

# SENATE INQUIRY INTO THE SEXUALISATION OF CHILDREN IN THE CONTEMPORARY MEDIA ENVIRONMENT

## SUBMISSION FROM VICTORIA'S CHILD SAFETY COMMISSIONER

### **The Inquiry's Terms of Reference:**

The Senate has referred the following matter to the Committee for inquiry and report by the 23 June 2008.

The sexualisation of children in the contemporary media environment, including radio and television, children's magazines, other print and advertising material and the Internet.

In undertaking the inquiry, the committee, in particular, will:

- a. examine the sources and beneficiaries of premature sexualisation of children in the media;
- b. review the evidence on the short-and long-term effects of viewing or buying, sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and
- c. examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the Commercial Television Industry Code of Practice and the Commercial Radio Codes of Practice.

## SUMMARY

The Office of the Child Safety Commissioner (Victoria) welcomes the decision of the Senate to conduct an inquiry into the sexualisation of children in the contemporary media. The issue of premature child sexualisation is one of significant concern to this office.

Whilst acknowledging that the sources of premature sexualisation of children in the contemporary media include: radio and television, children's magazines, other print and advertising material and the internet, the focus of this submission is upon sexualised imagery of children used in advertising, and sexualised merchandise for children. (eg. Clothing)

In considering the nature and effect of sexualising influences upon children it is necessary to acknowledge that it is virtually impossible to either eliminate, or shield children from, all potentially sexualising influences in society. Many of these influences are intended for adults and are not focused at, or intended for, children. However, we have entered an alarming and challenging new domain in relation to the sexualisation of children. Previously, the sexualisation of children occurred via exposure to images and portrayal of adult and teen sexuality in the mass media and popular culture. Now, however, children themselves are directly sexualised in their portrayal in the advertising industry.

*"The very direct sexualisation of children, where children themselves are presented in images or directed to act in advertisements in ways modelled on adult sexual behaviour, is a new development. The pressure on children to adopt sexualised appearance and behaviour at an early age is greatly increased by the combination of the direct sexualisation of children with the increasingly sexualised representations of teenagers and adults in advertising and popular culture." (Letting Children Be Children, Australia Institute, Dec, 2006, p 1)*

## DEFINITIONS

It is important to define 'sexualisation' and to differentiate it from normal, healthy sexual development which is an important part of physical and psychological health. In contrast sexualisation occurs when:

*"a person's value comes only from his or her sexual appeal or behaviour, to the exclusion of other characteristics;*

*a person is held to a standard that equates physical attractiveness (narrowly defined) with being sexy;*

*a person is sexually objectified- that is, made into a thing for others' sexual use, rather than seen as a person with the capacity for independent action and decision making; and/or*

*sexuality is inappropriately imposed upon a person." (Report of the American Psychological Association Task Force on the Sexualisation of Girls, 2007, p2)*

It is necessary also to define the term 'child'. Under the *Child Wellbeing and Safety Act (Vic) 2005*, under which the Child Safety Commissioner was established, a child is defined as any person up to 18 years of age.

*The United Nations Convention on the Rights of the Child (1989)* also defines a child as any person up to the age of 18 years.

## CHILDREN'S CLOTHING

The Office of the Child Safety Commissioner, Victoria, has been concerned about the sale of children's clothing and underwear displaying sexually suggestive slogans. Given that some of this clothing is available for toddlers who cannot even read the messages and that the messages suggest sexual availability and character traits not attributable to, or desirable for children, it is clear that the 'beneficiaries' of this clothing are adults. What benefit or satisfaction adults could obtain from purchasing children's clothing with slogans such as: "Ms Floozy", "Mr Well-hung", "Mr Pimp", "Mr Asshole", "All Daddy wanted was a blowjob", "Naughty butt nice", "Bite this" and "\$\$\$ Worth it", and "I only *look* innocent", is difficult to comprehend.

