The human rights of girls subjected to child sexual exploitation in the UK
The Human Rights of Girls Subjected to Child Sexual Exploitation

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Email: Jessica@victimfocus.org.uk
Introduction

This document considers whether the human rights and entitlements afforded to girls are protecting them from sexual exploitation in the UK, and whether those rights under international and national law and legislation are being observed and adhered to when working with girls. At the back of this document (starting at page 12) is a large table of human rights and legislative entitlements that girls who have been subjected to sexual violence should be afforded. The table explores whether the rights and entitlements are being observed and upheld in the UK using recent research and serious case reviews.

Whilst being the centre of much media attention, policy, procedure and legal discussion for many years in the UK, child sexual exploitation has remained difficult to agree upon (Eaton & Holmes, 2017). The definition of child sexual exploitation has shifted continuously over the years, and whilst there is an official definition (below) provided by the Department for Education (2017), this is not uncontested.

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

As this document focusses on the rights of girls, child sexual exploitation will be discussed as a form of child sexual abuse which in turn includes the rape, assault, harassment, trafficking, grooming and abuse of girls under 18 years old – and framed as part of a wider global systemic problem of violence against women and girls.

Further, this document will not frame or define sexual exploitation of girls as a form of ‘exchange’ as defined by the Department for Education (2017). Considering sexual exploitation as a form of exchange neutralises the power dynamic and harm done to girls by adult and peer perpetrators. It also positions rape and abuse as a ‘sex act’ that the girl engages in to get something she ‘needs or wants’. It is the position of VictimFocus that this is an unacceptable way to define sexual violence, physical violence, abuse and murder of girls. Instead, this document frames the sexual exploitation of girls as a deliberate form of harm, violence and oppression that mainly affects girls and is mainly perpetrated by adult males (OCC, 2017; Eaton and Holmes, 2017).

Child sexual exploitation provides several examples of the continuing oppression and abuse of girls – and therefore examples of the professional responses to the abuse they were subjected to. This document will explore the range of rights and entitlements that girls are afforded in the UK – and whether girls who are subjected to child sexual exploitation are protected and supported by those rights and entitlements.

Whilst there are no specific treaties that focus on the ‘rights of girls’ as a group, girls in the UK are protected by the human rights afforded to them by the United Nations Declaration of Human Rights (UNDHR, 1948) and the rights and protections provided by the 1989 United Nations Convention on
the Rights of the Child (UNCRC). In addition to these provisions of human rights, girls are also protected by the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW, 1979) which laid down recommendations to end discrimination, violence, unfair treatment and social prejudice against women and girls worldwide. Finally, this report will also consider the Sustainable Development Goals (SDG), specifically Goal 5: Gender Equality.

SDG5 is critical to this report, as in section 5.2, it directly calls for an end to all forms of sexual violence, sexual exploitation and trafficking of women and girls across the world.

**Sexual exploitation of girls in the UK**

The true scale of sexual violence being perpetrated against girls in the UK is slowly becoming known. Between 2009 and the present day, there have been multiple high-profile trials and serious case reviews conducted in which it was documented that girls were sexually exploited by perpetrators – and were often failed by authorities. The national repository holds 67 serious case reviews published between 2011-2018 following prolonged child sexual exploitation and murder or suicide following child sexual exploitation; 62 (93%) of those cases were about the death or abuse of girls.

The serious case reviews concluded with similar key findings and recommendations, despite the diversity of the harm the girls were subjected to. A frequent theme was the way girls were not perceived as children and were therefore not protected as children. In fact, a review concluded that many serious case reviews found that professionals were more likely to attempt to control the behaviour and character of the girl, than to focus on stopping the perpetrators from sexually abusing them (NSPCC, 2013). This was especially true for older girls between 15-17 years old. The perception of sexually exploited and trafficked girls as ‘women’ or ‘adults’ making ‘poor choices’, ‘taking risks’ or ‘consenting to the abuse’ was addressed in the report ‘Old Enough to Know Better: Why sexually exploited teenagers are being overlooked’ published by The Children’s Society in 2015.

One of the most well-known reports was written by Professor Alexis Jay as she considered the evidence from the cases of over 1400 children sexually exploited in Rotherham between 1997-2013.

**Key recommendations included:**

- Improved risk assessment of children who may be targeted by sex offenders for sexual exploitation, and the continual review of untested numeric CSE risk toolkits
- All services should recognise that once a child is affected by CSE, he or she is likely to require significant support and therapeutic intervention for an extended period. Children should not be offered short-term intervention only, and cases should not be closed prematurely
- Wider children’s social care, the CSE team and integrated youth and support services should work better together to ensure that children affected by CSE are well supported and offered an appropriate range of preventive services
- Safeguarding boards should work with local agencies, including health, to secure the delivery of post-abuse support services

In addition to the Jay report (2014), there has been significant investment in research, evaluation and reports about child sexual exploitation in the UK, which has explored topics such as access to therapeutic support, the experience of girls as victims of child sexual exploitation using the criminal justice system (Beckett and Warrington, 2015), the efficacy and validity of the CSE risk toolkits criticised by Jay (2014) and examined later by Brown et al. (2016;2017) and several wider evidence...
scopes that discussed everything from the evolving definition of child sexual exploitation to the victim blaming of girls subjected to this form of abuse (Eaton and Holmes, 2017).

