

## Laws for young people –

The information in this document is intended to help you with your research; however, you are advised to research and explore a range of other resources.

Although current guidance given to police is avoid criminalising young people where possible, you need to know that each case will be dealt with based on the individual facts and can lead to young people involved receiving a police record, criminal record and seizure/destruction of their phone, all of which could significantly impact on their life.

Young people are often unaware that they can still be dealt with for sexual offences against a child; these laws are not just for adults.

Most images associated to sexting are people under the age of 18 and are considered in law to be child pornography; taking, sending and receiving them is likely to be enough to be dealt with as a crime.

The information provided here refers to laws most relevant to sexting. It is important that you're aware of the law to protect yourself, but also to ensure you can pass this on to your peers in your campaign.

However, in reported cases of 'sexting' between young people; those involved will always be treated as a victim first, with careful assessments being made to safeguard them and address any underlying vulnerabilities or concerns.

The title of each act contains a link to further information

### Protection of Children Act 1978

**Section 1:** Take (or permit to be taken) / make / distribute indecent photographs / pseudo photographs of children: creates various offences regarding the taking, making or distribution of indecent photographs of a child.

### Criminal Justice Act 1988

**Section 160:** Possession of indecent photograph of child: creates an offence of possessing any indecent photographs of children under 18 years

### Sexual Offences Act 2003

**Section 13:** Child sex offences committed by children or young persons: makes it an offence for a person under age 18 to do anything that would be an offence under any of sections 9 to 12 (see below) if he were aged 18 or over. The purpose is to provide a lower penalty where the offender is U18.

### Revenge Pornography

The Criminal Justice and Courts Act 2015 covers the sharing of sexual material without the person in it knowing or giving consent. Revenge pornography is a broad term usually involving an individual, often an adult ex-partner, uploading onto the internet intimate sexual images of the victim, to cause the victim humiliation or embarrassment.

**Section 33:** makes it an offence to disclose private sexual photographs and films with intent to cause distress without the consent of a person who appears in the photograph or film, and with the intention of causing that person distress and humiliation.

### Sexual Offences Act 2003 Sections 9 – 12 including S.15

**S.9 Sexual activity with a child:** makes it an offence for a person aged 18 or over to intentionally engage in sexual touching of a child under 16.

**S.10 Causing or inciting a child to engage in sexual activity:** makes it an offence for any person aged 18 or over intentionally to cause or incite a child aged under 16 to engage in sexual activity. Where the child is aged 13, 14 or 15, the prosecution must prove that the defendant did not reasonably believe that he or she was 16 or over.

**S.11 Engaging in sexual activity in the presence of a child:** makes it an offence for any person aged 18 or over intentionally engages in sexual activity for the purpose of obtaining sexual gratification when a child U16 is present or is in a place from which the sexual activity can be observed.

**S.12 Causing a child to watch a sexual act:** makes it an offence for any person aged over 18, for the purpose of sexual gratification, intentionally causes and child U18 to watch a third person engaging in sexual activity, or to look at an image of any person engaging in sexual activity.

**S.15 Meeting a child following sexual grooming:** makes it an offence where a child under 16 travels to meet the adult or the adult arranges to meet the child, following an earlier communication, if the adult intends to commit a sexual offence against the child during or after the meeting.