### Community Standards

Public outcry over crude and negative messages on children's clothing was discussed in the print media in January and February of this year, eventually resulting in one manufacturer, Jay Jays, withdrawing its line of "Little Losers" T-shirts from sale, after a similar public response and withdrawal in New Zealand. Other chain stores and manufacturers were identified as selling or producing clothing with sexualised messages for children. It is not known whether they have also withdrawn these items of clothing from sale in response to public reaction. (***Outcry over sexy slogans for kids, Herald Sun, February 3, 2008***), (***Row over lewd clothes for kids, The Daily Telegraph, January 11, 2008***), (***Vulgar kids clothing labels, Yahoo 7 News, 11 January, 2008***).

The public outcry in response to the sale of children's clothing displaying sexualised messages reflects the fact that the sale of such merchandise is clearly out-of-step with community standards and attitudes. Most people are shocked that merchandise for children displaying the slogans detailed above even exists, and more so to learn that it is freely available for sale. This episode illustrated that the relative freedom of self-regulation as enjoyed by the advertising industry has resulted in advertisers, marketers and retailers stepping outside community expectations and standards.

As a society we need to ask whether this sort of merchandise should be available for sale, and what messages we send out by allowing the sale of such products.

## **Regulation**

Of concern is the fact that this merchandise (which also included pencil cases with the same slogans) was only withdrawn from sale after public outcry and extensive media exposure of the products and discussion of the issues. It is not known whether other clothing displaying the sexualised slogans identified has been withdrawn from sale. While it is not available in some stores this does not necessarily mean that it is not available in other branches of the same store. The offending clothes were not available in on-line advertising catalogues but unfortunately this does not necessarily mean that they are not available for sale. This example suggests an adhoc way of regulating the availability of potentially harmful children's products and is of concern to The Office of the Child Safety Commissioner. It suggests the industry is not able to responsibly regulate itself in accordance with current community standards, but rather only acts when forced into a corner under public pressure.

## **Responsible choices by parents**

The fact that adults purchase this sort of clothing for their children illustrates that unfortunately not all parents and adults make appropriate choices for children. What choices, rights and liberties does a child have when forced to wear clothing adorned with overtly sexual messages? Perhaps more importantly, what impact does the wearing of such messages and slogans have on those who come into contact with the child? The wearing of sexualised slogans by children suggests a sexual identity, preparedness and availability beyond their years. In so doing, the wearing of the clothing conveys an illusory sense of precociousness upon the child, which in all likelihood increases their vulnerability to the risk of sexual assault by someone with poor impulse control. It can be argued that the purchase and forced wearing of such clothing by children constitutes child abuse. The messages are clearly emotionally abusive in nature, whether the intent of the purchaser is to ridicule, denigrate, objectify or sexualise the child.

As important as the offensive nature of the message is what its selection conveys about the value the child's parent places on them. An observer or other adult in contact with the child wearing clothing with such slogans, will invariably internalise understandings about how the parent views their child and the degree of respect or otherwise which they attribute to them as a child, an individual and a human being.

Given that not all parents and adults make sensible or wise choices for children, as evidenced by the apparent demand for children's clothing carrying sexualised messages, it is incumbent upon society, governments and legislators to protect children by putting in place appropriate measures to prevent the production and manufacturing of clothing with abusive, derogatory and sexualised messages.

## Parent Education

As part of assisting parents to better protect their children, it is recommended that parent education form part of a solution focused strategy with the aim of reducing the incidence and impact of the sexualisation of children. Parents and the community more broadly, need to be educated about the potentially harmful effects of the premature sexualisation of children and to carefully consider the developmental appropriateness of merchandise they purchase for their children. The challenges of making and supervising wise choices for children in an increasingly consumerist society are greater than ever. In acknowledging that it is not possible to legislate or regulate to protect children from exposure to all inappropriate products or undesirable marketing, it is necessary to educate parents about the potential risks of sexualising materials and advertising.

## BENEFICIARIES

The beneficiaries of sexualised advertising and merchandise involving and/or marketed at children, are clearly not children. Those who benefit are adults, who either purchase the products and/or gain some satisfaction from children wearing them, or who obtain pleasure from viewing advertisements using sexualised images of children. The other beneficiaries are corporations and manufacturers who produce the merchandise and the advertisements.

## Sex offenders and people with paedophilic tendencies

Of particular concern is the potential impact of viewing such readily accessible sexualised images of children, such as those found in advertising material, upon child sex offenders and those with paedophilic tendencies.

