prostitution. It also proscribes 'engaging in sexual activities with a child, where recourse is made to child prostitution'. The Directive criminalises these activities for children and young people, both below the age of sexual consent and above that age in relevant member states. In this way, it attempts to harmonise legislation across EU members, establishing minimal rules concerning the definition and sanctions related to child sexual exploitation as determined under Article 83 of the Treaty on the Functioning of the European Union.

The Directive includes both online and offline exploitation and encourages member states to work in collaboration to combat sex tourism. Child sex tourism is defined in the Directive as:

*"The sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children."*

The Directive establishes that offenders who commit crimes in a non-EU member state can face prosecution within the EU. Likewise, the use of technology to obtain pornographic materials or solicit children online are incorporated into the prohibited activities constituting CSE. Article 25 outlines the obligations of member states to:

- Take the necessary measures to ensure the prompt removal of web pages containing or disseminating child pornography hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.
- Take measures to block access to web pages containing or disseminating child pornography towards the Internet users within their territory.

The Directive also outlines the importance of support for victims, recognising children as particularly vulnerable, and introduces provisions to strengthen the prevention of CSE.

Directive 2011/93/EU consolidates over a decade of EU legislation focusing on both trafficking and the sexual exploitation of children. The 97/154 Joint Action of 24 February 1997 is one of the first documents, coming shortly after the Stockholm World Congress which shaped global opinion and the UN stance towards CSE. The Joint Action defines 'sexual exploitation' in relation to a child as:

- The inducement or coercion of a child to engage in any unlawful sexual activity.
- The exploitative use of a child in prostitution or other unlawful sexual practices.
- The exploitative use of children in pornographic performances and materials, including the production, sale and distribution or other forms of trafficking in such materials, and the possession of such materials.

EU legislation consistently takes a child-rights based approach, following on from the Convention on the Rights of the Child. The most recent Directive 2011/93/EU also follows the Lanzarote Convention (2007) developed by the Council of Europe, a non-EU body, aligning both sets of European legislation.

According to the World Health Organisation (WHO), the prevalence of childhood maltreatment in Europe is high – they compared worldwide and European estimates of prevalence rates from self-report studies and estimate that the prevalence of sexual abuse in Europe is 13.4% for girls, and 5.7% for boys (WHO, 2013: 15). They also acknowledge that more standardised European studies are needed.

## Trafficking of children

In line with its jurisdiction for European collaboration, the EU has a key focus on eradicating cross-border trafficking in human beings. Legislation in this area tends to be of a general nature, with explicit reference to children, rather than legislation designed to specifically focus on the trafficking of children. For example, the key Directive 2011/36/EU contains articles relating to child victims of trafficking (Articles 13 to 16), recognising the particular vulnerability of children and providing recommendations for supporting them and protecting them during criminal investigations. The Directive takes a broad approach to trafficking, including forced begging, the exploitation of criminal activities and forced marriage. It makes clear in all circumstances a child is never able to provide consent (paragraph 11).

According to the Eurostat 2015 report on 'Trafficking in Human Beings', over 1,000 registered child victims were trafficked for sexual exploitation in the EU between 2010 and 2012 (Eurostat, 2015: 13). Victims of trafficking are predominantly women, 80% of those registered, including girls who make up 13% of the overall total (Eurostat, 2015: 10). Based on data from Member States, 17% of registered victims of trafficking were between the ages of 12 and 17 and 2% were aged 0-11 (Eurostat, 2015: 11).

The European Commission has also published an EU Strategy Towards the Eradication of Trafficking in Human Beings 2012-2016 (EU, 2012) which emphasises the global nature of trafficking. Action 3 of the strategy focuses on the protection of child victims of trafficking, again using a child-rights based approach to focus on the need for child-sensitive protection systems. It outlines a number of action points for the Commission including:

- Funding the development of guidelines on child protection systems in 2014 (a public consultation has been held on this).
- Developing a best practice model on the role of guardians and/or representatives of child victims of trafficking with the EU Agency for Fundamental Rights.

In line with this strategy, the European Commission is continuing to look at integrating child protection systems including holding the 9<sup>th</sup> European Forum on the rights of the child on this topic in June 2015 (European Commission, 2015).

## Enforcement Mechanisms

Although the EU does not have the institutions or infrastructure to implement policy within member states, members are required to transpose directives into the national legislation within a specified timeframe. The Commission will submit reports to both the European Parliament and the Council in 2015 on the extent to which member states have taken the necessary measures to comply with the directives described above.

Enforcement within the European Union is also based on the obligation for common action on judicial cooperation in criminal matters. This means states are obliged to recognise and enforce judgements and decisions in extrajudicial cases between member states (Article 81 Treaty on the Functioning of the European Union 2007). In this way, those found guilty of perpetrating the sexual exploitation of children in one member state, will also be deemed guilty in another and may be subject to extradition.

## EUROPOL

The EU has its own law enforcement agency, EUROPOL, which supports member states by gathering information and coordinating operations with a cross-border nature dealing with serious international crime and terrorism.

Child sexual exploitation, including online and offline offences and trafficking, come within EUROPOL's expertise. They have developed a number of factsheets on child sexual exploitation (EUROPOL, 2010, 2011, 2012) which define child sexual exploitation as:

*"The sexual abuse of a human being below the age of 18. Among other things, it includes the production of child abuse images and online dissemination as particularly serious forms of crime committed against children."*

EUROPOL also holds an annual training course on 'Combating the sexual exploitation of children on the internet' for law enforcement officers and members of the judiciary in member states. It is also a member of the Virtual Global Taskforce (VGT), a strategic alliance between law enforcement agencies around the world designed to combat the sexual exploitation of children on the Internet. In 2014 EUROPOL described child trafficking as a key priority in combating serious and organised crime (EUROPOL, 2014).

A number of key projects have helped to combat child sexual exploitation across Europe (EUROPOL, 2012). These include:

- CIRCAMP: 'COSPOL Internet Related Child Abuse Material Project' was coordinated by Europol and launched with the European Policy Chiefs Task Force in 2004 under a mandate to fight the use of the Internet for the distribution of child abusive material. As a result, in December 2011 the first CIRCAMP operation, called 'Icarus', was concluded with the identification of 286 suspects and 113 arrests. The case focused on the exchange, through an open file-sharing system, of child abusive movie files depicting the rape of infants and toddlers.
- Project HAVEN: 'Halting Europeans Abusing Victims in Every Nation' launched in November 2010, aims to detect and disrupt travelling sex offenders originating from the EU that exploit children both inside and outside Europe. The ultimate objective of Project HAVEN is to establish a permanent and proactive notification system on travelling European sex offenders.

