

Why is the UK Government reneging on its promise to protect kids from predatory men?

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Background

Most people in the UK think that the age of consent is 16 and that the rape of a child under 16 is considered statutory rape – which means that if the act is proven, there is no defence and the perpetrator is found guilty of rape. But that is not how it works in England and Wales.

In England and Wales, the age of consent below which rape is treated as statutory rape is 13.

If the child is 13, 14 or 15, the police, Crown Prosecution Service, judiciary, and defendants can all claim that she consented and therefore an offence did not take place, or the offence is downgraded to a lesser one. Furthermore, the defendant can claim that he “reasonably believed” she was 16 or older and the prosecution must prove beyond reasonable doubt that this is not true.

The Crown Prosecution Service (CPS) [guidance on consent](#) includes a long section on consent in child sexual exploitation (CSE) cases, with links to judgments from the Court of Appeal (Criminal Division), even though consent should be irrelevant in these cases. The section on sexual offences and the grooming of children in the [Crown Court Compendium](#), which provides guidance to Crown Court judges on directions to juries, even provides an example discussing consent where the theoretical complainant is a 12-year-old child.

Is it any surprise then that successful prosecutions for rape of a child aged 13-15 make up such a small proportion of the reported number of these offences, which are themselves a small fraction of the true level of offending? Where prosecutions do take place, the offence is likely to be downgraded to a lesser one. For all these reasons, securing convictions for rape and other serious sexual offences against 13, 14 and 15-year-olds is difficult, and often impossible.

The Casey Report on grooming gangs

In January 2025, Keir Starmer and Yvette Cooper, the then Prime Minister and Home Secretary, commissioned Baroness Casey to undertake a rapid national audit of “group-based child sexual exploitation and abuse” in response to the enormous public concern about what had come to be known as “grooming gangs” or “rape gangs”. She [delivered her report in June 2025](#).

The report was damning and included 12 recommendations that the [UK Government quickly agreed to implement in full](#). The first recommendation was an overhaul of our age of consent laws. This is something that we have [long been calling for](#).

Baroness Casey said in her report:

“Despite the age of consent being 16, we have found too many examples of child sexual exploitation criminal cases being dropped or downgraded from rape to lesser charges where a 13 to 15 year-old had been ‘in love with’ or ‘had consented to’ sex with the perpetrator.

This is due to a 'grey area' in the law where, although any sexual activity with 13–15-year-olds is unlawful, the decision on whether to charge, and which offence to charge with, is left more open to interpretation.

The purpose is largely aimed at avoiding criminalising someone who reasonably believed a child was older than they were or criminalising relationships between teenagers. But in practice, this nuance in law is being used to the benefit of much older men who had groomed underage children for sex.

The law should be changed so adult men who groom and have sex with 13–15-year olds received mandatory charges of rape, mirroring the approach taken in countries like France”

Changes to the French Penal Code enacted in April 2021 established the presumption of non-consent in sexual interactions between adults and individuals under the age of 15, and removed a previous requirement to prove coercion, threat or violence.

Baroness Casey drew attention to the fact that it's [illegal in the UK](#) for shops to sell alcohol to young people without confirming they are 18 or over by checking their ID but “we have a legal system which allows an adult man to argue he thought a child was older when he had sex with them.”

She went on to say:

“And while we are having public debates about not allowing children to have mobile phones until they are 16 to protect their vulnerability, we have a legal system which allows a much older man to argue a 13-year-old consented to having sex.”

She added:

“That is why I want the legislation on rape tightened up so that an adult having penetrative sex with a child under 16 is rape, no excuses, no defence.”

Yes! “No excuses, no defence.” That is what we need to properly protect our children!

So, what has the Government done?

The [Government has now introduced amendments](#) to the Crime and Policing Bill that is currently before the House of Lords to “give effect to recommendation 1” of the Casey report. The amendments will:

*“[C]reate new offences that cover rape and other penetrative sexual activity with a child under 16 by an adult, **where that adult did not reasonably believe that the child was aged 16 or over** (as long as they are at least 13). Whether the child consented or there was a reasonable belief in consent will not be an element of these offences – it will, rightly, be irrelevant. The new offences will have a maximum penalty of life imprisonment. These new offences will sit alongside existing offences, such as sexual activity with a child (section 9 of the Sexual Offences Act 2003).” [Emphasis added]*

Well, thank goodness that consent will no longer be an issue! Although most of the [current child sexual offences](#) don't actually mention consent – that element was added by others after their

enactment. And if they could do that then, what is to stop them doing it again? But let's hope that doesn't happen with these new offences.