The outcomes of these reports have generally exposed gaps in not only practice but also the underpinning theory and definition of what child sexual exploitation is and how to respond to it effectively. Key issues that face girls subjected to child sexual exploitation and abuse include the misconception and stereotyping of both CSE as a crime and girls as victims of that crime, the identification of girls who are being subjected to the abuse, the types of interventions and responses a girl will receive from authorities when she discloses or is discovered to be being sexually exploited and finally, her experience of the criminal justice system if a police investigation ensues.

**Conceptualisations of the sexual exploitation and abuse of girls**

Under Article 5 of the CEDAW, girls should be free from harmful stereotyping, sex-based prejudice and sexist gender role norms that position them as inferior to men and boys in society. Despite this, the conceptualisation and stereotyping of girls, especially those subjected to CSE, continues to influence CSE practice and affect the responses girls receive from authorities.

Serious Case Reviews, such as that from Oxford, continue to find stereotyping and victim blaming of girls that positions them as ‘promiscuous’, ‘old beyond her years’, ‘dressing provocatively’, ‘having multiple older boyfriends’, ‘streetwise’, ‘trouble causers’ and ‘risk-taking’ instead of children who are being harmed by adults (Eaton & Holmes, 2017). This repositioning of girls as promiscuous, provocative mini-adults is part of a wider framework of sexist stereotyping and objectification of women and girls. This practice is still so embedded, that almost all the CSE risk toolkits used in the UK contain a marker for girls who ‘dress provocatively or over-sexualised’ (Brown et al., 2016) as being more likely to be sexually exploited, which is a widely debunked rape myth (McMahon & Farmer, 2011; Eaton, 2019; Rape Crisis; 2018). The stereotyping of girls subjected to CSE has led to a strict set of ‘norms’ that make up the ‘CSE victim’ that are used in campaigning, social awareness, training and education:

- Teenager
- White
- Provocative/sexualised dress (including use of make-up, hair styling and revealing clothing)
- Has ‘older boyfriends’
- Frequently truanting or going missing
- From deprived socio-economic areas
- Already known to services as ‘vulnerable’

This stereotype has led authorities to miss girls who are being sexually exploited, who do not fit this set of characteristics and to blame sexual exploitation on the characters, behaviours and so-called ‘vulnerabilities’ of girls who do not conform to accepted gender role norms (Jay, 2014; Eaton & Holmes, 2017). The issue of sexist stereotyping of girls who have been subjected to CSE affects the rights girls have to support and protection under the UNCRC, because once girls are perceived to be ‘to blame’ or ‘provocative’ instead of children being raped, abused and trafficked by adults – the service provision they are entitled to reduces.

Examples of this can be found in serious case reviews that found that girls who were perceived as ‘young women’, ‘provocative’, ‘promiscuous’, ‘consenting’ or ‘selling themselves’ were not adequately protected or taken seriously when they did disclose sexual exploitation to authorities. As
some serious case reviews showed, some girls have died or committed suicide during or after CSE, with investigators concluding that the major failing appeared to be that the girls were not seen as children being harmed at all, but as consenting adults choosing sexual activity or prostitution as a lifestyle (Jay, 2014).

Another key issue for the conceptualisation of CSE, is the issues that are caused by attempting to define CSE as a form of ‘exchange’ rather than the rape, abuse, murder and trafficking of humans. Every definition, including the current definition of CSE in the UK has the word ‘exchange’ as it attempts to describe the harm being done. This reframing of serious harm and violation of human rights under UNDHR and UNCRC as an ‘exchange of items or money for sex’ or ‘an exchange for something she needs or wants’ is grossly misguided at best and a damaging insult at worst. Girls have a right to be protected from child sexual exploitation and abuse, but at present, the definition of the act of sexual exploitation positions the girls as having agency and choice in which they ‘exchange sex’ for items, money or other needs (Eaton and Holmes, 2017).

The central consequence of defining CSE as an ‘exchange’ is that instead of the girls being perceived as innocent child victims of rape and abuse, they are seen as young women selling sex in return for things they want, which in turn affects their access to support, protection and trauma services they are entitled to under the UNCRC.

Whilst CSE is still being classified as something different from CSA and whilst the concept of girls ‘exchanging’ things for sex remains, it is difficult to see how girls can access the entitlements afforded to them under CEDAW and UNCRC.

The final issue pertaining to conceptualisations is the concerted effort of authorities and campaigners to move CSE to a more gender-neutral position and away from a global issue of oppression and violence against women and girls. Whilst this move was arguably to facilitate the identification of boys who are also being targeted by sexual abusers, in more recent years, it has led to CSE being reframed as a gender-neutral safeguarding issue rather than a pattern of behaviours in a global systemic issue of violence against women and girls as a class of people. It has meant that assertions that girls are much more likely to be sexually exploited and abused than boys have been met with the criticism that boys are just as likely to be sexually exploited as girls, which is not demonstrated by any national or global evidence or statistics.