### Initiatives focusing on Online Exploitation

The EU is involved in a number of initiatives focusing on the online sexual exploitation of children, including those described above in relation to EUROPOL.

In December 2012, the EU formed the Global Alliance Against Child Sexual Abuse Online jointly with the US (DG Migration and Home Affairs, 2015). Countries participating in the Alliance endorse the Declaration on the Launch of the Global Alliance against child sexual abuse and commit to four policy targets:

- Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection.
- Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders.
- Increasing awareness among children, parents, educators and the community at large about the risks.
- Reducing the availability of child pornography online and the re-victimization of children.

So far, 54 countries have joined including all 28 EU member states.

The European Commission played an integral role in setting up the European Financial Coalition against Commercial Sexual Exploitation of Children Online in response to a similar programme in the US set up in 2006 and research taking place in Europe at the time. It is funded jointly by the European Commission and members of the coalition, and brings together key stakeholders from law enforcement, the private sector, and civil society in Europe *“with the common goal of fighting the commercial sexual exploitation of children online”* (European Financial Coalition, 2015).

The European Commission has also been running the Safer Internet Programme since 1999, now called Better Internet for Kids (BIK) (European Commission, 2015). One part of the programme involves a pan-European network of Safer Internet Centres called INSAFE, and a pan-European network of hotlines called INHOPE. These networks raise awareness of the potential risks children and young people may face online and provide advice on how to stay safe (European Commission, 2013).

# The Council of Europe

## Overview

The Council of Europe includes 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The Council has a Secretary General elected by the Parliamentary Assembly (consisting of members of Parliament from each of the member states), the Committee of Ministers which decides Council of Europe policy and approves its budget and programme of activities and other structures involving the regions and civil society representatives.

Member states are bound by Council Conventions when they voluntarily decide to sign them.

The European Court of Human Rights oversees the implementation of the Convention in the member states. Individuals can bring complaints of human rights violations to the Strasbourg Court once all possibilities of appeal have been exhausted in the member state concerned.

## Policy context

The Council of Europe Commissioner for Human Rights stated in 2011 that *“Sexual assault against children is an urgent human rights issue and fighting it should be a political priority”*.

The Council of Europe decided on 12 May 2015 to establish a new European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse to be marked each year on the 18th of November in member states of the Council of Europe. The objective of the European Day will be *“to raise awareness of such crimes and of the need to prevent such acts, to promote the ratification and implementation of the Lanzarote Convention by the member States of the Council of Europe, as well as to prevent the stigmatisation of victims”*.

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) was agreed in 2007. It requires the criminalisation of all kinds of sexual offences against children, as well as for the adoption of specific legislation and measures to prevent them, protect victims and prosecute perpetrators. To date, the Convention has been ratified by 36 countries. The convention states that its rationale includes:

- Observing that the sexual exploitation of children, in particular child pornography and prostitution, and all forms of sexual abuse of children, including acts which are committed abroad, are destructive to children’s health and psycho-social development.
- Observing that the sexual exploitation and sexual abuse of children have grown to worrying proportions at both national and international level, in particular as regards the increased use by both children and perpetrators of information and communication technologies (ICTs), and that preventing and combating such sexual exploitation and sexual abuse of children require international co-operation.

The Council of Europe claims that *“the Lanzarote Convention is the most ambitious and comprehensive legal instrument on the protection of children against sexual exploitation and sexual abuse. It takes as a starting point the relevant United Nations and Council of Europe standards, extending them to cover all possible kinds of sexual offences against minors (including sexual abuse of a child, child prostitution, pedopornography, grooming and corruption of children through exposure to sexual content and activities) and criminalising them. It covers sexual abuse within the victim’s family or close social surroundings and acts carried out for commercial or profit-making purposes. It sets forth*

*that States in Europe and beyond, shall establish specific legislation and take measures with an emphasis on keeping the best interest of children at the forefront, to prevent sexual violence but also to protect child victims and prosecute perpetrators. It also promotes international cooperation to achieve the same objectives”* (Secretariat of the Lanzarote Committee, 2015).

The ‘Lanzarote Committee’ (i.e. the Committee of the Parties to the Convention) is the body established to monitor whether Parties (member states) effectively implement the Lanzarote Convention (Council of Europe, 2015a). The monitoring procedure is divided by rounds, each round concerning a theme. As available data shows that the majority of sexual abuse against children in Council of Europe countries is *“committed within the family framework, by persons close to the child or by those in the child’s social environment”* (see Lanzarote Convention Explanatory Report, paras. 48 and 123-125), the Lanzarote Committee decided that the first monitoring round would focus on *“sexual abuse of children in the circle of trust”*. All Parties are being monitored at the same time. The outcome of the monitoring process will be an implementation report concerning all Parties. This first report has not yet been published.

The Congress of (European) Ombudspersons for the protection of children’s rights, meeting on 27-28 April 2015 in Ulyanovsk, Russian Federation, received a message from the Deputy Secretary General of the Council of Europe which included the following:

*“Challenges to the effective enjoyment of children’s rights remain in all our member States. Too many children continue to suffer from all forms of violence - from physical harm and sexual exploitation to emotional distress and psychological abuse. I know that we - I know that you - don’t want to tolerate this any longer.”* (Council of Europe, 2015b)

# The United Kingdom context

Understanding in the UK about the evidence base for, and appropriate responses to, child sexual exploitation have developed following the publication of research, publicity about some high profile cases and the report of the Children's Commissioner (see below). All local authority areas are now required to have multi-agency strategies to prevent CSE, identify and support victims and target the perpetrators. Whilst CSE constitutes a small proportion of all safeguarding cases handled by local authorities, this field has attracted significant media and political interest and resources.

The political, media and professional contexts have been shaped by a series of very high profile allegations against 'celebrities' alongside reports of the persistent sexual exploitation of mainly young women in several English towns. A report by the Office of the Children's Commissioner on gang related sexual violence (Berelowitz, 2013), based on academic research and evidence from many young people, concluded:

*"Despite increased awareness and a heightened state of alert regarding child sexual exploitation, children are still slipping through the net and falling prey to sexual predators. Serious gaps remain in the knowledge, practice and services required to tackle this problem. There are pockets of good practice, but much still needs to be done to prevent thousands more children falling victim."* (Berelowitz, 2013: 7).

*"During site visits we also continued to hear references to children 'putting themselves at risk', rather than the perpetrators being the risk to children."* (Berelowitz, 2013: 8).

*"At both a national and local level it is also unclear whether CSE is being seen as predominantly a child protection issue or a crime and disorder issue"* (Berelowitz, 2013: 9).