The Australia Institute report, ***Corporate Paedophilia: Corporate sexualisation of children in Australia, (Australia Institute, October, 2006)***, identified two distinct purposes of child sexualisation within advertising, being to promote sales to children, and the sexualisation of children to promote sales to adults. The report stated, "the implicitly paedophilic connotations of this are even more disturbing." (p11) The fact that advertisements can be identified as containing sexualised images of children with the aim of appealing to adults, is alarming. *Corporate Paedophilia (2006)*, documents details of complaints about such advertisements to the Advertising Standards Bureau (ASB).

There is a growing body of material suggesting an interest in, or use of, sexualised images of children within advertising material, by those with paedophilic tendencies. The authors of ***Letting Children Be Children (Australia Institute, December, 2006)*** conclude that, "the sexualisation of children also risks normalising and possibly encouraging paedophilic sexual desire for children". (p2) Similarly, ***Corporate Paedophilia*** states that "the sexualisation of children could play a role in 'grooming' children for paedophiles." (p ix) , and cites Bill Glasser, a forensic psychiatrist at the University of Melbourne stating that convicted paedophiles say 'here is all

this advertising around the place and surely it cannot be wrong, seeing it is on public display.’ **(Corporate Paedophilia, Australia Institute, October, 2006)**

The Office of the Child Safety Commissioner, through its work in Victoria, has been advised by professionals who work with sex offenders, of their client’s interest in, and use of, sexualised images of children within advertising and marketing. Patrick Tidmarsh, Manager of Forensic Interviewing of Sexual Offenders, Victoria Police and member of the Child Safety Commissioner’s advisory group said, “what sexualised/eroticised child images in advertising obviously do is provide validation for those considering further exploration of children and sex, as part of a pernicious descending spiral”.

Karen Hogan, Co-ordinator of the Royal Children’s Hospital, Gatehouse Centre, stated that staff working in a treatment program with children and young people who engage in sexually abusive behaviour, have noticed a marked increase in perpetrators using underwear advertising magazines for stimulation that are delivered to homes. She continued, “Males tell us that they are particularly interested in the children’s section and that they can use these magazines without detection as it is so common place to have this material delivered to their homes.”

With this knowledge, there can be no justification for advertisements that contain sexualised images of children; particularly when marketing adult products appears to result in normalising paedophilic tendencies and desires. Given that paedophilia is unlawful, it is a paradox that the advertising industry and regulatory environment arguably promotes such thinking and behaviour.

## **Corporations**

Corporations are the other beneficiaries of sexualised images of children, who presumably believe that their use helps to sell their products. The use of sexualised images of children to market products constitutes the exploitation of the most vulnerable section of society with the express purpose of expanding a corporation’s sales and profits. The concept of rigorous, scrutinising self regulation is fundamentally inconsistent with corporations’ modus operandi of making money, particularly if sexualised images of children, as part of a marketing strategy, are seen as a means of increasing revenue.

## EFFECTS UPON CHILDREN

### General effects upon society of sexualised images of children.

It is important to acknowledge that the sexualisation of children not only has negative effects upon an individual child's cognitive, physical and mental health, and attitudes and beliefs, but ultimately the sexualisation of children contributes to the diminution of childhood. This diminution involves both a shortening of, or hastened experience of, childhood, and also, a devaluing of the period of childhood as an intrinsically valuable and significant period in a person's life. Hence, the sexualisation of children impacts not only on individual children, but upon society as a whole.

Through use of sexualised images children are portrayed as mini-adults or adults-in-the-making, which serves to devalue the experience of childhood. This affects the way that both adults and children perceive the period and significance, of childhood, and has implications for the position of children in society and the worth that as a society we place upon children.

The position of children in society impacts upon almost every aspect of a society's function. The way children are valued and treated, and the extent and manner in which children are the subject of public policy, tells us a great deal about the society in which we live.

