12 March 2014

HUMAN RIGHTS COUNCIL
Twenty Fifth Session
Agenda Item 3

NHRIs of the United Kingdom of Great Britain and Northern Ireland)

Title: Report of the Special Rapporteur on the sale of children, child
prostitution and child pornography

Mr President,

I welcome the opportunity to present this statement in response to the report
of the Special Rapporteur on the 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.