The report included a survey of Local Safeguarding Children Boards (LSCBs) which found that the vast majority were implementing national strategies to combat CSE but with differing degrees of effectiveness.

The impact of the series of allegations against people in powerful positions and 'celebrities', such as Jimmy Savile and Rolf Harris, has resulted in several formal enquiries and convictions. In some cases high profile defendants have been acquitted by juries following trial. A UK formal national enquiry into allegations of 'non-recent' child sexual exploitation (allegedly by some Parliamentarians, senior officers in the armed forces and church dignitaries) chaired by a New Zealand High Court judge, is receiving evidence but will take some considerable time to report.

It is now universally recognised that social attitudes and behaviour at the highest levels and throughout society, including public agencies, allowed sexual exploitation to continue unchallenged and that the young women and men involved paid a high personal price. In this context, the reported attitudes and comments of some of the police, social workers and other professionals who have been criticised for failing to respond are little different from establishment and community attitudes then prevailing, whilst also revealing a failure to uphold professional values and ethics.

British society and the professions are all adjusting to a new and welcome re-discovery that young people have rights and deserve respect, whatever their background, circumstances and behaviour and therefore, that child sexual exploitation and the abuse of power over young people, mainly by men, must be challenged.

## Definitions of CSE

In the UK, CSE tends to be viewed as a type of child sexual abuse, including online grooming, trafficking and exploitation by people in power or in gangs (NSPCC1). The 'official' definition of CSE has been developed by the National Working Group for Sexually Exploited Children and young People (NWG):

*"The sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities.*

*Child sexual exploitation can occur through use of technology without the child's immediate recognition, for example the persuasion to post sexual images on the internet/mobile phones with no immediate payment or gain. In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability."* (DCSF, 2009: 9).

## Key responsibilities and legislation

In England, the Department for Education (DfE) is responsible for coordination of child protection and led on the production of statutory guidance (DCSF, 2009), the national action plan (DfE, 2011), and guidance for front line professionals (DfE, 2012). The Home Office (HO) has held responsibility for CSE since 2013, working with the Department for Education. However, the most recent announcement on tackling CSE was presented by the Prime Minister rather than a specific department, emphasising the cross government nature of the response (HM Government, 2015). There is government level coordination between the Home Office, DfE, the Attorney General, and the Departments of Communities and Local Government (DCLG), Health (DH) and Justice (MoJ). Key themes include accountability and governance, challenging the culture of denial, minimising risk and support for victims.

Other agencies and organisations involved include:

- The UK Human Trafficking Centre in the National Crime Agency which works nationally and internationally, and collects data about victims through the National Referral Mechanism.
- CEOP Command in the National Crime Agency (NCA) – working with child protection partners across the UK and overseas to identify the main threats to children and coordinating activity against these threats to bring offenders to account.
- The UK Council for Child Internet Safety (UKCCIS) – consisting of 180 organisations who work in partnership to help keep children safe online.
- UK Safer Internet Centre – promoting safe use of the internet, provides a helpline for professionals and a hotline for reporting.
- Department for Health – CSE working group looking at the responsibility of health professionals (Health Working Group Report, 2014).
- Advice for frontline staff and agency managers – including from the Association of Chief Police Officers (ACPO), College of Policing, the Royal Medical Colleges, Association of Independent LSCB Chairs (AILC, 2013a&b, 2015) and Association of Directors of Social Services (ADCS).
- Campaigning voluntary organisations – including Barnardo's, the Children's Society, NSPCC, the NWG network, ECPAT UK.

At a local level, local councils have a statutory role to safeguard children and have a key role in terms of their leadership around CSE – ranging from understanding the profile of CSE in their areas and working with partners to ensure that responses are co-ordinated (ADCS, 2015).

The key message is that the response to CSE is not the responsibility of a single agency and there should be a shared commitment to partnership working with a multi-agency response embedded at all levels.

*“Local authorities, police, children’s and health services have a statutory duty to work together to identify and stamp it out in their areas.”* (HM Government, 2015: 2).

Local Safeguarding Children Boards (LSCBs) are responsible for ensuring that there are strategies, plans and guidance in place to protect children and promote their welfare – and this includes local procedures to address CSE and monitoring the implementation of these (LGA, 2014). Membership of these boards is drawn from the local authority, local health services, police, representatives from the voluntary and community sector among others. Multi Agency Safeguarding Hubs take many different forms but all aim to bring together agencies and professionals at the frontline (police, social workers, health professionals and others) to co-ordinate their work. Joint working between the police and social services also takes place through MARACs (Multi Agency Risk Assessment Committees).

CSE is not a specific offence in UK legislation (Barnardo’s, 2014). The following two Acts govern sexual offences in England and Wales:

- The Sexual Offences Act 2003 - exploitation of children through prostitution – which sets out that all children under 18 involved in prostitution should be treated as victims of abuse.
- The Serious Crime Act 2015 – removed references to ‘child prostitution’ and ‘child pornography’ replacing them with CSE.

The following overview of the law on sexual behaviour and young people is taken from the independent report into cases of CSE in Rotherham (Casey, 2015: 57):

- The age of consent is 16.
- A child under 13 does not, under any circumstances, have legal capacity to consent to any form of sexual activity, and penetration of any kind would amount to rape.
- Any sexual activity with a consenting child under 16 is unlawful.
- It is an offence for an adult to communicate with a child and arrange to meet them with the intention to commit a sexual offence against them. The offence is committed when the adult meets the child or travels with the intention of meeting the child, or arranges to meet the child, or the child travels with the intention of meeting the adult.
- It is an offence to arrange or facilitate sexual activity with a child under 16.

Police and local authority children’s services usually exercise discretion about whether or not to initiate formal proceedings in cases where young people of a similar age under the age of consent and in a friendly relationship engage in sexual activity. Practice experience suggests that judgements about degrees of friendship and coercion in such cases can prove difficult.

One option for children’s services is to seek legal authority to place a sexually exploited young person in secure accommodation for their own protection; this power has been used in a few cases. There are concerns, however, that restricting the liberty of the young person in such situations is unjust when they are the victim and not the offender. Justifications for such action could include evidence of serious risk from alleged offenders, such as gang members, and evidence of persistent

engagement in risky behaviours by the young person. The criminal law provides separate arrangements for the detention of suspects and offenders.

## The prevalence of CSE

As there is no separate category of child sexual exploitation in child protection procedures and reporting arrangements, recording of specific cases is erratic and it is difficult to assess its incidence. Assessing the true scale of CSE, as distinct from the number of reported incidents, is also problematic as many victims do not disclose abuse and they may not identify their experiences as CSE (CEOP, 2011). In addition, within each of the activities that can be defined as CSE, there can be uncertainty around the exact meanings or scope.