Identification of girls subjected to CSE

Identification was one of the key recommendations from the Jay report in 2014 and has since featured in several serious case reviews. Identification of girls who are being subjected to child sexual exploitation must be considered with reference to the rights of girls, because ineffective identification and lack of evidence base directly impacts the access to services, support and protection of girls who are not identified, in part due to faulty tools that were first criticised in the Jay report.

It was not until 2016 that peer reviewed research was published, offering a comprehensive evaluation of the ‘CSE risk toolkits’ used for identification (Brown et al., 2016). The evaluation of CSE risk toolkits showed that they had never been tested, were not based in evidence, were not consistent across children, did not use validated items or measures and were not fit to identify or make decisions about children who were subjected to, or targeted for child sexual exploitation by offenders (Brown et al., 2016;2017). In line with the issues raised about the conceptualisation of girls
and CSE, the report also discussed concerns about inappropriate items such as ‘overtly sexualised
dress/provocative clothing’, ‘risk taking behaviours’ and ‘has older boyfriends’ being used to create
stereotypes of girls that are then used by professionals to identify girls being abused and exploited.

Despite the important findings and recommendations by Brown et al., (2016;2017), CSE toolkits are
still used across the UK, not only to identify girls subjected to sexual abuse and exploitation, but to
measure the ‘severity’ of the sexual exploitation. Creating a scale of how severe or serious sexual
exploitation of a girl is and then prescribing certain service provisions against those scales may
sound outrageous, but it is normalised as practice in every region of the UK.

Each CSE risk toolkit used with girls has a set of levels that categorise girls, usually as ‘high, medium
and low’ or ‘significant, serious and at risk’. Girls who are categorised as low or ‘at risk’ ironically, do
not qualify for specialist CSE services in most areas of the UK, despite having a right to access them.
In some areas of the UK, even the girls who are categorised as ‘medium’ or ‘serious’ will still not
reach the arbitrary criteria to gain access to specialist CSE services, protection or support they are
already entitled to. This means that the only girls who gain access to the specialist provisions and
highest level of protections are, by definition in the CSE risk toolkits, already ‘entrenched’ in child
sexual exploitation; leaving girls without any true preventative services or protection before they are
harmed – as recommended in the Jay report (2014). From a human rights perspective, this means
that girls’ rights under the UNCRC such as their entitlement to protection from sexual exploitation
and their entitlement to protection from trafficking are not being observed and are instead being
measured using an untested ‘risk toolkit’ which only affords protection to the girls who have already
been significantly harmed.

**Intervention and response to CSE**

Whilst it is often argued that child sexual exploitation services have developed significantly since the
Jay report, it is difficult to see how this conveys any improvements or benefits from the perspective
of girls who are subjected to abuse and exploitation. There have been many procedural, policy and
research investments and developments, but sexual exploitation has not reduced, and the
interventions used with girls have not changed much over the years.

For example, despite the Jay report (2014) calling for post-abuse support and access to therapeutic
provision after CSE, this has not yet been achieved in the UK and is still considered one of the biggest
gaps (Eaton & Holmes, 2017; Sharp-Jeffs et al. 2017). In many areas, the gap in psychological and
therapeutic services is blamed on lack of funding. This should be considered an urgent need for girls,
as they have rights to access trauma support and therapeutic services under the UNCRC – but there
are no such provisions available in most areas of the UK.

Indeed, one serious case review from Stockport in 2013 reported that ‘Olivia’ was failed due to a lack
of CAMHS provision when she needed significant support with her psychological wellbeing. The
report also stated that the use of interventions focussed on stabilising and changing her behaviours
instead of protecting her from the sexual exploitation. Both of these findings demonstrate that girls’
rights under the UNCRC to receive support, protection from sexual exploitation and trauma therapy
are not routinely or consistently observed.
The most common service provision for girls affected by CSE in the UK

The most common intervention used in child sexual exploitation at present is a model known colloquially as ‘direct work’ in which a specialist CSE worker commissioned or employed by the local authority works directly with girls who are subjected to CSE and whom hit the highest criteria on the CSE risk toolkit. The ‘work’ done with the girls is usually prescribed at the designated professionals’ meeting and usually includes educative work on consent, healthy relationships, grooming, sexual exploitation, self-esteem and a large focus on ‘building rapport’, often with the aim of eliciting a disclosure or further information that would assist professionals to disrupt or prosecute offenders (Eaton & Holmes, 2017).

This standard service provision is focussed on raising awareness of CSE with the girls who are already being raped, abused and even trafficked; meaning that what was clearly designed to be a preventative approach is being used when the girl has already, or is actively, being subjected to significant harm and trauma.

