Mr President,

I welcome the opportunity to present this statement in response to the report of the Special Rapporteur on the sale of children, child prostitution and child pornography. I make this statement in the name of the Equality and Human Rights Commission and the Northern Ireland Human Rights Commission, A status national human rights institutions of the United Kingdom.

We welcome the Special Rapporteur’s report and would like to bring to the attention of the Human Rights Council a number of current issues we are examining in the UK.

The NIHRC has raised concerns with the UK Government and Northern Ireland Executive as well as with the CRC and CEDAW Committees regarding the criminal laws protecting children from different forms of sexual exploitation, such as prostitution, pornography and sexual grooming. The legislation distinguishes between children under 13 years of age and children between 13 and 18. In the latter context, it is for the prosecution to prove that the perpetrator does not reasonably believe the child to be 18 years old or more. The NIHRC has advised that this additional burden of proof does not adequately protect children between 13 and 18 years.

The EHRC echoes this concern, as the Sexual Offences Act 2003 section 37 – ‘Paying for Sexual Services of a Child’ and section 9 (engagement with sexual activity with a child under the age of consent) – which applies in England and Wales, has the same wording in relation to age as the equivalent provision in Northern Ireland.

For these reasons we support the concluding observation made by the Committee on the Elimination of Discrimination Against Women in 2013 that
the UK Government ‘revise its legislation by shifting the burden of proof from the prosecution to the purchaser of sexual services.’

The NIHRC further notes that the National Crime Agency, established in 2013 by the UK government to tackle serious and organised crime, integrates the Child Exploitation and Online Protection Centre (CEOP). Due to an absence of agreement in the Northern Ireland Assembly, it does not have full powers to operate in Northern Ireland. As a consequence, it is necessary for the UK Government and Northern Ireland Executive to ensure that children will nonetheless receive the same levels of protection in this jurisdiction as in other parts of the UK.