But... But... The man can still claim he **believed** she was 16. And if the prosecution is unable to prove that is not true, he will get off. How can you prove someone didn't believe something?

What happened to no excuses, no defence?

This means that children of 13, 14 and 15 in this country will continue to have more protection from alcohol and cigarettes than from creepy men who want to rape and sexually abuse them.

The Government claims:

“We have worked closely with Baroness Casey in developing this approach and are grateful for her support of the work we are doing to give effect to her recommendation.”

Did Baroness Casey change her mind? Or is the Government being economical with the truth?

Why is the UK Government failing to keep its commitment to the protection of children from sex offenders? Will these amendments make it easier for the CPS to prove that a man's claim that he believed a 14-year-old was 16 was unreasonable? I don't think so!

Make no mistake, this will mean that sex offences against children will continue to be largely unenforceable.

How can the Government defend this? How can they claim to be implementing Baroness Casey's recommendations when they clearly aren't?

What we are calling for

We want the law to provide clear, realistic and effective protection for children and for all child sexual offences to be easy to **understand and enforce**.

We are therefore calling for the following changes to both the new offences and all existing sexual offences against children:

- The removal of the defence that the defendant can claim he did not “reasonably believe” that the claimant was 16 or over (18 or over in CSE offences).
- The addition of an explicit statement that whether the complainant consented or appeared to consent is not relevant.
- The removal of the statement that the penetration must be “intentional”. We consider the idea that a man could penetrate the vagina, anus or mouth of a child with his penis **unintentionally** to be so unlikely – implausible even – that it does not need mentioning.

Why did the Government introduce this amendment so late?

The Government committed to implementing Baroness Casey's recommendations in mid-June 2025. But it wasn't until mid-February 2026 – eight months later – that they introduced these amendments. And they have added them to a Bill that is at a very late stage in its passage through parliament.

The Bill has already passed through the House of Commons. It is now in the House of Lords where it is about to have its Report stage, starting on 25 February 2026, and then its Third Reading.

Amendments can be moved at both of these stages, although amendments cannot be made at Third Reading if the issue has been fully considered and voted on previously during either the committee or report stage in the House of Lords. After the Third Reading, the Bill will be sent back to the House of Commons for consideration of amendments made to the Bill in the House of Lords. The House of Commons can either accept or reject the Lords' amendments.

This means that there is very little scope for these amendments to be changed and no scope for the House of Commons to bring changes – for example to remove the “reasonable belief” clause. Once these amendments are law, they are unlikely to be re-examined for many years.

So not only has the Government reneged on its commitment to implement in full Casey's first – and perhaps most important – recommendation but it has gone about it in what can only seem to be a cynical and undemocratic way.

Conclusion

I remember my own daughter when she was in her early and mid-teens. How sweetly vulnerable she was. How excited to be growing up, at the thought of having a boyfriend. And how unaware she was of the risks that adult men posed to her and other girls her age and how little protection the law provided. When she was just entering puberty, how could she fully grasp the risks of sex in a mutual relationship with a boy her own age, let alone with an adult man with nefarious intentions?

She may have known about the biological “facts of life” and sexually transmitted infections (STIs). But what did she know of the impact of falling pregnant at that age? Or how it would affect her whole life? Or that an STI might decimate her own fertility and what that would mean in later years when she longed for a child? Or the impact of a sexual assault or being subject to a man's coercive control on her sense of self and ability to focus on her studies at school? The short answer is that she couldn't. No child can understand all the implications at that age. That is why children are not considered to have the capacity to consent to sex until they are at least 16. That is why we need explicit statutory rape laws.

When the Government committed to implementing Baroness Casey's recommendations, that is what it was committing to – proper statutory rape legislation. How shameful that now the Government has silently reneged on this while pretending it hasn't.

So many survivors have fought so hard to bring about change in the face of complacency and obstruction so that other girls won't suffer as they have. It's as if the Government is mocking them.