Whilst a girl has the right to education, including an education of sexual health, relationships and wellbeing – this education will not protect her from being sexually exploited by adults who have control and power over her. It is the responsibility of the authorities and adults around the girl to protect her from sexual exploitation and harm. Further, girls have a human right to be protected from sexual exploitation by authorities, adults and carers – and this is not reliant on educating her to identify and escape the abuse herself. Regardless, choosing to educate the girl about sexual violence when she is already being subjected to serious or significant harm under UK child protection framework, is not an ethical intervention when considered within the context of the human rights of the girl being harmed.

Within direct work, the use of ‘CSE films’ are also a common way to raise awareness with girls who have already been subjected to sexual abuse and exploitation (Eaton, 2018;2019). The use of CSE films has been widespread and even embedded into CSE strategy and policy for over ten years.

The wide range of films and drama productions contain the grooming, rape, murder, trafficking and drugging of children (usually girls played by young actresses) – and are shown to tens of thousands of girls every year as a ‘preventative’ approach. The makers and users of the films claim that they help girls to realise what CSE is, increase their knowledge and therefore help them to identify a sex offender and escape the abuse (Eaton, 2018). Much like the CSE risk toolkits, there is no evidence to support this approach and the films have never been ethically or empirically tested for efficacy or for safety.
In 2018, Eaton published the first report criticising the use of CSE films with children as unethical and likely to cause significant trauma. The report, entitled ‘Can I tell you what it feels like? Exploring the harms of CSE films’, presented real accounts from girls, their parents and professionals who had experienced or witnessed harm of girls who were shown films of other girls being raped and exploited soon after, or during, their own experiences of being exploited. This approach of showing girls films of other children being raped and abused, in any other context, would be illegal and a violation of human rights. However, this practice had been adopted in every local authority in the UK by 2017 with some providers claiming their resources had been delivered to tens and hundreds of thousands of children in the UK without the consent of parents and without testing for efficacy or safety.

With reference to the UNCRC, the use of CSE films conflicts with the rights of girls to be protected from sexual abuse and exploitation, and their right to receive support and protection from further harm. Arguably, showing a girl films of other girls being raped shortly after they were raped or exploited themselves, could amount to significant harm and could be perceived as a breach of their human rights.

When professionals around the child feel that they cannot protect them from sex offenders, removing the child and placing them in care out of the area, sometimes hundreds of miles from their families and friends, can be considered as an intervention (Eaton and Holmes, 2017; Warrington, 2016). This approach is controversial, but common in practice – with many girls being removed from their families and placed in secure or semi-secure residential care even if the family itself presents no danger or harm to her. This is an important critique of this intervention, because it directly contradicts the rights of the child to remain with their parents as long as the parents themselves are safe and causing no harm to the child (UNCRC).

As an intervention, the efficacy evidence is limited. There is no clear evidence to demonstrate that removing girls from their families, friends, schools and localities in an attempt to disrupt sexual exploitation works, especially as sex offenders are likely to try to remain in contact with girls, track them down, encourage them to run away and further, that the girls may suffer significant trauma due to being removed from their families and feeling as though they are being punished or detained for being sexually exploited. Eaton & Holmes (2017) and Brown et al. (2016) discussed that one of the only factors related to risk of child sexual exploitation is being in care, presenting the possibility that once girls are removed from their families in an attempt to protect them from sexual exploitation, they may actually be more likely to be targeted by offenders. Warrington (2016) explored the issues around out-of-area placements of girls subjected to CSE and found that many girls felt the intervention was punitive and a deprivation of their liberties. This presents another example of practice in child sexual exploitation not observing the human rights of girls.

**Girls in the criminal justice system after sexual exploitation**

Along with universal human rights and the rights of the child, girls subjected to child sexual exploitation who report the crime to the police (or have their disclosures passed to the police by other professionals) also have rights and entitlements under the Victim’s Code and Witness Charter published by the Crown Prosecution Service; which both include specific sections for girls under the age of 18 years old who are entitled to further special entitlements as a victim or witness in a trial.

The Victim’s Code utilises The Youth Justice and Criminal Evidence Act 1999 (YJCEA) to provide enhanced entitlements to children and vulnerable and intimidated witnesses and victims who will
require extra support, protection and advice when they report a crime or go to court to give evidence against offenders. The code and the charter set out a large set of entitlements including:

- The entitlement to a pre-trial visit before the court date to familiarise themselves with the court environment
- The entitlement to request the removal of wigs and gowns of the legal teams and judges in a court of law, to reduce intimidation or fear of children
- The entitlement to give evidence from behind a screen, via a live link tv screen, via a registered intermediary or via pre-recorded evidence shown to the court
- The entitlement to write a victim personal impact statement and to have it read to the court so judges can understand and take into account the personal impact the crimes have had on the person
- The entitlement to request a press ban where appropriate to protect the identity of children giving evidence in court
- The right to receive prompt and comprehensive information about prosecution decisions, dates, processes and trials
- The right to interpretation or translation to give evidence and to hear the proceedings of a criminal trial
- An entitlement to regular breaks during evidence hearings, including support from registered professionals to ensure the wellbeing of the child giving evidence
- An entitlement to request to use private entrances, waiting areas and corridors to protect the child from the offenders and public

The Victim’s Code and Witness Charter are both comprehensive and useful documents setting out the many rights and entitlements girls have when using the criminal justice system following child sexual exploitation. However, having those rights and being afforded them are two different matters. The first report of its kind, ‘Making Justice Work’ (Beckett & Warrington, 2015) published by the University of Bedfordshire, interviewed several girls who had been through the entire process from reporting the exploitation to sentencing or verdicts of offenders.