CSE is understood to result from *“an imbalance of power within the relationship. The perpetrator always holds some kind of power over the victim, increasing the dependence of the victim as the exploitative relationship develops”* (DCSF, 2009: 6). This inevitably leaves room for judgement and interpretation, for example grooming has no agreed legal definition which captures everything that could be interpreted as part of that process (McAllinden, 2013). CSE is generally conceived as being separate from child sexual abuse within the family (CSA), although there may be similar processes involved and overlaps between the behaviours (for example adults abusing children in the family and ‘providing’ them to friends or social networks). There have also been calls for internal trafficking to be better understood and more clearly defined to help support more consistent policy and monitoring (Brayley & Cockbain, 2014).

The available data indicates that:

- 602 potential victims of trafficking in 2012 were children (22%) – 128 were from the UK. 65% were female, 30% male (5% unknown). The most prevalent form of exploitation was sexual exploitation 40% (NCA, 2013).
- 2038 victims of CSE (localised grooming, rather than online grooming, trafficking, or peer-on-peer abuse) were reported to CEOP in 2011 - where there was relevant information 311 were in care, 842 were known to have been reported missing at least once, 61% were white, and most came into contact with agencies at the ages of 14 or 15 (CEOP, 2011).
- 1145 reports of online CSE were received by CEOP in 2012. 80% of victims were female. 13-14 year olds were the largest victim group at 35% (CEOP, 2013).
- There were 1400 cases of CSE in Rotherham between 1997-2013 (Jay, 2014). The CLG inquiry indicated that Rotherham was not an outlier and CSE in the UK is large scale, nationwide and increasing (CLG Committee, 2014).
- 2409 children were known to be victims of CSE by gangs August 2010-October 2011. 16, 500 from across England were identified as being at high risk of CSE (April 2010 - March 2011) (Berelowitz et al, 2013).

## Responses

Tackling CSE is recognised as presenting a difficult challenge for agencies – from being able to identify the signs and establish trust with victims so they can talk about it to ensuring that councils and partners are working together effectively (Casey, 2015). A series of cases that have attracted widespread policy, political and media attention have made it clear that CSE has not had the level of priority in local areas required to tackle the issue (Ofsted, 2014).

Recent inquiries, reports and cases that have received widespread attention include:

- Rochdale – where nine men in a gang were convicted in 2012, with the victims mainly being vulnerable teenagers who were targeted at locations such as food shops and bribed with alcohol, drugs, and money. The report emphasised how children were not listened to by agencies and action was not taken (Klonowski, 2013).
- Children who go missing from care inquiry – estimating that 10,000 children go missing from care each year, and are at greater danger of being exploited (APPG joint inquiry, 2012).
- Rotherham – with the Jay report, Casey report and DCLG Select Committee enquiry finding that there was growing evidence of a serious problem with CSE, but social care managers underplayed the seriousness, the police gave no priority to CSE, and the LSCB did not check whether interagency policies and procedures were being implemented. There was also a culture of outdated attitudes and limited political challenge in the Council (Casey, 2015; Jay, 2014; CLG Committee, 2014).
- Serious Case Reviews in Oxfordshire – originating from concerns that 370 girls may have been exploited over 15 years. Operation Bullfinch resulted in 7 men being convicted in 2013. The extent of exploitation was not grasped by agencies and day to day processes were not strong enough to effectively respond (Bedford, 2015).
- The Home Affairs Select Committee inquiry into CSE and the response to localised grooming – looked at prosecutions in Rochdale, Rotherham and Oxfordshire (Home Affairs Committee, 2013).
- The Office of the Children’s Commissioner inquiry into CSE – outlined 13 different models of CSE linked to gangs and groups, and found that there were still big gaps in knowledge, practice and services around CSE. The views of children being exploited are too often ignored or discounted (Berelowitz et al, 2013).
- Ofsted’s thematic inspection into how local authorities and partners are carrying out their duties around CSE (Ofsted, 2014).
- Independent Panel Inquiry into child sexual abuse – looking at which state and non-state institutions have failed in their duty of care to protect children from CSE – following from the Jimmy Savile child sexual abuse scandal<sup>96</sup>.
- Report into child sexual exploitation in Greater Manchester by Ann Coffey MP – focussed on young people’s perspectives and support they need (Coffey, 2014).
- A Parliamentary inquiry into the effectiveness of legislation for tackling CSE and trafficking within the UK (Barnardos, 2014).

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96 Independent Inquiry into Child Sexual Abuse. 2015. Available: <https://childsexualabuseinquiry.independent.gov.uk/>

## Learning

It is beyond the scope of this report to fully document the UK context, but key themes and learning from recent reviews and policy responses are summarised below. The emphasis in the most recent Government announcement was on “*fundamental change of attitude within professions and the public about the nature of this crime*” (HM Government, 2015: 4) and raising awareness of the signs across all partners working with young people (Casey, 2015). Some of the ongoing challenges include:

- Ensuring that strategies and action plans are implemented on the ground.
- Developing more robust evidence on effective interventions to tackle CSE and support victims (ADCS, 2015).
- Building knowledge of the nature and extent of the issue at a local level (Beckett et al, 2014).
- The complexity of CSE cases which can place a strain on local services (ADCS, 2015).
- The difficulties and barriers young people face in reporting CSE – for example, in terms of retribution, retaliation, and lack of faith that they will be protected (Beckett et al, 2013).
- Organised exploitation becoming increasingly apparent – with young people being moved around within their region and the UK (Barnardo’s, 2012a).
- Increasing awareness of peer on peer abuse (Firmin & Curtis, 2015).
- Effective disruption activity and targeting potential abusers (Barnardo’s, 2012b; LGA, 2014).

## Understanding victims

Children and young people who have been sexually exploited have tended to be seen as the source of the problem, due to their troublesome behaviour, which can lead to an acceptance of underage sexual activity (Berelowitz et al, 2013; Jay, 2014; Bedford, 2015). In Rotherham, a small youth project worked initially with victims and developed trusting relationships - in contrast to statutory services which saw victims as criminals, and failed to understand the level of intimidation taking place (Casey, 2015). There is a need to challenge attitudes where teenagers are blamed (ADCS, 2015).

It has also been emphasised that CSE victims are not solely women and girls and they can come from all backgrounds – although those who live in care are overrepresented among CSE victims (Barnardo’s, 2012a).

## Local government

Significant emphasis has been placed on the importance of local strategies to promote understanding about CSE and to coordinate the response to it (Barnardo’s, 2012b). This can help to ensure that there are common thresholds for interventions across agencies, clear referral pathways and a coordinated approach (LGA, 2014).