Children are influenced, too, by the increasing use of sexualised images of children and childhood. As a consequence of exposure to these images through products, advertising and the mass media they internalise the view that not only is 'sexy good' but 'young sexy' and 'child sexy' is desirable and something to aspire to. Children are strongly influenced by advertising messages and fashion trends. They want to be 'in fashion', to 'look cool' but be 'hot'. Whether or not they or their parents purchase the product which is the source of the sexualised message, children are invariably influenced by viewing or hearing it. These messages ultimately contribute to the growing phenomena of a shortened or reduced childhood and a quicker transition to adolescence. Even if the product is denied, and even if parents have educated the child in the importance of resisting peer, fashion and marketing trends; and the intricacies of the corporate advertising world; children will inevitably be influenced by these forces as they make up part of the social milieu that is the child's experience.

### Influence upon children's cognitive functioning, physical and mental health, sexuality, attitudes and beliefs

The Office of the Child Safety Commissioner would like to direct the Inquiry to the discussion of risks to children of sexualisation of children in advertising and marketing, as discussed in ***Corporate Paedophilia: Sexualisation of children in Australia*** (The Australia Institute, Discussion Paper Number 90, October 2006); where it is argued that the sexualisation of children potentially places children at risk in relation to every major area of development and increases their likelihood of physical, psychological, sexual and attitudinal harm.

Research evidence has linked the premature sexualisation of children with increased risk of depression, self-esteem and identity disorders, premature sexual activity, sexually transmitted diseases, reduced educational attainment and success, constrained and stereotypical ideas about gender roles and negative consequences for cognitive, physical and psychological health. **(APA, 2007) (Australia Institute, Oct, 2006), (Australia Institute, Dec, 2006), (Gale, 2008), (Young Media Australia, 2002)**

The insidious nature of the premature sexualisation of children is evidenced by the fact that not only is child sexualisation influenced by society (including the contemporary media environment), and a child's family and peer group, but ultimately by a phenomena termed *self-sexualisation*, which occurs when girls in particular, internalise that sexualised behaviour and appearance are desirable and thus engage in such behaviour. **(Report of the American Psychological Association Task Force on the Sexualisation of Girls, 2007, p3)**

There is evidence that many Australian parents are concerned about the need of children to freely develop and mature at their own pace, and the restriction placed upon this by the sexualising pressure inherent within the advertising industry and the broader media. This is evidenced by the Australian Psychological Society's publication of a tip sheet for parents of girls entitled, **"Helping girls develop a positive self image." (2008)**

The Office of the Child Safety Commissioner supports the view that whilst many parents try to protect their children from these risks, "Children are only likely to be able to develop freely if government assists parents by limiting this sexualising pressure at its source-advertisers and marketers." **(Letting Children Be Children: Stopping the sexualisation of children in Australia, The Australia Institute, Discussion Paper Number 93, December 2007)**

## **CHANGE IN MEDIA AND ADVERTISING REGULATION**

### **The need for a child focused approach**

The Office of the Child Safety Commissioner believes that whilst it is not possible to protect children from all representations of sexualised behaviour and sexualising influences within the contemporary media and popular culture, there is a need to focus specifically upon the portrayal of children in a sexualised way in advertising and marketing material. *Letting Children Be Children* states that "at a minimum, existing codes of practice for advertising, television programming and children's magazines could be amended to allow for recognition of the fact that sexualising children, whether directly or indirectly, leads to a range of risks for children." **(Letting Children Be Children, Australia Institute, Dec, 2006, p37)** In addition there needs to be recognition of the growing role that the mass media is playing in children's lives and the fact that advertisers and marketers are now targeting children more than ever before.

Of particular concern is the fact that the Advertiser Code of Ethics, which Advertising Standards Bureau (ASB) members use when considering a complaint, contains no reference to the sexualisation of children. We note with interest the proposed changes to the AANA Code for Advertising to Children, which were announced on 16<sup>th</sup> April, 2008, and which involve the addition of a clause relating to the sexualisation of children. (Previously the AANA Code for Advertising to Children contained no reference to the sexualisation of children.) Whilst the Office of the Child Safety Commissioner welcomes the introduction of any measures which seek to promote the safety and wellbeing of children, the OCSC believes that the proposed amendments do not go far enough in terms of protecting children from premature sexualisation within the advertising and marketing industry.