The report sought to present the experiences of girls throughout the journey through the criminal justice system and to provide recommendations for improved practice. The researchers found that the girls were failed repeatedly throughout the process, many of which reported not being kept up to date with progress, not being offered special measures, not being offered pre-trial visits, not using private entrances to courts and not being allowed to access any psychological support in the months preceding and the months during the trials – as they were told this was not allowed (despite this being a myth). However, the report had an interesting conclusion.

Despite all the issues reported by the girls and their families, none of the issues warranted new recommendations for practice. This was because every single issue was already covered and recommended in the Victim’s Code and Witness Charter (Beckett and Warrington, 2015). Put simply, the rights and entitlements already existed, they were just not observed for the girls. The authors did however, raise concerns about the level of distress and secondary trauma suffered by the girls whilst they waited or took part in weeks, months or even years of trials that detailed the sexual violence they were subjected to.

The concerns about children subjected to child sexual offences giving evidence in court suffering from secondary trauma and further distress was raised in 2013 when the Section 28 Pilot for Pre-Recorded Evidence began. The pilot sought to explore whether children giving evidence in child sexual abuse and exploitation trials would benefit from being able to use Section 28 of the Youth
Justice and Criminal Evidence Act which states that evidence in chief and the cross examination of the victim or witness can be pre-recorded and played to the court rather than the child having to attend court to be cross examined in front of a live court room. This new pilot provided the opportunity to test whether pre-recorded evidence and cross examination reduced experiences of trauma and trauma symptoms of children who did not have to attend court in the traditional way. In 2016, the final findings were published which demonstrated remarkable reduction in trauma symptoms and traumatic experiences and the Section 28 pilot was rolled out to other courts across the UK.

The Section 28 pilot represents a success in the utilisation of existing rights and entitlements for girls subjected to sexual exploitation who were being further traumatised by the criminal justice process. The pilot successfully showed that observing the rights to special measures improved the quality of evidence and reduced the trauma of children in court. If this could be replicated to take into account the many other rights and entitlements covered in the Victim’s Code and Witness Charter that were found to be being ignored by Beckett & Warrington (2015).

**Rights and entitlements of girls subjected to sexual exploitation**

It is apparent from the available evidence that there are several areas of CSE practice, theory, definitions and policy that do not align with the human rights and entitlements afforded to girls in international and national law and policy.

On the next six pages, the rights and entitlements of girls subjected to sexual exploitation are considered through the lens of current CSE practice, policy and research findings.

The table could also be useful for professionals working with girls subjected to sexual exploitation to ensure that their rights and entitlements are being observed in all decisions, interventions and approaches to their care and justice.
**Table of rights and entitlements of girls subjected to sexual exploitation in the UK**