There have been criticisms that some local authorities have been too slow in implementing guidance and that local arrangements and leadership around CSE are lacking (Ofsted, 2014; Berelowitz et al, 2015). The importance of checking that the actions of different agencies are working has also been emphasised (Berelowitz et al, 2013).

## Multi agency working and information sharing

Poor multi agency working is a recurring theme in recent reports – for example, Casey (ibid) found in Rotherham that multi agency working existed in name only and most professionals were still operating in silos. Her report recommended that every authority needs a comprehensive, multi-agency strategy and action plan, monitored and scrutinised by elected Members. There has also been an emphasis on the need for clearer structures for joint working (Jones, 2012).

Further progress needs to be made around different approaches to information sharing, clarifying what and how this happens in practice both within and between agencies (ADCS, 2015).

## Professional responses

The need to ensure professionals are appropriately trained to recognise the warning signs and risk factors of CSE, and being able to confidently manage cases with peer and management support has been identified (Martin et al, 2014; LGA, 2014). In Oxfordshire, the Serious Case Review report found a lack of professional curiosity amongst social workers – with assessments not being reviewed and team managers not helping to manage complex cases (Bedford, 2015).

LCSBs can play a critical role here in multi-agency training (Jones, 2012) and ensuring that training is up to speed with the increasing challenges social workers face (Martin et al, 2014).

## Responses to CSE in the devolved nations

The following section sets out key developments in Wales, Scotland and Northern Ireland regarding responses to CSE.

### Wales

The Welsh child protection system is similar to England. At a local level regional Safeguarding Children Boards co-ordinate work around the protection and welfare of children, as well as being responsible for local child protection arrangements (NSPCC3).

It is not clear what the extent of CSE is in Wales, but an estimated 9% of children in Wales may be at risk (Barnardo's, 2012a). In 2005, a scoping study was undertaken which identified 184 cases of CSE, but this was considered to represent an underreporting of the issue (Clutton & Coles, 2009).

In 2006, the Welsh Assembly commissioned a review into the content and implementation of local protocols for CSE in Wales and found a general lack of awareness of the risks, indicators, and inconsistent multi agency working (cited in Clutton & Coles, 2009).

In 2008, the All Wales Safeguarding Children and Young People at risk of Sexual Exploitation Protocol aimed to support the identification of children at risk and ensure consistent practice across Wales. This protocol was updated in 2013, and there have been reports that considerable progress has been made in Wales in terms of increasing professional awareness, and strengthening policy and practice at a local level (ibid).

### Scotland

The Scottish Government is responsible for policy, legislation, and statutory guidance around child protection. Child Protection Committees at local authority level are responsible for coordination of the different local agencies (NSPCC4).

The full scope of CSE in Scotland is unknown (Scottish Government, 2014a). However, there has been research into understanding child trafficking in Scotland, 14 cases were identified between April 2009-2010 (SCCYP, 2011) and a review commissioned by the Scottish Executive into abuse in residential homes between 1950-1995 (Shaw, 2007). Until recently, more work has taken place in England and Wales to develop policy and practice around CSE (Lerpiniere, 2012), but a number of interventions have been made in recent years.

A review by the University of Bedfordshire (Brodie & Pearce, 2012) into the scale and nature of CSE in Scotland identified the need to improve multi agency responses. A scoping study the following year commissioned by Social Care and Social Work Improvement Scotland also identified that there was a low level of awareness of CSE amongst professionals (Lerpiniere, 2012).

A working group of child protection lead officers in Scotland was set up in 2013 which looks at protocols around child trafficking and CSE.

The Public Petitions Committee (2014) examined the nature and scope of CSE in Scotland and produced a report calling for a national strategy and a priority around standardised data collection tools across Scotland.

The guidelines on child protection were updated in 2014 with a specific section on CSE itemising indicators, risks and referral arrangements (Scottish Government, 2014b). An Action Plan has also been produced to help support *“culture change in children’s service agencies, society and ensure that CSE is recognised as an issue”* (Scottish Government, 2014a: 3).

## Northern Ireland

Northern Ireland has a Safeguarding Board which coordinates work around the protection and welfare of children, as well as developing ways to improve interagency working. CSE is prioritised in the SBN1 three year plan.

Barnardos have estimated that 1 in 7 young people in Northern Ireland are at risk of CSE (Barnardo’s 2012a), and that over the past 10 years it has become a growing concern (Beckett, 2011). However, in common with the rest of the UK, definite figures are hard to obtain and CSE is not recognised as a separate category of abuse for official data collection purposes.

An Independent Inquiry into CSE in Northern Ireland reported in 2014, and estimated that between 100-145 children are at significant risk of CSE (Marshall, 2014). The inquiry found that Northern Ireland is not experiencing the type of organised CSE found in Rochdale or Rotherham, but that organised gangs linked to trafficking and drug dealing, both into, out of and within Northern Ireland was more common. The Inquiry also heard about cases of powerful individuals being linked to paramilitary organisations who were involved with CSE – *“they were described as people to whom you cannot say no. They regard themselves as beyond the law”* (McHugh & Williamson, 2014).

In 2012, an inquiry was agreed by the First Minister into Historical Institutional Abuse – looking at the actions of institutions which provided residential care for children – churches, places run by religious denominations, central and local government, voluntary bodies and private sector organisations<sup>97</sup>. This is due to report in 2017.

The Northern Ireland Executive is leading a cross departmental review to develop a policy on e-safety in Northern Ireland (NCB, 2014).

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97 Historical Institutional Abuse Inquiry. 2014. <http://www.hiainquiry.org/>

# Implications for the UK

This research has been primarily desk-based, drawing on a range of academic sources, which have been reality checked in consultation with specialists working in each of the countries studied. The main focus has been on English speaking countries, which have to some extent a shared history and elements of a common culture. The inclusion of Sweden and references to the European Union has broadened the cultural scope of the study, which nevertheless still excludes a truly global comparative element.

The final section of the report reflects on the findings and highlights some provocations or challenges for the United Kingdom context and most specifically, for England. It draws on practice awareness in addition to the research findings and is structured around questions of significance in a UK context.

## The Global significance of child sexual exploitation – prevalence and strategy

Child sexual exploitation is recognised by the United Nations, Council of Europe, European Union and many other global and regional bodies as a significant international challenge (IFSW, 2014), although the terminology used in different national jurisdictions to describe the behaviours involved is not consistent. National governments have signed up to international treaties, conventions and practices but effective implementation remains a challenge.

