



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Lord Carlile of Berriew CBE KC**

Chair  
Northern Ireland Scrutiny Committee  
House of Lords  
London  
SW1A 0PW

By email: [HLNIScrutiny@parliament.uk](mailto:HLNIScrutiny@parliament.uk)

29 August 2025

Dear Lord Carlile,

**Re: HL Bill 111—UK Parliament Crime and Policing Bill and Windsor Framework Article 2**

As you know, the Northern Ireland Human Rights Commission (the Commission), is obliged under section 69(1) of the Northern Ireland Act 1998, to keep under review the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI); and, by Section 78A(1), to monitor the implementation of Article 2(1) of the Windsor Framework of the UK-EU Withdrawal Agreement.<sup>1</sup>

I am writing to encourage the Committee's consideration of Clause 71 of the Crime and Policing Bill, HL Bill 111, which would amend the Customs and Exercise Management Act 1979, to give powers to an officer to scan an electronic device for child sexual abuse images.

The Commission welcomes the objective of the Bill in seeking to strengthen the framework for tackling child sexual abuse and exploitation and trafficking-related offences without diminishing procedural or substantive rights.

The Commission notes, however, that neither the Human Rights memorandum nor the various impact assessments published alongside the Bill, consider

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<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this letter have been updated to reflect this change. (See Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

compliance with Windsor Framework Article 2. The Commission continues to recommend that Human Rights Memoranda / impact assessments on Bills and statutory instruments that may engage Windsor Framework Article 2, set out detailed consideration of compliance. When assessing the impact of policy and legislation on Windsor Framework Article 2, the Department should consider EU law which underpins protections within the Rights, Safeguards and Equality of Opportunity chapter of the Belfast (Good Friday) Agreement, including relevant ECHR rights, and ensure that there is no diminution of standards set out in that relevant EU law, as the law applies in Northern Ireland.

The Commission would advise the Committee to enquire about what is proposed in terms of statutory safeguards or procedures to identify and protect trafficking victims, the absence of which may lead to criminalising or retraumatising children who have been coerced or groomed into carrying such material, often without fully understanding its nature. This would contravene Article 8 of Directive 2011/36/EU and Article 20 of Directive 2011/93/EU. Additionally, this Clause does not include requirements for officers to receive specialist training in identifying trafficking or exploitation indicators in child sensitive or trauma informed procedures, despite Article 18 (3) of Directives 2011/36/EU and Article 23 2011/93/EU.

The Commission suggests that the following questions are explored with the relevant Departments:

1. What assurance can the Department provide that officers will be equipped with trauma-informed child sensitive procedures in line with Articles 8 and 18 (3) of Directive 2011/36/EU and Articles 20 and 23 of Directive 2011/93/EU?
2. Will the Department provide an updated Human Rights Memorandum or a Human Rights Impact Assessment including consideration of Windsor Framework Article 2?
3. What assessment has been made of the potential impact of Clause 71 on trafficked or exploited children, particularly in cases where coercion or grooming may be present?
4. What information can the Department provide to assure the Committee that officers will be trained to apply trauma-informed, child-sensitive approaches when identifying potential trafficking victims under Clause 71?
5. What safeguards are in place to ensure that Clause 71 does not lead to unintended criminalisation or traumatisation of vulnerable children?

Yours sincerely,



**Alyson Kilpatrick**  
**Chief Commissioner**  
**Northern Ireland Human Rights Commission**