

AWL conference 1-2 March 2003

Policy passed and debate: Child porn, paedophilia

Age of consent

1. We recognise that the massively greater social weight of adult vs child / young person means that effective consent is not possible with-in such inequality. The 'Age of Consent' is a legal device which recognises this inability.

2. Any fixed age of consent is necessarily arbitrary, but 16 (the age of consent in Britain) does coincide with other markers of adulthood and economic independence (age of marriage, school leaving age, full-time employment).

3. We oppose the call for the abolition of the age of consent.

The conference agreed to open a wider debate on the issues and did not vote on the following motion and amendment which were, nonetheless, discussed during the meeting.

Motion: Child porn, paedophilia, etc.

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Any fixed age of consent is necessarily arbitrary, but 16 (the age of consent in Britain) does coincide with other markers of adulthood and economic independence (age of marriage, school leaving age, full-time employment).

1. We oppose the call for the abolition of the age of consent.

2. We oppose the simple lowering of the age of consent

3. We favour a sensitive banded or relative age of consent which emphasises the question of age difference rather than absolute age (so that two 14-year olds having sex would be treated differently from a 14-year old and a twenty year old.)

4. We regard as progressive the statement, e.g. by the Metropolitan Police, that they will regard under-18s engaged in sex work or prostitution as victims in need of child protection measures rather than criminalising them

5. We are for the absolute right of young people who have been trafficked for sexual purposes to remain and enjoy full rights of citizenship and/or social care, without condition.

Child pornography

1. We regard all commercial sexual use of children as abusive and exploitative.

2. The production of child pornography therefore in and of itself constitutes abuse

3. Pornography is produced for a market, and the consumers of it are therefore funding, inciting and generating demand for the abuse of children. We do not see them, the consumers, as victims but as perpetrators of or implicated in abuse. We are for their prosecution—with all the legal safeguards which should apply to any accused. We are for

the humane treatment of sex offenders and where their offences arise from a disordered world-view for prison resources to be devoted to re-education and challenging that view.

4. Computer-generated images which do not involve actual children in sex acts, while distasteful, do not constitute abuse in this sense. The onus of proof, though, should be on the manufacturers/ distributors of such images to establish that no children have been used in their production. Similar arguments apply to adults dressed as children for pornography.

Alternative 4. All sexualised images of children stimulate and encourage paedophilic desires and lead to the legitimisation of the sexual abuse of children and should be banned.

Amendment

Delete points 1., 2. and 3. and replace with:

1. We recognise that the massively greater social weight of adult vs child / young person means that effective consent is not possible with-in such inequality. The current 'age of consent' provides some recognition of this. However, it also makes consenting sexual activity between young people illegal.

2. We oppose the criminalisation of consenting sex between young people. Even without prosecutions, it serves to repress free sexual development, and to make it more difficult for young people to access advice, support, sexual health services and contraception—and the open discussion that enables young people to develop respectful, egalitarian sexual relationships. As such, it can make young people more vulnerable to abuse.

3. Freedom of information about sex and the provision of decent sex education for all young people (without parental 'opt-out') is essential in protecting young people from making inappropriate decisions about sex with each other. Further, young people under any 'age of consent' wanting contraception or advice from the medical profession should have a guaranteed right to privacy, and the health workers concerned should be free from fear of prosecution.

4. Children and young people should be free to develop their sexuality, protected from abuse by predatory adults, and also from fear of repressive legislation. Age is one factor in the ability to consent, but so is age difference, and also formal relations of power/authority between people (e.g., teacher/pupil). We believe that the transition from childhood to adulthood is a phase rather than an overnight transformation and the law should seek to reflect that reality.

5. We believe that the state should have laws to protect children and young people from abuse, and reject arguments along the general line that the state should not interfere in such matters because they are 'personal' or 'beyond the jurisdiction of the state'.

6. We support the replacement of the current age of consent laws with legislation that recognises all these factors. For example, the law should treat consenting sexual activity between two 14-year-olds differently from a 25-year-old youth worker having sex with a 14-year-old or a 16-year old youth club member.

7. In the absence of such a replacement, we oppose calls to 'abolish the age of consent'.

Keep points 4 and 5 and re-number.