

Why the age of sexual consent continues to be a worldwide challenge

April 4 2018, by Michael Richards



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France is [considering changing](#) its legal age of consent so that sex before

the age of 15 is automatically considered rape after [recent child sex cases](#) raised serious concerns. At the moment, prosecutors have to prove that the underage sex was non-consensual to obtain a rape conviction.

The change is being proposed as a way to [tackle issues with the laws](#) in France that mean if no violence or coercion has taken place or been proved, offenders can only be charged with sexual abuse and not rape. In fact, sentences of this nature are the same for sexual assaults of minors and non-minors.

The debate around the age of consent is still as relevant and as serious as it ever was. In the UK, the age of consent is 16. But in Germany and Italy it is 14, whereas in Turkey the [age of consent is 18](#). Yet, if we consider that [one in three teenagers](#) are having sex before the age of 16, does that mean the age of consent needs to be considered again in the UK?

Children and the law

It is an issue that emerges [time and time again in the UK](#) and it always remains at deadlock. But does UK law ensure that our children are always on the edge of being a "sex offender"?

In the UK, under the [Sexual Offences Act 2003](#), it is illegal to engage in sexual activity with someone under the age of 16. In some cases, it may be a defence to say that it was reasonable that there was a belief that the person was 16 or over. But, ordinarily, a "sex offender" is likely to be imprisoned for around five years if someone was under 18 at the time. The sentence increases to ten years to life if the offender [is over 18 at the time of the offence](#).

In effect, it does not matter what your age is. But if you have sex with someone under 16, you become a sex offender. That is despite half of all

UK teenagers [having their first sexual experience](#) by the age of 14, according to the National Survey of Sexual Attitudes and Lifestyles. So is it right to see [young people hauled before the courts](#), convicted and put on a sex offenders register alongside adult rapists and paedophiles?

This is the reality but the law is there for a reason – to protect the vulnerable and less experienced. Although this does not always happen. The NSPCC says five child sex offences are [reported every hour](#). It is no surprise then that people have expressed concerns that some [sex offenders](#) would see any change in the law on consent as an opportunity to [focus their sexual intentions](#) on young teenagers. The worry is it could lead to an increase in abuse cases and increasing pressure to have sex at a younger age.

Some are concerned that it might lead to a further increase in STI rates and unwanted pregnancies (the UK has some of the [highest rates of teenage pregnancies](#) in Western Europe).

There are wider issues relating to the [sexualisation of childhood](#) and the culture that we live in. Can we not just let children be children?

There is also the issue of education – or lack of it – in schools and at home relating to [sexual consent and behaviour](#). So lowering the age of consent is not necessarily the answer.

A confusing global picture

While 16 remains the average age of consent in Europe and beyond, there are dramatic differences globally. This ensures there are confused messages about when it is right to have sex or not. In some countries, you have to be married before you have any sexual relations (Iran, Pakistan and Saudi Arabia). In other countries, you can have sex from the age of 11 (Nigeria) and quite a few countries allow the age of

consent to be 13, [including Japan and Niger](#). For many, for the age of consent to be so low is unthinkable. But it may reflect the traditions, religion, culture and history of a particular country.

Perhaps the laws of consent need to be more flexible and realistic to ensure that [young people](#) are protected. At the same time, there must be an appreciation that many reach sexual maturity quicker than others and therefore are able to make choices about their own bodies. For example, in Canada, while the age of consent is 16, [the legislation is constructed](#) in such a way that older sexual predators would be prosecuted rather than young teenagers who might be in established relationships, even if they have not quite reached the age of 16. This also alleviates some of the pressure associated with having sex at a younger age.

The issue of consent is an emotive one that may never be fully resolved. But it is an important issue for people of all ages. France is having that debate once again. Perhaps it is time the UK joined in?

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