Public Petitions Committee
Tackling child sexual exploitation in Scotland
Written submission from Children 1st

At CHILDREN 1ST, we listen, we support and we take action to secure a brighter future for Scotland’s vulnerable children. Our work is built on over 125 years experience as the RSSPCC. By working together with, and listening to children, young people, their families and communities, and by influencing public policy and opinion; we help to change the lives of vulnerable children and young people for the better. We work to safeguard children and young people, to support them within their families and to help them to recover from abuse, neglect and violence.

CHILDREN 1ST has 46 local services and four national services across Scotland, and we work closely with many local authorities as well as working in partnership with other organisations. All our services are child centred. The children, young people and families we support are key partners in all aspects of our work. We responded to the committee’s initial call for written evidence and feel it is also appropriate to respond to this second call for evidence. Much of our work is preventative in the sense that it is about building self esteem, relationships and confidence.

We are aware that the National Sexual Crimes Unit (NSCU) has this year made sexual exploitation a priority and they are doing a lot of training in this area. They are also piloting different ways of taking hearings forward in order to increase the number of prosecutions. It may be worthwhile for the committee to set up a private meeting with NSCU in order to discuss what they are learning from this process.

• What barriers exist to identifying, disrupting or prosecuting child sexual exploitation (CSE) perpetrators? How might these be overcome?

We believe that one of the barriers to disrupting and prosecuting CSE perpetrators is inconsistent sentencing and disposal. Although this problem is not limited to CSE, there have been several recent cases involving child sexual abuse which caused widespread concern and threatened to undermine the positive work and resulting forward steps the NSCU has taken in recent years.

Cases like the 2012 case in which a rape charge faced by a 22 year old man who had sex with a 13 year old child was plea bargained down to sex with a minor rather than rape, can be extremely distressing for victims and their families. These cases also contribute to the view that older children are capable of consent, and that being sexually abused and exploited is a lifestyle choice. This belief is incredibly damaging as it leaves vulnerable children open to abuse without challenge from the adults who should be protecting them.

This is evidenced when, as in the recent case in Oxford, organised paedophile rings set up to exploit and abuse children are able to do this in public places and over a long period of time without anybody questioning or reporting this. It is everybody’s responsibility to protect children, and this includes speaking out when we suspect
CSE is occurring. If, however, it is the accepted norm in our society to see older children as consenting adults who have chosen to be with their exploiters, then it becomes difficult for those with concerns to speak out.

It is vital that the Scottish courts send out a very clear message that the sexual abuse and exploitation of children and young people is wholly unacceptable and that victims will be listened to, taken seriously and given the support they need. The use of maximum charges and sentences in CSE and CSA cases would go some way toward this.

Another barrier to the prosecution and disruption of CSE perpetrators is that the full range of sentencing powers available is currently not being used. Risk of Sexual Harm Orders (RSHOs) were introduced as part of The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. RSHOs give courts the power to place restrictions on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or children in general. The person’s behaviour need not constitute a criminal offence and s/he need not have any previous convictions. The Court may impose on the person any restrictions which are required to protect a particular child or children generally from sexual harm from the person. Sexual Offence Prevention Orders (SOPOs) are more appropriate where a person has a previous conviction for crimes of a sexual nature. A SOPO requires the subject to register as a sexual offender and can include conditions, for example to prevent the offender loitering near schools or playgrounds. CHILDREN 1ST believes there is scope for using RSHOs and SOPOs constructively to protect children, for example by imposing restrictions on internet usage in certain cases. The most recent statistics available from Multi Agency Public Protection Arrangements (MAPPA) state that only 35 SOPOs were granted by the courts in 2009-10. When we consider that 3062 sex offenders were at liberty and living in Scotland in this year, we see that just 1.05% offenders on the Sexual Offenders’ Register had SOPOs imposed by the courts. This suggests SOPOs are not being used as effectively as they could be. In addition, just two RSHOs were issued in the same year, suggesting that these are not being used preventatively as was the intention.

CHILDREN 1ST is keen for the committee to explore the general use of the legislation and powers available in dealing with sex offenders, and whether or not these are being used where there is evidence of a group or gang approach to CSE. We would be interested to see the committee exploring how well these are used and how appropriate and effective they are at addressing multiple offenders acting in concert.

We also believe that providing confidential space for children and adults to talk through their concerns could help in the identification of CSE perpetrators. See our first tranche response for more information on confidential space.

• What barriers exist to combating perpetrators’ use of online / social media? How might these be overcome?

CHILDREN 1ST believes that it is essential that the use of child pornography is not seen as a victimless crime. Behind every image or film of child pornography there is
a real child who has suffered. The downloading and distribution of these images creates a demand for new material that results in the further abuse of children. Often, though, the sentences received by those found guilty of possession of child pornography do not reflect this, and there have been cases in the past year in which very lenient sentences have been given. In the case of Bryan Haswell, for example, on whose computer police found 471 computer images and 96 movies, which had also been shared with others, the Sheriff was only able to impose a maximum one year sentence because it was decided that Haswell should be prosecuted under summary procedure. After the trial the Sheriff stated that she would have given a harsher sentence if it had been in her power to do so. This is not a one-off case. We believe this is an area in which we need a societal shift and for norms to change. Ensuring that maximum sentences are imposed in child pornography cases, in order to help the public understand that child pornography is a form of child abuse, would be a welcome first step.

We know that children and young people are increasingly confident and capable in the online world, and can navigate their way around it fluently. Those who wish to sexually exploit children are exploiting children’s online abilities. We need to equip children with the skills they need to understand the dangers and protect themselves, not just online but in all aspects of life. Holistic, meaningful, relationships-based education programmes for all children in Scotland could be a good place to do this.

Please see our initial written evidence for more information on this.