<table>
<thead>
<tr>
<th>Rights that girls should have during and after sexual exploitation</th>
<th>Reference or Legislation</th>
<th>Is the UK adhering to these rights and entitlements for girls subjected to sexual exploitation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to life, liberty, safety and security</td>
<td>UNDHR 1948</td>
<td>Current statistics in the UK suggest that 1 in 9 girls are sexually abused in childhood (CSEW, 2015) and 1 in 4 women (Safeline, 2019) report being raped or sexually assaulted in childhood. Girls are between 3 and 5 times more likely to be sexually abused in childhood than boys in the UK. Such a high prevalence suggests that whilst girls have the right to safety, liberty, life and security, a large proportion of them are not safe and are not being protected adequately.</td>
</tr>
<tr>
<td>Right not to be held in slavery or servitude</td>
<td>UNDHR 1948</td>
<td>Whilst CSE has strong links to child trafficking, slavery and servitude as set out in the Modern Slavery Act (2015), it is rarely discussed in the context of girls having a human right not to be used as sexual slaves, to be used in familial or extrafamilial servitude or to be used as slaves in any other form of exploitation, including criminal exploitation.</td>
</tr>
<tr>
<td>Right to be equal before the law and protected against discrimination in law</td>
<td>UNDHR 1948</td>
<td>Multiple serious case reviews have demonstrated that girls who have been sexually exploited or abused have not been protected or equal in law (For an example see Jay, 2014). This includes being ignored when they report crimes, being reframed as ‘fantasists’, ‘liars’, ‘prostitutes’ and ‘trouble causers’. Currently, it is common for girls who report or disclose sexual exploitation to experience discrimination in law which includes describing girls as ‘wanting it’, ‘promiscuous’ and ‘lifestyle choices’. For examples of law responses of this nature, please see Oxford, Rotherham, Rochdale and Derby Serious Case Reviews and Inquiries into CSE cases in which girls were discriminated against.</td>
</tr>
<tr>
<td>Right to freedom of movement within the area, and out of and into a country</td>
<td>UNDHR 1948</td>
<td>It is currently common practice in the UK to place girls in secure and semi secure residential units when they have been sexually exploited (Warrington, 2016). Whilst it is positioned as a safeguarding response to protect the girl, these approaches commonly include removing the child from safe parents and siblings to units that can be hundreds of miles from home with no permission to return home or move freely in and out of the area. Further, this approach usually includes the restriction or total ban of electronic communication including telephone access and internet access.</td>
</tr>
<tr>
<td>Right to education</td>
<td>UNDHR 1948</td>
<td>Some girls are refused access to their old towns and are not allowed to visit their families. Girls who have been sexually exploited are often removed from school or become too traumatised to attend school regularly. In instances of the former, girls are removed from education in order to place them in units or services out of area, or to reduce the risk of offenders abducting them on the way to or from school. Where this is the case, the girl still has a right to education provision and her status as a victim of sexual exploitation should not be a reason to withhold or modify her rights to access education. In reference to the latter, the education system and experience of attending structured lessons at school each day may well be too traumatic for girls who have recently been exploited, raped or trafficked. However, this also does not contravene her rights to education, as education and schooling are not the same thing. Education can and should be provided for traumatised girls from home, online and in alternative, therapeutic provision in their own time.</td>
</tr>
<tr>
<td>Interventions, approaches or decisions should always be in the best interests of the child</td>
<td>UNCRC</td>
<td>There are plenty of examples of practice and policy in CSE that are not in the best interests of the girl, which have featured in several serious case reviews in the UK. Examples include scoring the girl with arbitrary risk levels based on how ‘serious’ the exploitation is in order for services to decide which intervention she will receive (Brown et al., 2016;2017). Other examples include removing children from safe families, placing them out of area, removing them from education, removing their access to technology and electronic communication, removing their freedom of movement and liberty and even pushing children into prosecution processes that they have not consented to; all under the guise of ‘protecting’ the girl. Many of these approaches are in the best interests of the services, professionals or authorities rather than in the best interests of the girl.</td>
</tr>
<tr>
<td>Not to be separated from the parents if parents are not causing harm</td>
<td>UNCRC</td>
<td>In current CSE practice, girls who are being sexually exploited can be removed from their parents even if their parents are not posing any risk to them (Warrington, 2016). This has been being challenged by national services such as PACE (Parents Against Child Sexual Exploitation) for many years but is still commonplace. Often, the argument for contravening this right is to protect the girl from harm from sex offenders and exploiters. This approach often leads to parent-blaming and the derogatory treatment of non-abusive, safe parents who are struggling to protect their daughters from</td>
</tr>
<tr>
<td>Protection from violence abuse and neglect</td>
<td>UNCRC</td>
<td>All clauses listed here under the UNCRC are regularly breached when girls are sexually exploited. Much sexual exploitation of girls in the UK has included girls being addicted to drugs and alcohol, physically injured or murdered, trafficked, sold, abducted and abused. Whilst the prevalence of exploitation and abuse of girls is so high, these rights are routinely being breached in the UK. Further, the current approach to prevention and protection of girls from these harms is usually to simply educate the girl rather than for adults to protect the girls from offenders and harm (Eaton, 2018).</td>
</tr>
<tr>
<td>Protection from drug abuse</td>
<td></td>
<td></td>
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<tr>
<td>Protection from sexual abuse and exploitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection from abduction, sale and trafficking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recovery from trauma and reintegration</td>
<td>UNCRC</td>
<td>This clause provides that children who have experienced abuse, exploitation or torture must receive special support to recover from the trauma and injuries they experienced in exploitation and abuse. Currently, this is not routinely observed in the UK with many girls waiting months, years or never having access to comprehensive, long-term trauma-informed support (Eaton and Holmes, 2017).</td>
</tr>
<tr>
<td>You will be treated with dignity and respect at all times by each of the service providers you have contact with in the criminal justice system (standard 1)</td>
<td>Witness and Victim Charter</td>
<td>This entitlement is not routinely observed for girls subjected to sexual exploitation in the UK. Several serious case reviews and inquiries have thoroughly covered the maltreatment and disrespect shown to girls in areas in which large CSE cases were tried.</td>
</tr>
<tr>
<td>You will have a main point of contact at all stages of the process. As well as keeping you informed of the progress of the case, your point of contact will support you through the process or refer you to relevant support agencies (standards 7 and 19).</td>
<td>Witness and Victim Charter</td>
<td>The role of the independent sexual violence advocate and later, the role of children’s independent sexual violence advocates has been instrumental in the improvement of these standards in recent years. However, there are still girls who do not have one main point of contact during or after sexual exploitation trials or reports, with some girls becoming overwhelmed with the amount of agency involvement in their case and some girls hearing nothing for months or having no point of contact (Beckett and Warrington, 2015; Eaton and Holmes, 2017).</td>
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<td>Applications for special measures should be made on your behalf to the court in good time and, if approved, should be available when you give your evidence in court (special measures section).</td>
<td>Witness and Victim Charter</td>
<td>Generally, it is considered that this entitlement is offered to most girls who give evidence in sexual exploitation prosecution trials. However, applications are sometimes made very late on in the process and girls can still attend court dates at which special measures have not been agreed or ordered (Beckett and Warrington, 2015).</td>
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<td>The date that you are due to give evidence should be arranged with your availability</td>
<td>Witness and Victim Charter</td>
<td>Often girls are left waiting months for trial dates that can be planned during, before or just after significant dates such as transitioning to a new</td>
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Your waiting time to give evidence in court should be kept to a minimum and, where possible, not exceed two hours (standards 9 and 13). Rather than being entitled to arrange the trial with their lives in mind, they are often informed of the dates after months of not knowing when those dates might be and expected to attend (Beckett and Warrington, 2015). For some girls, this has meant missing exams, coursework, family holidays or not being present for important dates. Further, many girls attending trials for sexual abuse and exploitation will experience much longer waits than the stated two hours, and can sometimes be asked to attend court each day for weeks before they are called to give evidence.