There is world-wide agreement, also evident in the UK, that CSE refers to the way in which children and young people are drawn into sexual activity by adults or other young people (peers) to which they cannot reasonably consent, involving an abuse of power and including trafficking within and between countries, internet grooming and pornography, abuse within gangs, abuse by celebrities and other people in authority and the exchange of sex for reward in terms of money, survival and/or 'security'.

Research papers consulted for this study illustrate the problems in all of the countries in determining the incidence of CSE and other forms of sexual abuse (Finkelhor, 2015). The problem is usually hidden; health and education services have not been trained to identify the signs until recently and the young people may not identify themselves as being sexually exploited. The public attitude to investigation of sexuality in the UK, is also ambivalent. The negative response to the high profile investigations into allegations including sexual abuse in, for example, Cleveland (1988), Rochdale (Lewis, 2006) and Orkney (1991), all of which resulted in inquiries which criticised public authorities for over-zealous interventions, and resulted in changes in the law, probably resulted in a reluctance among social workers and doctors to take risks in identifying sexual abuse. It is possible that some cases of sexual abuse are labelled as 'emotional abuse' or 'neglect' to avoid the sensitivities around allegations of sexual abuse. Child abuse of all forms is highly emotionally charged and decisions are taken by professionals and the courts in this political context. This inevitably influences how the problem is approached and dealt with which, in turn, affects the way cases are categorised and recorded.

More recently, in the UK, the publicity surrounding number of high profile cases and the publication of a report by the Children's Commissioner (Berelowitz, 2013) is, arguably re-shaping the public perception of CSE. Thus, at the beginning of the 21st century, the recognition of this form of abuse, as a significant social and moral concern, is evidence of a profound social change taking place across the world in our understanding of the place of young people in society and the exercise of power over others, whether by adults, peers, those in authority or those holding a celebrity status.

## Common challenges

All of the countries studied face similar challenges to those experienced in the United Kingdom. The public and professional challenges observed in the UK are entirely consistent with experiences elsewhere in the English-speaking world and, probably, more widely across the developed world; there is nothing unique about the problems experienced by UK agencies in their response to CSE. The sexual exploitation of children and young people has been continuing for centuries in full sight but only now is it being effectively challenged and those who abuse young people in this way called to account, whether they be organised criminal networks, gangs of young people or individuals in positions of authority who abuse their power.

It should not come as a surprise therefore, that this profound social change is causing disquiet and upheaval. It is a challenge to established power and authority relationships, in particular the perceived relationship between some aspects of male culture and expressions of sexuality towards those who are more vulnerable, specifically for this study towards children and young people. There are similar issues in relation to attitudes to women, which have not been explored as they are beyond the scope of this research project but must surely merit further study.

The international experience reported here show clearly that the evidence both from historic and more recent experience reveals too many cases in which a failure to protect children and young people has occurred and this failure is manifested as:

- A failure of professional values by those directly involved.
- A failure to provide appropriate care and safety and;
- A failure to respond appropriately when allegations were made.

However, more disturbingly, this recent history also reflects a failure by those in positions of authority, in some cases at the highest levels, to exercise control over those who were known to be using their authority to abuse children and young people, and widespread acquiescence in abusive behaviours within our culture. It is perhaps unsurprising, even if misguided, that the behaviour of professionals in public agencies mirrored that dominant culture. In several of the countries in this study, the major enquiries established to review this history and make recommendations should be able to bring about a change in our approach to young people in vulnerable situations and a more humane response to those in trouble. Professionals working with children and young people have a specific duty to lead this reform and demonstrate effective and ethical approaches to prevent CSE taking place and to support CSE survivors.

## Child sexual exploitation is a different form of child abuse

This study has focused on child sexual exploitation and has specifically excluded consideration of child sexual abuse within the family or 'circle of trust' and other forms of child abuse. The research suggests there are some distinctive differences between CSE from other forms of child abuse, which may be one of the reasons why it has taken child protection services around the world some time to come to terms with the reality of CSE and to develop appropriate and effective strategies for intervention. Child protection and safeguarding of children procedures tend to focus on the home environment, working with children and their parents and caregivers. Safeguarding arrangements are also designed to protect young people from abuses in schools and care settings, such as residential homes. Protocols, procedures and professional cultures have developed, based on experience of past tragedies, to facilitate taking decisive and often speedy action to protect vulnerable children, especially the youngest and most vulnerable.

In contrast, international experience shows that CSE frequently involves wider social networks outside the circle of family or those professionally engaged with young people, although parents

and professionals may also be involved by commission or omission. Children and young people may be involved at any age, but many forms of CSE involve sexually active teenagers who are at risk in social situations outside the family and often out of sight of the public services charged with keeping them safe. They are frequently manipulated by peer groups or criminal gangs and may not recognise that they are being abused and may actively resist suggestions that their 'friends' are undermining their best interests.

*"Victims are unlikely to present as victims of a sexual offence and are likely to be hostile to engagement. Agencies must be aware that the length of time between incidents of exploitation and disclosure to the authorities is not a symptom of unreliability but a direct result of exploitation."* (CEOP, 2011:11).

Disrupting, intervening in and closing down such activities will usually require traditional police methods which take time as intervention at a point when evidence is not sufficient may prevent a successful prosecution. Some forms of CSE may require urgent intervention, for example a young person about to meet up with an adult who has been grooming by internet, but other forms require a more patient approach if the prosecution of persecutors is to be successful.

The international comparisons in this study show that experience in all countries supports the need for multi-agency approaches to investigation of abuse and the support provided to the young people involved. In that sense, CSE is no different from other forms of child abuse. The emotional and behavioural implications of their abuse for the development of the young people are broadly comparable and their interests must come first. This study of international comparisons therefore supports the case for treating CSE as one of a number of different forms of child abuse, which should be managed within the well-established children's safeguarding arrangements in England, but applying practice methods which recognise the specific needs and interests of this group of young people, taking account of the evidence about effective practice (Hanson & Holmes, 2014).

Evidence from all of the countries in this study indicates that young people leaving the care system are especially vulnerable to exploitation. The UK appears to be ahead of many other countries in having legislation requiring local authorities to support young people who were already in care before they were eighteen until they are in their twenties, just as most parents would do. This extended period of support also applies in New Brunswick (Canada) and some other countries but the evidence of this research suggests that this is not yet the norm. What is clear is that continued and extended support for care leavers is essential in itself but, also, as part of a strategy to mitigate the risk of CSE for this particular group of young people.

Further research is needed on the different forms of intervention which are most effective to counter CSE and the extent to which they are similar to or different from interventions to prevent other forms of abuse, as identified in the Swedish national strategy mentioned in this research.

