

**Submission
No 7**

SEXUALISATION OF CHILDREN AND YOUNG PEOPLE

Organisation: Six Labor senators
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Submission on the *Inquiry into sexualisation of children and young people*

by

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This submission addresses aspects of the first two terms of reference.

1. Sexualisation of children and young people in electronic, print and social media and marketing

In his June 2011 report for the British Government on the commercialisation and sexualisation of childhood, *Letting Children be Children*, independent reviewer Reg Bailey reported that:

*Sexualised and gender-stereotyped clothing, products and services for children are the biggest areas of concern for parents.*¹

Recommendation 6 of his report addressed this concern:

Developing a retail code of good practice on retailing to children.

*Retailers, alongside their trade associations, should develop and comply with a voluntary code of good practice for all aspects of retailing to children.*²

The British Retail Consortium (BRC) has developed a set of guidelines for its members, the *Responsible Retailing BRC Childrenswear Guidelines*³. The guidelines address both products and marketing.

Some examples from the guidelines are:

- sheer fabrics without lining are not acceptable for children's wear bodices or skirts

¹ R Bailey, *Letting Children be Children: Report of an independent review of the commercialisation and sexualisation of childhood* (United Kingdom, Department for Education, 2011) . p. 41, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf

² *Ibid.*, p. 50

³ British Retail Consortium 2011, *Responsible Retailing BRC Childrenswear Guidelines*, http://www.cpp-pub.org/IMG/pdf/Responsible_Childrenswear_Retailing.pdf

- slogans and imagery (including licensed images and brandmarks) must be age appropriate and without undesirable associations or connotations (for example, sexually suggestive, demeaning, derogative or political material or phrasing that could be interpreted as such)
- black should not be used for first bras or underwear
- Underwear ranges require the utmost care in design. Simple decoration and a wide choice of colours and patterns are welcomed by customers but care should be exercised to differentiate these from adult lingerie. Knickers and pants must provide modesty: thongs are not appropriate for children. Vests and crop tops should also be designed for modesty with no need for structural support in these garments.
- Photography should feature children in natural poses in a childlike environment, appropriate to the age range concerned. Where make up is used it should be as natural as possible, ensuring the child's natural charm comes through in the finished photograph. This does not preclude the use of face paints in a play setting, for example. The staging of photographs, like the design of clothing, should encourage children to develop confidence in their bodies without preconceptions of 'more desirable' body shapes, while supporting the public health agenda regarding child obesity.
- Underwear should never be modelled on children in marketing material, including on packaging and point of sale material. It is vitally important that website images of children's underwear do not involve child models.
- However, any 'adult only' merchandise should be kept remote from the children's wear department.⁴

Interestingly, Retail Ireland followed up the British development by issuing its own set of guidelines on 28 June 2012.⁵

At the launch of the Irish guidelines, Minister for Children and Youth Affairs Frances Fitzgerald TD said:

Enhancing Ireland's culture of child protection and preserving the special space that is childhood is a key priority of government. Earlier in the year I invited the fashion sector to develop a set of guidelines on the retailing of childrenswear in Ireland. Today's launch demonstrates how, working together, we can help foster a culture where childhood is preserved and children are protected.

⁴Ibid, pp.4-5

⁵ Retail Ireland 2012, *Responsible retailing: Retail Ireland Childrenswear Guidelines*, [http://www.retailireland.ie/IBEC/Press/PressPublicationsdoclib3.nsf/wvRINewsByTitle/new-guidelines-on-sale-and-marketing-of-childrens-clothes-28-06-2012/\\$file/RETAIL%20IRELAND%20CHILDRENSWEAR%20GUIDELINES.pdf](http://www.retailireland.ie/IBEC/Press/PressPublicationsdoclib3.nsf/wvRINewsByTitle/new-guidelines-on-sale-and-marketing-of-childrens-clothes-28-06-2012/$file/RETAIL%20IRELAND%20CHILDRENSWEAR%20GUIDELINES.pdf)

Key points from the Irish guidelines include:

- *Slogans and imagery must be age appropriate and not sexually suggestive, demeaning or derogative*
- *The choice of fabrics and cut in childrenswear should provide for modesty*
- *Great care should be shown when it comes to the design of children's underwear, to differentiate it from adult lingerie*
- *Swimwear should provide for modesty, and should be age appropriate*
- *Footwear for everyday use should provide a stable, supporting shoe with a heel pitch (angle of foot) of generally not more than 2.5 cm or one inch.*
- *Colour ranges should be age-appropriate and suitable for the item of clothing*
- *The marketing of childrenswear should be targeted at adult purchasers, not children*
- *The use of child models is only appropriate within defined parameters.*⁶

The Western Australian Commissioner for Children and Young People's 2013 report on the Sexualisation of Children noted the British development and addressed this in Proposal 13:

The development of a voluntary code of conduct for retailers

*Further consultation take place with relevant industry bodies, parents and children and young people regarding the necessity for voluntary guidelines or codes of practice for children's products.*⁷

New South Wales should actively follow the British and Irish development of a code for retailers addressing concerns about the sexualisation of children's products and their marketing.

