

Improving global protection for children against sexual abuse

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Local Government analysis: As sexual abuse and sexual violence awareness week 2019 gets underway, this analysis takes a look at the key findings of the recent report 'Out of the shadows', a global index on child exploitation which involved cataloguing how 40 countries are responding to child abuse and exploitation. Alison Millar, lawyer at Leigh Day who specialises in bringing abuse claims under domestic civil law, analyses the findings of this study and the differences it raises between the legal protections for female and male children. Bharti Patel, CEO of Every Child Protected Against Trafficking (ECPAT UK), a leading children's rights organisation, comments on what needs to change in legislation

The UK ranking

In January 2019, the Economist published ['Out of the shadows'](#) to help to measure progress toward reaching Sustainable Development Goal target 16.2—ending abuse, exploitation, trafficking and all forms of violence against, and torture of, children.

Overall, the UK was ranked top of the countries studied regarding protection for children against sexual violence. Millar explains that 'environment' is the key contributor to this rating, defining 'environment' as including:

- 'the safety and stability of a country
- 'the social protections available to families and children
- 'whether societal norms lead to open discussion of the issue
- 'the legal framework
- 'government commitment and capacity to respond
- 'the engagement of industry, civil society and media'

Despite particularly high engagement in the UK—rated at 98.0 out of 100 in the report—which reflects 'the way industry, civil society and media play a part in preventing sexual violence against children, the existence of support services for survivors and services dedicated to preventing child sexual abuse', Millar says 'there is still a long way to go' regarding the legal framework.

The contextual legal framework

The UK scored 9th in terms of legal framework in the dataset. Millar identifies 'having a legal framework sensitive to children and conducive to preventing sexual violence against them, which can help end the issue and enable victims to seek justice' is a key priority to change this.

Millar says 'if one drills down into the individual indicators and metrics studied, there are some particular weaknesses identified in the UK's legal framework for protecting children from sexual exploitation and abuse'. She specifies areas where the UK seems 'weaker':

'The lack of a specific legal framework for protecting and promoting children's rights and the lack of mandatory reporting legislation requiring professionals working in regulated activities—such as doctors, teachers and social workers—to report suspicions of abuse to the authorities.'

Millar notes that this is something which organisation supporting child abuse survivors—such as the National Association for People Abused in Childhood (NAPAC), The Survivors Trust, Survivors UK and RESPOND—have been calling for a long time.

The current system, where ‘there is some discretion as to whether to report’ encourages a culture which ‘allows organisations to try to deal with concerns “in house” and has led to institutions prioritising their reputation over the protection of children’. Introducing a duty to report would, Millar argues, provide protection for whistleblowers and those who report offences in challenging circumstances. She adds that ‘this global study has identified the lack of a mandatory reporting law as a weakness in the UK’s legal framework’.

More child-specific laws are needed, especially online

The UK scored 29th of the countries surveyed under the standard for child-specific legislation—equal with Albania, Argentina, Brazil, Cambodia, El Salvador, Indonesia, Jamaica, Kenya, Malaysia, Mongolia and Vietnam.

This standard analysed the UK’s laws against:

- child marriage
- child-specific rape laws (ie laws distinguishing forced sex with a child from other forms of child sexual abuse)
- laws protecting child interests and ensuring that children who are sexually exploited are not treated as sex offenders
- lack of internet protections, ie ‘adopting legislation and working with ISPs, mobile phone companies, search engines, public Internet facilities and others to facilitate the detection and investigation of child pornography[...]contributes to an environment that protects children from exploitation’

The methodology behind this statistic, Millar describes, was to look at whether Internet service providers (ISPs) are required by law to be autonomously responsible for blocking access to offending websites where relevant material (sexual abuse and exploitation) is available, or to delete illegal content. It also considered whether ISPs are required to keep records and preserve offending material as evidence, or traffic data, for investigation and prosecution.

Millar highlights the ‘lack of legal and regulatory requirements on ISPs and social media platforms over the content they carry’ as a significant issue for the risk it poses to children. She raises the recent case of ‘Molly Russell, a teenage who killed herself having been exposed to material promoting self-harm and suicide, repeatedly offered to her algorithmically’.

This is a growing concern, and Millar urges for ‘a stronger legal and regulatory framework to require the tech industry to do more’ in order to protect children against abuse, especially in an age where ‘the volume of child sexual abuse imagery online is growing exponentially and that UK police forces are struggling to cope with the volume of online child sexual abuse investigations and the volume and type of digital evidence now generated’.

Protecting boys as much as girls

Only five of the 40 countries in the study collect prevalence data relating to child sexual exploitation for boys. The study also raised concerns regarding a potential lack of protection for boys at risk of sexual abuse, in comparison to girls, across the world.

In the UK, Millar says there can be difficulties for male survivors of sexual abuse to find sexual violence support services which are appropriate for their needs. Some services are female only, and 'male survivors can face particular barriers to disclosure and healing from sexual abuse, in particular around the social stigma, guilt and shame, which is why for example SurvivorsUK launched a campaign "Real Men Get Raped"'.

Millar stresses that male survivors of abuse 'can benefit from services that are tailored to the needs of male survivors such as those provided by organisations such as Mankind and SurvivorsUK' and points out that many of these organisations were born out of the identification of a lack of an appropriate service for male sexual violence survivors.

Awareness is slowly changing, and Millar gives the example of Andy Woodward and other ex-professional footballers who have spoken out about sexual abuse and are participating in a bid to change social perception by increasing disclosures 'by people who are seen as strong male role models'.

Underreporting must stop

Data-gathering 'is important to monitor any gendered bias in reporting and responding to complaints of sexual violence', Millar says, especially considering 'studies have shown that boys are significantly less likely than girls to disclose sexual abuse at the time it occurred and also take significantly longer to discuss their childhood experiences later in life'.

Bharti Patel, CEO of ECPAT UK, a leading children's rights organisation working to protect children from trafficking and transnational exploitation, says that 'clear systematic failures' and 'weaknesses in legislation, child protection systems and the enforcement of children's rights' are to blame for children remaining vulnerable to abuse across the globe.

Underreporting, in particular, Patel says, contributes to continued vulnerability in children:

'Despite recent revelations of sexual exploitation against children and vulnerable adults, much remains undisclosed and underreported. The reasons for this are multiple and complex, ranging from personal and institutional barriers such as social stigma, self-blame and concerns about the consequences for them and their families, to concerns about risks of further punishment and a lack of support and trust in adults who can help them.'

Millar and Patel both raise underreporting, and weaknesses in legislation as key issues to be addressed in order to improve protections for children against abuse and exploitation in the UK and worldwide.

As Patel says: 'Every child has a right to be protected against violence in all its forms. Every State has an obligation to implement legislative measures that protect all children without discrimination on the grounds of sex, race, gender, language, religion, national or social origin.'

Written by Samantha Gilbert.

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