## Historic abuse

All of the English speaking countries in this study are immersed to different degrees in public debates, media investigations and in some cases formal enquiries into allegations of historic or 'non-recent' sexual abuse and exploitation of children and young people by adults in positions of authority, including abuse in residential homes, schools and religious institutions.

The Royal Commission into Institutional Responses to Child Sexual Abuse in Australia has given prominence to many individual stories. A statutory Independent Inquiry into Child Sexual Abuse has been established in the UK chaired by Hon. Justice Lowell Goddard. Ireland has seen several inquiries into different elements of the child protection system and the role of the church and other bodies. There are continuing concerns about the historic abuse of young people from indigenous communities in residential schools in Canada, Australia and New Zealand. Notwithstanding these inquiries, other countries have not seen the degree of media focus on abuse by celebrities which has been evident in the UK recently.

The cumulative force of these narratives seems to have had an impact on public and political understanding of CSE and the abuse of power inherent in these activities. This will continue to reverberate over the coming years as the respective inquiries report and international comparisons are made. The survivors have a right to be heard and the public needs to be confident that such abuses will be prevented in future.

However, the inevitable and repeated focus on these historic behaviours and system failures is of concern to current-day practitioners. The publicity inevitably detracts from information about, and awareness of, the effectiveness of modern, multi-professional intervention in cases of child abuse. There is a high risk, therefore, that historic accounts of abuse may well undermine public confidence in today's arrangements, which are often significantly more robust than was the case in the past. Current leaders in children's services recognise this and the need for effective communication and the development of a collective or systemic narrative which serves to persuade the media not to confuse past arrangements and failures with current practice.

## **Vulnerability and risk: poverty, minorities and indigenous communities**

The international evidence clearly demonstrates that vulnerable children and young people, for whatever reason, are most at risk of child sexual exploitation. This includes those in alternative care and those from minority communities. There is a long history of over representation of young people from indigenous communities in the care and justice systems in Australia, Canada, New Zealand and the USA. The UK does not have a minority aboriginal community as in those countries but other minorities do exist and are vulnerable to exploitation. Whilst there is evidence that young people from any background may be vulnerable to online grooming, this research suggests that there is little evidence that there is any change in the overall pattern that CSE tends to be associated with vulnerability.

These research findings show that those most at risk of sexual exploitation are those on the margins of society or who are in particularly vulnerable situations, such as in care away from home and family, experiencing disruption of family life, major disasters or living in poverty. This is reflected in the UK experience and appears to be consistent with research showing that the more unequal the society the more serious the social problems which emerge (Wilkinson & Pickett, 2009; Marmot, 2012). The pessimistic conclusion to be drawn from these findings is that child sexual exploitation is unlikely to be curbed so long as there are young people who are vulnerable and adults in powerful positions who are willing to exploit them for personal gratification. The challenge for police, social workers and others is how to disrupt this relationship in a culture of increasing UK inequality and, therefore, of increasing vulnerability.

## **Organised crime**

The literature included in this research suggests that organised and informal criminal networks play a significant role in CSE, including trafficking, commercial and online sexual activity. Decisive disruption of, and intervention against organised crime and gangs, is at the heart of well-established police responses to criminal behaviour in general. This approach is also essential for effective intervention and prosecution of CSE, but not previously part of the repertoire of social workers and health professionals.

The techniques for investigating and disrupting organised crime can give rise to ethical questions for human service professionals, such as the extent to which it is ethical and appropriate to leave young people at risk whilst gathering evidence over time. Evidence gathering and providing post-abuse support requires engagement with victims as people, in a respectful and humane manner, using techniques more familiar to social work and health. The best UK practice demonstrates

effective partnerships between these different agencies but there is more to learn about how best to organise such cooperation. In this respect, the work being developed in the Australian State of Victoria provides a very positive example of what can be achieved through a concerted commitment to systemic multi and cross agency working.

## Move from criminal to multi-agency responses

All the societies in this study show evidence of a move away from primary reliance on criminal justice solutions to CSE to an understanding that effective responses to both offenders and victims requires a multi-agency, welfare orientated approach by the young person. This is also evident in the UK. All the studies confirm that effective intervention requires multi-agency coordination, blending criminal justice and social intervention strategies.

Practice experience shows that it is essential to understand the lived experience and context of the lives of abused and exploited young people and to evaluate the impact of this experience on their development and personality if intervention is to succeed. The evidence from the countries included in this research seems to replicate the findings of the Casey Report (2015) that some professionals appear to share the public view that young people with disturbed behaviour are responsible for their own misfortune, make a free choice about expressions of anger and disenchantment and can and should be controlled by punishment. UK studies and follow-up interviews with victims have highlighted the challenging behaviour of some young people involved in sexual exploitation and other forms of abuse, which leave them with profound emotional and behavioural disturbance (e.g. Bedford, 2015; O'Brien, 2015; NSPCC2). Many do not see themselves at the time as being exploited and actively resist intervention. It clearly takes professional determination to remain alongside such young people, despite their difficulties, to gain their trust and to work towards fundamental change. However, failure to do this can result in significant future problems for the individual and society. Research consistently suggests, for example, that a higher proportion of those in prisons than in the general population have experienced physical or sexual abuse in childhood (e.g. Harlow, 1999), which is likely to have contributed to their difficulties with anger management and relationship problems. In short, sympathy for the survivors of abusive experiences has to extend to empathy for their circumstances and support from professionals and others in helping them to reclaim lost childhoods and address their damaged capacity for relationships.

## Role of media

The media has played a significant role in raising public awareness about CSE, fuelling criticism of agency failures and identifying abusers and their practices. This study shows that media coverage has also given voice to victims and contributed to changing public attitudes about both victims and offenders. Inevitably, public disquiet about CSE will continue to be reflected in media coverage including lively debates in social media. The fact that a New Zealand High Court Judge has been engaged to chair the UK inquiry into non-recent abuse illustrates the globalisation of CSE awareness. It seems probable that media coverage will increasingly draw parallels and contrasts between coverage across the English-speaking world. Responding to understandable public concern, reflected in the media, and providing assurance about the quality of services for victims and the prosecution of offenders will continue to be a major challenge for those in leadership positions whether politicians or professionals. Addressing the prevailing and currently generally negative discourse in the UK about the response of public agencies to CSE is clearly a significant challenge for those public service leaders, but one that has to be met if we are to create the conditions for a more open recognition of the complexity of the factors which underpin CSE.

## Recommendations

This comparative study has not identified fundamental differences in the response to child sexual exploitation (CSE) between the UK and the other countries studied. The elements which make up the UK response are broadly replicated elsewhere. Given this, the main recommendation is that government and relevant public agencies should continue to develop and refine current strategies, remaining open to learning from other countries and mindful that there are no ready solutions to successfully addressing the sexual exploitation of children and young people.