RECOMMENDATION 1:

The retail industry should be actively encouraged to develop a comprehensive set of guidelines addressing the sexualisation of children through children's products and their marketing, drawing on the British and Irish guidelines.

2. The exposure of children and young people in NSW to sexualised images and content in public places, electronic, print and social media and marketing

In his report *Letting Children Be Children*, Reg Bailey referred to sexualised imagery becoming the 'wallpaper' against which children had to live their lives today.

⁶ Retail Ireland, *New guidelines on sale and marketing of children's clothes*, 28 June 2012, <http://www.retailireland.ie/IBEC/Press/PressPublicationsdoclib3.nsf/wvRINewsByTitle/new-guidelines-on-sale-and-marketing-of-children's-clothes-28-06-2012?OpenDocument>

⁷ Joint Standing Committee on the Commissioner for Children and Young People[Parliament of Western Australia], *Sexualisation of Children The Commissioner for Children and Young People's 2013 report on the Sexualisation of Children*, June 2014, [http://www.parliament.wa.gov.au/parliament/commit.nsf/\(report+lookup+by+com+id\)/e7d4e8553f6256b548257d02001fa408/\\$file/sexualisation+report+-+june+2014+-+19+june.pdf](http://www.parliament.wa.gov.au/parliament/commit.nsf/(report+lookup+by+com+id)/e7d4e8553f6256b548257d02001fa408/$file/sexualisation+report+-+june+2014+-+19+june.pdf)

Sexualised imagery is now a mainstream part of children's lives, forming the 'wallpaper' or backdrop to their everyday activities whether in public places through billboards and shop windows, or in the home through television and other media.

There is evidence that our society is becoming more sexualised and the increasing number of media channels through which we receive these messages mean that we are under ever-increasing exposure to sexualised content and imagery. Sadly, some parent contributors even felt that there is 'no escape' and, for children, no 'clear space' where they can simply be themselves.⁸

The report makes several recommendations to address this phenomenon:

1. *Ensuring that magazines and newspapers with sexualised images on their covers are not in easy sight of children.*
2. *Reducing the amount of on-street advertising containing sexualised imagery in locations where children are likely to see it.*
3. *Ensuring the content of pre-watershed television programming better meets parents' expectations.*
4. *Introducing Age Rating for Music Videos.*
5. *Making it easier for parents to block adult and age-restricted material from the internet⁹.*

Each of these recommendations is relevant to the situation faced by children and young people in New South Wales, with some tailoring to local conditions.

Display of magazines and newspapers

Queensland is the only jurisdiction in Australia that currently requires certain unrestricted publications to be displayed only in a manner that protects children from exposure to inappropriate imagery.¹⁰ Queensland has a Publications Classification Officer who may make orders regarding the display of unrestricted publications.

In New South Wales, a Category 1 restricted publication may be sold in any outlet in a sealed but transparent package provided it has the determined markings.¹¹ Where consumer advice has been issued for an unrestricted publication under section 20 (2) of the

⁸ R Bailey, *Letting Children be Children: Report of an independent review of the commercialisation and sexualisation of childhood* (United Kingdom, Department for Education, 2011) . p. 23, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf

⁹ *Ibid.*, p. 21-22

¹⁰ *Classification of Publications Act 1991* (Queensland), Section 11B

¹¹ *Classification (Publications, Films And Computer Games) Enforcement Act 1995* (New South Wales), Section 20

Commonwealth Classification (Publications, Films and Computer Games) Act 1995 the publication may only be displayed with that advice.¹²

The New South Wales *Classification (Publications, Films and Computer Games) Enforcement Act 1995* could be improved by requiring all Category 1 publications to be sold in opaque packages and any unrestricted publications for which consumer advice has been issued to be displayed in a manner such that they cannot easily be seen by a minor.

RECOMMENDATION 2

The New South Wales Classification (Publications, Films and Computer Games) Enforcement Act 1995 should be amended by requiring all Category 1 publications to be sold in opaque packages and any unrestricted publications for which there is consumer advice to be displayed in a manner that they cannot easily be seen by a minor.