The Office of the Child Safety Commissioner is particularly concerned by the definition of children used within the newly named AANA *Children's Advertising and Marketing Communications Code*. Under the code, children are defined as persons 14 years or younger. This definition is clearly unacceptable. Astoundingly, the AANA states that "the majority of the research and evidence we have reviewed points strongly to a definition of 12 years old or younger for the definition of a child." (**AANA, Major Changes to Advertising to Children Code**.) As previously identified, Victorian law, under the **Child Wellbeing and Safety Act**, and international law through the **United Nations Convention on the Rights of the Child**, define children as persons up to the age of 18 years.

The proposed new AANA code states that advertising or marketing communications to children must not include sexual imagery in contravention of "prevailing community standards". This raises the question of who is the arbiter of community standards, and how are community standards determined and monitored? Given that the AANA's proposed new requirements will operate as a voluntary code, and in view of its assertion that children are persons of 12 years and under, which is clearly out of step with community opinion and standards, society cannot confidently rely upon the AANA to effectively regulate the industry.

A more effective regulatory environment requires a specific focus upon the needs and interests of children and is particularly important given the voluntary nature of relevant regulatory codes. This focus needs to be much more encompassing than the current complaints based regulatory system in which individuals are required to make specific complaints about a particular advertisement. This approach does not reflect the reality that harm from premature sexualisation is cumulative, and that sexualised representations of children in advertising effect, and reflect upon, all of us in society.

A new child-focused approach to regulation would be cognizant of the potential effects of premature sexualisation upon all aspects of child development, and that harm caused to children by this process is cumulative, rather than a clear cause-and-effect reaction being discernible from a single advertisement.

A more child-focused approach to regulation is consistent with the United Nations Convention on the Rights of the Child (1989). Australia ratified the Convention in 1990 and in so doing committed to protecting and ensuring children's rights and to being accountable for this commitment before the international community. [Please see Attachment A for specific articles from the United Nations Convention on the Rights of the Child which have applicability to consideration of contemporary media regulation and the sexualisation of children. Articles: 3, 13, 17, 18, 19, 34 and 36] The UN Convention details the responsibility of institutions, administrative authorities and legislative bodies to have the best interests of the child as a primary consideration. (Article 3) Article 17 makes specific reference to the responsibility and power of the mass media. Article 17e states that in promoting the social, spiritual, physical and mental health of the child that State Parties shall:

*"e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18".*

Articles 19, 34, and 36 refer to the responsibility of State Parties to take all appropriate administrative, legislative, social and educational measures to protect children from all types of abuse and exploitation, including sexual abuse and exploitation.

A more child focused approach to regulation of the advertising and marketing industries would also be consistent with Victorian legislation regarding the protection and wellbeing of children.

The **Charter of Human Rights and Responsibilities Act (Vic) 2006** states that:

*"Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child." (17:2) [See Attachment B]*

The **Child Wellbeing and Safety Act (Vic) 2005**, under which the Child Safety Commissioner was established, states that:

*"The development and provision of services for children and families should be based upon the fundamental principles that-*

*(a) society as a whole shares responsibility for promoting the wellbeing and safety of children." (5:1a) [See Attachment C]*

## **A New Regulatory Framework**

The Office of the Child Safety Commissioner believes that the existing codes of practice (the AANA Code for Advertising to Children and the Advertiser Code of Ethics) should be amended to include specific reference to the potential harm from the portrayal of children in a sexualised way in advertising and marketing material, with children being defined as persons up to the age of 18 years.

Furthermore, the OCSC supports the establishment of a children's body with the express purpose of monitoring and regulating the portrayal of children across all modes of media including television, children's magazines and print and outdoor advertising and the retail sector. This body may take the form of an advisory body to the Rudd Government's proposed National Children's Commissioner with the function of monitoring the advertising and media industries with respect to the sexualisation of children. Consistent with the recommendations of *Letting Children Be Children*, this body should be staffed by people with expertise in child development, psychology, education and criminology that have professional knowledge and understanding of the potential harm associated with the premature sexualisation of children.

In addition to the establishment of an advisory body focused specifically upon the portrayal of children in advertising and the media, the membership of the Advertising Standards Bureau (ASB) should be expanded to include a member whose specific focus is child advocacy and who has special expertise in the area of child psychology, education, health or welfare. This position would ideally be filled by the proposed National Children's Commissioner whose specific focus is the best needs and interests of children.