Measures will be taken in court to ensure that it is a safe environment for all and to ensure that prosecution witnesses, defence witnesses and their families wait in separate areas (standard 14).

Most courthouses and justice centres have now been rebuilt or renovated to ensure there are separate waiting areas for vulnerable victims and for defence/prosecution witnesses to attend separately. However, other communal areas are less well monitored/separated which means girls and their families often use the same toilets, entrances, cafeterias and corridors as offenders and their associates. This can sometimes mean that girls and their families or witnesses will be kept in a room which they are advised not to leave, whilst defendants and their associates are free to use all available space in the courthouse and outside areas.

You will be given information about the court and court process in advance of giving evidence so that you know what to expect (standard 11). Whilst this is a standard process carried out by the Witness Care Unit, a named police officer or sometimes an ISVA, Beckett and Warrington (2015) found that some girls were not aware of what to expect at court, or what cross examination would entail.

You can visit the court before the trial and will be shown around by the Witness Service. Pre-trial visits are available, but some girls subjected to sexual exploitation are either not offered them, not given accessible information about them or do not attend them (Beckett and Warrington, 2015). One finding from Making Justice Work suggested that girls were offered a pre-trial visit, didn’t understand what it was and therefore didn’t attend.

You can refresh your memory of what you said in your statement or in video-recorded evidence in advance of giving evidence in court (standard 5). Whilst this entitlement is technically available to girls subjected to exploitation, some wait months or years between the ABE interview/statement and the trial date. Whilst the defendant has had months to think, talk, seek counsel and prepare a defence, most girls will not see their video or statement until the week of the trial (or the morning of the trial in some cases). This is not adequate for multiple, traumatic serious offences, especially when the defendant has had much more time to plan and
<p>| Consider a defence based on the statement of the girl(s). | Witness and Victim Charter |
| Research in this area has repeatedly shown that women and girls subjected to sexual exploitation will be discriminated against and will receive different services based on their ethnicity, age, sexuality and disability. Examples include girls with autism or mental health needs being termed ‘unreliable’ or ‘not credible enough’ to give evidence in court. It is still also largely ignored that many South Asian girls were sexually exploited in Rotherham and Rochdale, whilst media and justice attention focussed on securing justice and raising awareness of the white girls abused in those towns. Further, 75% of CSE cases of girls aged 16- and 17-years old result in no further action as police and CPS argue that the girls are old enough to consent (The Children’s Society, 2015). |
| If you are a victim, you are entitled to make a Victim Personal Statement (VPS) at the same time as giving your statement and, in some cases, afterwards (standard 3). | Witness and Victim Charter |
| This entitlement is inconsistent and not always offered. Some girls subjected to sexual exploitation are supported by police, social workers, support workers or ISVAs to make VPS but other girls still don’t know that they are entitled to make one, to read it out or to have someone else read it for them (Beckett and Warrington, 2015). |
| The police will keep you regularly updated on progress during the investigation of a serious criminal offence (standard 5). | Witness and Victim Charter |
| Beckett and Warrington (2015) found that this entitlement was inconsistent. Some girls subjected to exploitation did receive regular updates and support, but others heard nothing for months at a time, whilst waiting to hear about trial dates or charges. |
| You are entitled at any time during the investigation and trial to speak to someone specially trained to listen to you and help you get over the crime. This may be called therapy or counselling and is often provided by a specialist organisation. | Section 1.7, Children and Young People, Victim’s Code |
| This is the most inconsistent and contentious entitlements for girls subjected to sexual exploitation. Both the Victim’s Code and the CPS have released standards which state that children are entitled to therapy, counselling and support in the months and weeks leading up to a trial, but many professionals are taught that this is illegal or impossible. Professionals, parents and girls are incorrectly told that girls cannot access any therapy or support before a CSE trial because it will affect the evidence and credibility of the girl, sometimes leading to girls being refused psychological support for months or years. |
| You are entitled to be informed within 1 working day about whether a suspect is being charged or not, or whether a case is going ahead or being closed. | Section 1.8-2.2, Children and Young People, Victim’s Code |
| This is not routinely being observed, with many girls subjected to exploitation waiting days or weeks to hear news about charges, cases and trials. |</p>
<table>
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<tr>