Outdoor Advertising

Not enough weight is given to the fact that advertisements on billboards cannot be avoided by any member of the public going about day to day life in the vicinity of a billboard. This includes families with young children. Unlike other media there is no option to turn it off or not open it.

Similarly, insufficient regard is given to objections to the overt advertising of sexual services as such, even if the depictions of or references to sexual activity are relatively constrained. A giant billboard advertising Sexpo or a brothel is in itself offensive regardless of how explicit the accompanying images are.

Further, the complaints based system operates only after an advertisement has been placed on a billboard; indeed, often on many billboards around the country. Even after a determination is made, given the physical nature of billboard advertising, it may take some time to remove all such advertisements. Naturally thousands of people have seen the offending advertisements before they are removed.

The standard for classification of outdoor advertising should be equivalent to the classification standard for G classified advertisements on commercial free to air television. This standard needs to be incorporated into the AANA (Australian Association of National Advertisers) Code of Ethics. The penalties for breaches need to be made more effective with repeat offenders subjected to pre-vetting of advertisements.

¹² *Classification (Publications, Films And Computer Games) Enforcement Act 1995* (New South Wales), Section 22B

RECOMMENDATION 3

The standard for classification of outdoor advertising should be equivalent to the classification standard for G classified advertisements on commercial free to air television. This standard needs to be incorporated into the AANA (Australian Association of National Advertisers) Code of Ethics. The penalties for breaches need to be made more effective with repeat offenders subjected to pre-vetting of advertisements.

Free to air television and classification time zones

On 1 December 2015 the Free TV Australia *Commercial Television Industry Code of Practice 2015* will come into effect. This new version of the Code will abolish the G classification time zone. This would mean that at any time of the day, including 6 am – 8.30 am and 4 pm -7 pm weekdays and 6 am-10 am weekends at which times only G classified programming can be broadcast under the current Code, children of any age could be exposed to PG classified programming. The PG classification, by definition, refers to programming that requires parental guidance because some of it may be unsuitable for younger children.

The new Code will also allow M programming as early as 7.30 pm and MA15+ programming as early as 8.30pm on week nights.

Free TV Australia has argued that with converging media and changes to how many people are watching television the whole notion of classification time zones is redundant.

This argument, if accepted, could ultimately lead to MA15+ material being broadcast at any time of the day, significantly increasing the chances of young children being exposed to inappropriate violent and sexual content.

This approach fails to acknowledge the social obligation that holders of commercial television broadcast licenses have to the community as a whole as well as the reality in many family homes. Busy parents ought to be able to allow their young children after school to watch free to air television without needing to provide “parental guidance”.

RECOMMENDATION 4

Classification time zones for free to air television should be restored to ensure a G classification time zone at times when many young children are likely to be watching television and the delay of M and MA15+ programming until a time when younger children are more likely to have gone to bed.

Music classification

The Australian Recording Industry Association and the Australia Music Retailers Association have a Code of Practice¹³ which provides for three levels of warning labels, as well as a provision dealing with product exceeding level 3 which is not to be sold.

This provides that “Product containing lyrics which promote, incite, instruct or exploitatively (“exploitative” means appearing to purposefully debase or abuse for the enjoyment of listeners, and lacking moral, artistic or other values) or gratuitously (“gratuitous” means material which is unwarranted or uncalled for, and included without the justification of artistic merit) depict drug abuse; cruelty; suicide; criminal or sexual violence; child abuse; incest; bestiality; or any other revolting or abhorrent activity in a way that causes outrage or extreme disgust to most adult” is not to be sold.

The three warning levels are: *Moderate Impact* coarse language and/or themes; *Strong Impact* coarse language and/or themes; and, *High Impact Themes*, not to be sold to persons under 18.

Two examples of lyrics from albums recently approved for sale¹⁴ by ARIA/AMRA with Level 3 Warnings suffice to illustrate the inadequacy of this scheme:

Stripped, raped and strangled¹⁵

from 15 Year Killing Spree [Album] by Cannibal Corpse

They think they know who I am
All they know is I love to kill
Face down, dead on the ground
Find me before another is found

I come alive in the darkness
Left murdered and nameless
Dead unburied and rotten
Half eaten by insects

She was so beautiful
I had to kill her

Tied her up
And taped her mouth shut
Couldn't scream

¹³ <http://www.aria.com.au/pages/documents/ARIAAMRACodeFinalMarch2003updated060711.pdf>

¹⁴ www.aria.com.au/pages/documents/Level3-010406-310307.pdf.

¹⁵ www.oleo.tv/lyrics/cannibal-corpse/stripped-raped-and-strangled.