The findings from this report suggest that:

- CSE always involves an abuse of adult power in relation to young people, a lack of respect for their development and a denial of their rights;
- All young people have rights, especially in respect of their bodily integrity;
- All young people should know about the risks of CSE, how they can avoid becoming involved and where they can seek help;
- CSE involves a significant minority of young people, many but not all of whom are in vulnerable circumstances;
- Young people being cared for away from home and family are significantly more at risk of being drawn into CSE;
- Young people involved in CSE frequently do not understand or perceive the risks in their behaviour, may well resent and resist intervention and in some cases require protection from their own behaviour;
- There is an apparent reluctance (with the exception of Sweden) to acknowledge that prevention requires a twin focus – a) on protecting young people and better equipping them to protect themselves; and b) on interventions for perpetrators and those at risk of committing offences which are an appropriate balance of treatment and criminal responses;
- Intervention to prevent and disrupt CSE must almost always involve coordination between law enforcement and youth and care services;

**Taking the above into account it is recommended that:**

Prevention:

- Government should promote and re-emphasise respect for the rights and human dignity of all people, including those in vulnerable circumstances, and especially the rights of children and young people, as set out in the UN Convention on the Rights of the Child, including the right to grow up free from abuse;
- Government should consider making personal health and sexual education in schools mandatory for all young people and inform young people of the risks of CSE and how they can seek advice and help;
- Public authorities at the highest levels, public agencies and national and religious institutions should be explicit that sexual exploitation of young people will never be tolerated and will be reported whenever it is suspected, and that the rights of children and young people will be respected;
- Professional regulation agencies should ensure that information about avoiding risks of CSE will be included in professional training and should take strong enforcement action whenever CSE by professionals is suspected;

- Government, professional bodies, media structures and advocacy bodies should work together to prevent sexual exploitation of children in media coverage, including preventing the sexualisation of children and young people in pictures and videos;
- Training should be provided for those engaged in the 'night economy' including hotels, clubs, taxi firms and restaurants, to raise awareness of the risks of CSE and identify what to do when there are suspicions;
- Training should be available for specialist prosecutors and specialist judiciary to deal with crimes of this nature;
- Those providing out of home care and youth services for young people should receive training in the identification and disruption of CSE and in good practice to support young people who may be at risk of becoming involved in CSE.

### Intervention:

- Agencies providing services for young people should recognise that CSE is a specific form of child abuse which should be managed within the LSCB partnership in each locality, but that disruption of CSE activity involving adolescents requires distinctive strategies which may not necessarily replicate standard procedures for intervention in child abuse involving younger children;
- Government should work closely with regulators and training agencies to commission further research to identify and disseminate effective ways of working with young people who become involved in CSE, drawing from international experience. This commission should aim to improve the evidence base in terms of data on prevalence and on effective interventions seeking, in particular, to identify the best ways to combine supportive and criminal justice services and when protective or secure interventions are appropriate to protect the best interests of the young person;
- Agencies should ensure that there is joint training for police, social workers and others involved in direct work with CSE victims and those who exploit them;
- The knowledge and skills of youth and community workers should be recognised as making a significant contribution to the management of CSE;
- Courts and criminal justice services should always recognise that young people involved in commercial CSE are victims of exploitation and should not be treated as criminally responsible, even when they appear to reject that approach;
- Public bodies, national and religious institutions and the general public should report suspicions of CSE to the appropriate authorities;
- Government and others making public comment on CSE should make clear, when voicing criticisms of service agencies in relation to past practice involving non-recent abuse, that the context for historic abuse has changed and should not be presented as typical of current practice.

## Conclusion

The overwhelming conclusion from this research is that all the countries studied, including the UK, recognise the complexity and multi-factorial character of child sexual exploitation. All recognise that this has been an under-reported problem and that services need to gear-up to provide a more effective response. All show evidence of past failures to protect children. All recognise the need for improved multi-agency coordination.

The countries included in this study are exploring how best to ensure an integrated response by law enforcement agencies and therapeutic/social services, experimenting with a range of multi-agency responses to these challenges, some formal and statutory, others informal and discretionary. The literature suggests that no country has found a settled and total effective solution and all face challenges in multi-agency and inter-professional working with agencies and leaders facing political and public criticism for short-comings and not devising a fail-safe system for prevention and intervention.

This study has not set out to undertake a formal comparative evaluation of national systems, but a quick overview suggests that the English (UK) structures are probably more established and systematic than those found in most countries, for all their argued shortcomings, with the possible exception of Sweden.

Sweden has been engaged with this challenge for many years and took the lead in hosting the first international conference on CSE. The most recent action plan identifies the need for a comparative study of effective methods of intervention and 'treatment'. This also appears to be needed in the UK where there is a need for wider professional understanding of the skills and activities which are essential if there is to be an effective challenge to CSE. This comparative study reveals the potential for shared learning across borders but also the need for more research into the skills needed for effective work with young people at risk of being drawn into or already immersed in CSE cultures.

The abiding impression from the UK studies, mirrored in the experience in the other countries, is of a cultural suspicion of vulnerable young people, especially when they appear to be colluding in their own sexual exploitation and resisting intervention. The former behaviour of the State institutions in the English-speaking countries suggests a view that these young people do not deserve respect and may well be the architects of their own misfortunes. This is entirely consistent with the treatment given to such people in other situations of vulnerability. Furthermore, it is clear from this research that there is still much to do to create the supportive conditions which genuinely transcend professional boundaries in order that those best placed to work with the victims of CSE are given the time and space to do.

As previously noted, the UK Prime Minister has said that child sexual exploitation is a prime national threat. This comparative study suggests that the UK shares this threat with other countries and is following a similar route to the development of effective protection for children and young people. Our evolving practice experience and research both show that addressing CSE is work which is multi-factorial, complex and challenging; there are no simple answers. Our agency dilemmas are therefore not unique and our challenges just as formidable.

Perhaps our greatest challenge is to recognise that CSE is a symptom of deeper social challenges. Building a national culture of mutual respect for human dignity is probably the foundation of an effective CSE strategy in the UK and around the world. This presents a real challenge, demanding political and professional leaders with vision and integrity – and a determination to build a culture of respect for those who are vulnerable and at risk.

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Sir Colin Campbell Building  
Triumph Road  
Nottingham  
NG7 2TU

T: 0115 7484126

E: [dcsladership@virtualstaffcollege.co.uk](mailto:dcsladership@virtualstaffcollege.co.uk)

[www.virtualstaffcollege.co.uk](http://www.virtualstaffcollege.co.uk)