<th>You are entitled to ask the CPS to review their decision if they decide not to charge a suspect</th>
<th>Section 2.2, Children and Young People, Victim’s Code</th>
<th>Whilst this is provided to everyone as part of the Victim’s Code, it is little known and rarely used unless a knowledgeable professional advises the family that it is possible. When suspects are not charged or when girls are told there is no case, they are not routinely told that they have an immediate entitlement to ask the CPS for a review.</th>
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<tr>
<td>Where a suspect is charged with committing a crime, you are entitled to be informed within 1 working day of a Crown Prosecution Service decision to make big changes to the charges against the suspect, to stop the case, to charge the suspect with another crime or to offer no evidence to the court (i.e. end the case).</td>
<td>Section 2.4, Children and Young People, Victim’s Code</td>
<td>This entitlement is not routinely observed, especially when defendants enter into plea bargaining deals in the courtroom or in the process running up to a trial date. Girls are often advised that several charges have been dropped to allow for a bargained plea. In these cases, the girls are not given a choice or enough information to appeal the decision; but are simply informed of the changes to the charges.</td>
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<td>If you do go to court to give evidence at the trial, you are entitled to meet the Crown Prosecution Service advocate (the lawyer who presents the case against the suspect) or representative and ask him or her questions about what will happen in court, how long you may have to wait before giving evidence and be told about any delay</td>
<td>Section 3.2, Children and Young People, Victim’s Code</td>
<td>This is inconsistent at present. Some girls do meet the prosecutor and know who will be representing them. Some girls do not meet their CPS representative or prosecutor until the morning of the trial and are given a few minutes to ask questions before the prosecutor goes to prepare for the trial. This is inadequate, especially considering the significant time the defendant may have had preparing the defence with their lawyer over the weeks and months leading up to the trial.</td>
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<td>The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant</td>
<td>Article 3b, Palermo Protocol, UNHRC</td>
<td>This is not being routinely observed in the sexual exploitation of girls in the UK. Consent is still being used as a reason not to charge, prosecute or go ahead with trials. Consent is often questioned when the girls are 16 and 17 years old (The Children’s Society, 2015), despite the Palermo protocol stating that consent of the victim (of any age, including adult victims) is irrelevant.</td>
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<tr>
<td>The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered &quot;trafficking in persons&quot;</td>
<td>Article 3c, Palermo Protocol, UNHRC</td>
<td>Child sexual exploitation of girls has widely been regarded as a safeguarding issue rather than being part of a larger set of offences of trafficking persons for sexual exploitation of oppressed groups (an offence that is perpetrated mainly by men towards women and girls all over the world). Sexual exploitation of girls in the UK often includes trafficking of persons if the Palermo protocol definition was used correctly and would provide more powers under the Modern Slavery Act (2015) for intervention, investigation, civil orders and provision of services to girls.</td>
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Conclusion

Child sexual exploitation overwhelmingly affects girls in the UK, despite the move to frame CSE as a gender-neutral issue that affects boys and girls equally. However, this semantic reframing has not lessened the often misogynistic or discriminatory nature of interventions, definitions and treatment of girls subjected to sexual exploitation. In 2019, child sexual exploitation is still not fully defined as child sexual abuse, and is instead framed as an ‘exchange’ that the girl engages in for something she ‘wants or needs’.

This report has set out the rights and entitlements that girls should be afforded under international and national law and legislation, along with significant peer reviewed research and serious case reviews which present violations of those rights and entitlements.

As pointed out by Beckett and Warrington (2015), many of the rights and entitlements already exist. It is not the case that research or inquiries are uncovering gaps in law, legislation and rights, but they are presenting evidence that the rights of girls subjected to sexual exploitation are inconsistent or routinely ignored in practice, policy or interventions.
Reference List


Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979


Eaton, J (2019) ‘Logically, I know I am not to blame but I still feel to blame’: Exploring and measuring victim blaming and self-blame of women subjected to sexual violence and abuse, University of Birmingham


Modern Slavery Act, 2015, HM UK Government

Office of the Childrens Commissioner, 2017
PACE (2014) The relational safeguarding model: Best practice in working with families affected by child sexual exploitation

PACE (2015) Keeping it together: A parent’s guide to coping with child sexual exploitation

The United Nations Declaration of Human Rights (1948)


The Youth Justice and Criminal Evidence Act (1999)

