Public Petitions Committee

Tackling child sexual exploitation in Scotland

Written submission from the Legal Services Agency and Scottish Guardianship Service

Introduction

The Women and Young Persons’ Department at the Legal Services Agency provides legal advice and representation to refugee and migrant women and children who have experienced gender-based violence, and to other refugee and migrant children and young people (up to age 25) across Scotland. The Department has worked with a number of young women and children who have suffered child sexual exploitation both abroad and in the UK, including in Scotland. This can include trafficking of persons for purposes of either private or commercial sexual exploitation. The Department also engages in policy work in areas that impact its client group, and is a member of a number of stakeholder / working groups, including on human trafficking.

The Scottish Guardianship Service, delivered in partnership between Aberlour Childcare Trust and Scottish Refugee Council, helps support unaccompanied young people going through the asylum system, some of whom are victims of trafficking. It provides each of the young people with a ‘Guardian’ to help them navigate the asylum system and rebuild their lives in Scotland. The Guardians act as independent advocates for the child, assisting them with everything from dealing with lawyers to helping them build social networks. The service has also worked with a number of young people who have suffered child sexual exploitation both abroad and in the UK.

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

We believe that a number of barriers exist to identifying perpetrators of child sexual exploitation generally, which we expect will be dealt with in the responses by our partner organisations and others who work with different, and broader client groups. We have a particular concern, however, which arises from our casework with our client group, that migrant children and young people – particularly if they also have uncertain immigration status – can be exceptionally vulnerable to child sexual exploitation. In common with other victims of sexual exploitation, they are likely to feel inhibited in reporting what has happened because of shame, fear, lack of knowledge, preceding trauma or perceived lack of control over the situation.
They can, however, be at increased risk of entering into, or remaining in, an exploitative situation because of such additional barriers as:-

- Linguistic – inability to speak or understand English;

- Cultural – a lack of understanding of the rights of individuals resident in Scotland or a different understanding of what it is appropriate to expect a child to do in a particular situation;

- Isolation/Loneliness – if a child has arrived unaccompanied by parents or carers, they may feel drawn to adults of similar cultural background, even if this relationship becomes exploitative;

- Fear of authority – which may stem from negative experiences of the police or government authorities abroad, or may be a fear of authorities in the UK intentionally cultivated by exploiters to gain and maintain control over the child; and

- Uncertain immigration status – which can make it difficult for a child to flee exploitation and speak frankly about what has happened if they also fears that their words could result in removal from Scotland to a country they may fear to return to.

We believe the above barriers prevent the identification of child victims of sexual exploitation in the first instance, and later, also make it more difficult to identify, disrupt and prosecute the perpetrators, to the extent that the full cooperation and understanding of the child is necessary to do so.

To overcome the above barriers, in our experience, requires the following:-

- A rights based approach based on the principles of the UN Convention of the Rights of the Child/GIRFEC which acknowledges the individuality of the child and their particular experiences and barriers they may face.

- Professional willingness to admit that there may exist an issue in this area and to work in partnership with other agencies/sectors.

- Awareness raising regarding the above barriers and indicators of child sexual exploitation.

- Training on how to appropriately respond to this issue utilising existing frameworks. It is not necessary to re-invent a new approach to an issue that involves the basic tenets of child protection and the safeguarding and
promotion of a child’s rights.

- A multi-agency co-ordinated response using existing frameworks for protection (but with the acknowledgment that expertise in this area may need to sit within one body/individual within key public authorities to ensure a consistent knowledge base and strategic co-ordination). For instance, a lead within a local Child Protection Team.

**What difficulties exist around keeping looked-after children and young people (accommodated or at home) safe from CSE perpetrators? How might these be overcome?**

We believe that a significant barrier in keeping looked-after children and young people safe from child sexual exploitation perpetrators lies in the distinction in Scottish law and practice between how unaccompanied asylum seeking children aged 15 and younger are accommodated by local authorities under their statutory powers as compared to children aged 16 and over.

Whereas we would submit that all unaccompanied asylum seeking children are, by definition, “children in need” under Section 25 of the Children’s (Scotland) Act 1995 and therefore require to be accommodated as looked-after children by the local authority at the very least, we have observed that some local authorities instead treat such young people as not being “looked after”, with the consequence that they may not be subject to as robust safeguarding procedures and or have parity in their access to certain services that could aid identification and protection measures.

**If you have experienced an example of good practice in relation to any of these questions, please describe it for us.**

The Glasgow Child Protection Committee have experience of working with the issue of child trafficking and child sexual exploitation. The approach they have taken on these issues is to bring together partners and key stakeholders, carry out research on the issue and implement a co-ordinated multi-agency response within existing frameworks. Awareness raising and training are carried out at the same time with responsibility being retained by key staff within the Child Protection Committee.