

Gooseberry Alert No 49 Youth Produced Sexual Imagery

“Young produced sexual imagery” and “Sexting” - what do these terms mean?

Photo sharing apps on digital devices makes image sharing quick and easy and changing social norms mean that nude image sharing between teenagers is not always seen as wrong. But, as adults, we are very aware of the risk of humiliation and bullying if images become shared more widely, and the risk of blackmail too. Added to this, possible police involvement makes this a very serious issue. The fact is, it is illegal to take, make, possess or share indecent images of a child under the age of 18, even if done by an under 18 year old and even if the other child consented.

Have a look at: <https://www.gov.uk/government/publications/indecent-images-of-children-guidance-for-young-people/indecent-images-of-children-guidance-for-young-people>

An extract reads as follows:

- *under the Protection of Children Act 1978 (as amended), the UK has a strict prohibition on the taking, making, circulation, and possession with a view to distribution of any indecent photograph or pseudo photograph of a child and such offences carry a maximum sentence of 10 years' imprisonment*
- *section 160 of the Criminal Justice Act 1988 also makes the simple possession of indecent photographs or pseudo photographs of children an offence and carries a maximum sentence of 5 years' imprisonment*

The term 'making' could include:

- *opening an attachment to an email containing an image*
- *downloading an image from a website onto a computer screen*
- *storing an image in a directory on a computer*
- *accessing a website in which images appeared by way of an automatic “pop up” mechanism*

Types of examples covered by these laws could include the following:

- *a person under the age of 18 who creates, possesses and/or shares sexual imagery of themselves with a peer under the age of 18 or adult over 18*
- *a person under the age of 18 who possesses and/or shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult over 18*
- *a person over the age of 18 who creates, possesses and/or shares sexual imagery of a person under the age of 18*

This means that if someone sends your child a naked image and they open it and don't delete it, they have committed an offence. If they willingly take a naked photo of themselves and send it to their girl or boyfriend, they have committed an offence. Make sure your children know this law and think about the consequences. A criminal record can affect their future study, work and travel prospects. If they stumble across indecent images of children online, they or you should report them to the Internet Watch Foundation.

The fact is that if schools become aware of nude image sharing between pupils, they are not obliged in all circumstances to refer it to the Police – it will depend on a number of different issues, but, if it is referred, the Police must record the incident as a crime. This is a case of the law not keeping up with changing times and there has been some recognition of this problem in the use by Police of something called “Outcome 21”. Because, in some cases, a criminal record could have a disproportionately serious effect on a young person and their future, the Police have a discretion to use “Outcome 21” if they conclude that further investigation is not in the public interest, even if it might support a criminal action against the suspect. This is a good thing for children who make a mistake, but let's

face it – this is discretionary and not guaranteed. It is much better that children know not to get involved in this in the first place.

Why not talk about this in class or at home:

1. What are the risks of creating, storing or sharing risky/nude images online?
2. Why might people decide to create, store or share risky/nude images online?
3. Do we feel more spontaneous and less inhibited online than in real life?
4. Think about how these types of images might be used against you?
5. What might happen if people create, store and share these types of images online?
6. If something online upsets you, what must you do?

It is also a good idea to start an age-appropriate conversation with younger children. Knowing this law might help to combat sexual exploitation by encouraging a child think twice before sharing a photo with someone they have never met.

You are welcome to share this with your school community so long as you reference Gooseberry Planet Ltd as your source.