Raped violently
Rope tight, around her throat
Her body twitches
As she chokes

Strangulation caused her death
Just like all the others
Raped before and after death
Stripped, naked, tortured

They're all dead, they're all dead
They're all dead by strangulation

I come alive in the darkness
Left murdered and nameless
Dead unburied and rotten
Half eaten by insects

It felt so good to kill

I took their lives away
Seven dead, lying rotten
Unburied victims
Their naked bodies putrefy

Strangulation caused her death
Just like all the others
Raped before and after death
Stripped, naked, tortured

They're all dead, they're all dead
They're all dead by strangulation

I come alive in the darkness
Left murdered and nameless
Dead unburied and rotten
Half eaten by insects

They think they know who I am
All they know is I love to kill

Face down, dead on the ground
Find me before another is found

The Corpse Garden¹⁶

(from Left in Grisly Fashion [Album] by Prostitute Disfigurement)

Cruising the streets for young women
Luring them into my van
Gagged, her eyes begged for mercy
Never to be seen again

Blindfolded, gagged with masks of tape
Stripped naked, shackled to the bed
Female body infested, bruised and lacerated
There's no escape from your fate

Enter the house of horror
No turning back from your fate

Slowly slicing her body
Using my tools of the trade
With a depraved relish
The horror is now uncaged

Young women were stripped
Bound with tape
Raped, tortured then killed [2x]
Dismembered and buried
In the corpse garden

Deceased through mutilation
Bones are turned to mush
Sliced female flesh leaves me
In a rudimentary rush

Slashing young women and children
Left mummified in my masonry
Stuffed and buried in my backyard
To hide my killing spree

¹⁶ www.darklyrics.com/lyrics/prostitutedisfigurement/leftingrislyfashion.html#4.

The corpse garden [2x]

It is hard to see what might qualify as sufficiently exploitative and gratuitous to be actually classified as “not to be sold” under a system that finds these lyrics acceptable.

RECOMMENDATION 5:

The various codes of practice for radio, television and music recordings need to be revised and strengthened to more effectively limit the broadcast and distribution of material which demeans women by treating them as sexual objects, including as objects for sexual violence.

Material on the Internet Harmful to Children

With just a few clicks on a keyboard or a smart phone any child can access sexually explicit content that very few adults in past generations would have been able to access in any form.

Similarly a child could easily access suicide promotion sites and other violent content.

In his speech addressing this issue delivered on 22 July 2013, British Prime Minister David Cameron said:

The cultural challenge is the fact that many children are watching online pornography and finding other damaging material online at an increasingly young age. Now young people have always been curious about pornography; they've always sought it out.

But it used to be that society could protect children by enforcing age restrictions on the ground; whether that was setting a minimum age for buying top-shelf magazines, putting watersheds on the TV or age rating films and DVDs. But the explosion of pornography on the internet, and the explosion of the internet into our children's lives, has changed all of that profoundly. It's made it much harder to enforce age restrictions. It's made it much more difficult for parents to know what's going on. And as a society we need to be clear and honest about what is going on.

For a lot of children, watching hard-core pornography is in danger of becoming a rite of passage. In schools up and down our country, from the suburbs to the inner city, there are young people who think it's normal to send pornographic material as a prelude to dating in the same way you might once have sent a note across the classroom.

Over a third of children have received a sexually explicit text or email. In a recent survey, a quarter of children said they had seen pornography which had upset them. This is happening, and it is happening on our watch as adults. And the effect that it can have can be devastating. Effectively our children are growing up too fast. They're

*getting distorted ideas about sex and being pressurised in a way that we've never seen before, and as a father I am extremely concerned about this.*¹⁷

The British Government has determinedly implemented a programme aimed at ensuring all smartphones, public wi-fi and home networks come with a default safe feed setting that requires an active decision by an adult to change to open access to all internet content. The default safe feed blocks pornography as well as suicide and anorexia promotion.

On 30 July 2015 Mr Cameron announced that the British Government was determined further to require rigorous age verification for all adult content sites.¹⁸

Australia's current laissez-faire approach leaves it entirely to parents to attempt to protect their children from harmful internet content. This is unfair on parents and a betrayal of Australian children and young people.

Momentum needs to build for the adoption of the kind of realistic and robust approach to this issue being pursued in Britain.

RECOMMENDATION 6

A default safe feed which excludes pornography, suicide promotion and other harmful and inappropriate content for children, mandatory for all providers of internet access in Australia, should be investigated. Rigorous age verification should be required for sites with content only suitable for adults.

¹⁷ <https://www.gov.uk/government/speeches/the-internet-and-pornography-prime-minister-calls-for-action>

¹⁸ <https://www.gov.uk/government/news/curbing-access-to-pornographic-websites-for-under-18s>