The issue of regulatory review needs to be on the national agenda as it involves both Commonwealth and State laws. The safety and wellbeing of Australia's children is too important to be left to chance. A consistency and clarity of approach across jurisdictions is vital in order to protect children as far as possible from the insidious and pervasive influences of premature sexualisation.

## CONCLUSION

The issue of premature child sexualisation has been the subject of limited research in Australia, and there is a lack of data in relation to all aspects of this subject. This Senate Inquiry will presumably be the first step in a vital process of consultation, evidence building, and where a need is established, ultimately reform. The Office of the Child Safety Commissioner believes that this inquiry will demonstrate that there is considerable community concern in relation to the issue of the premature sexualisation of children within contemporary media. However, there would be merit in undertaking further research and expanding the focus of any further work by the Senate Committee beyond the media environment to include all potentially sexualising influences within society.

The United Nations Convention on the Rights of the Child, which was ratified by Australia in 1990, prescribes that Australia has committed to protecting and ensuring children's rights and to being accountable for this commitment before the international community. The Senate Inquiry into the sexualisation of children within contemporary media is evidence to some extent that Australian children need protection from premature sexualisation, and that we need to have regulations to limit its impact.

Importantly, we must acknowledge for regulatory purposes that children are persons aged up to 18 years of age.

The current system of self regulation of the advertising and marketing industry is clearly inadequate. This is evidenced by the announcement on April 16<sup>th</sup>, 2008, by the Australian Association of National Advertisers, of proposed changes to the Advertising to Children Code, in which children are defined as persons 14 years and under. Furthermore, the new clause states that advertising or marketing communications to children must not include sexual imagery in contravention of prevailing community standards. It can be strongly argued that sexualised imagery of 15 years olds would be in breach of community standards, but paradoxically this would not breach AANA regulations. Consideration needs to be given to the viability in the longer term of relying upon a voluntary code and whether a mandatory code is necessary in order to protect the best interests of children.

The membership of the Australian Standards Bureau should be expanded to include a member with a specific child advocacy focus. This position could be occupied by the proposed new National Children's Commissioner who would be required to:

- monitor the portrayal of children across all modes of media including television, children's magazines and print and outdoor advertising;
- monitor the retail sector, focusing on children's merchandise and clothing with abusive, derogatory and sexualised messages, or sexualised content; and
- seek and represent the views of children and young people on these issues.

## RECOMMENDATIONS

### **Recommendation One:**

That the existing codes of practice (the AANA Code for Advertising to Children and the Advertiser Code of Ethics) be amended to include specific reference to the potential harm from the portrayal of children in a sexualised way in advertising and marketing material, with children being defined as persons up to the age of 18 years.

### **Recommendation Two:**

Following adoption of recommendation one above, that a two year pilot be undertaken to identify whether the amendments result in reduced incidents of sexualisation of children within marketing and advertising.

### **Recommendation Three:**

Upon completion of the pilot that an evaluation be conducted to determine whether the optimum longer term approach is operating a voluntary code or adopting a mandatory code.

### **Recommendation Four:**

That the membership of the Advertising Standards Bureau be expanded to include a member with a specific child advocacy focus such as the proposed National Children's Commissioner who would be required to:

- monitor the portrayal of children across all modes of media including television, children's magazines and print and outdoor advertising;
- monitor the retail sector, focusing on children's merchandise and clothing with abusive, derogatory and sexualised messages, or sexualised content; and
- seek the views of children and young people on these issues.

### **Recommendation Five:**

That parent education is undertaken regarding the potentially harmful effects of the premature sexualisation of children.

## REFERENCES

Australian Association of National Advertisers, *Major Changes to Advertising to Children Code*, [www.aana.com.au/childcode.html](http://www.aana.com.au/childcode.html) , 17 April, 2008

Australian Association of National Advertisers, *AANA Code for Advertising to Children*, [www.aana.com.au](http://www.aana.com.au)

American Psychological Association, *Report of the APA Task Force on the Sexualisation of Girls*, Washington DC, 2007.

Australian Psychological Society, *Helping Girls develop a positive self image*: [www.psychology.org.au/publications/tip\\_sheets/girls\\_positive\\_image/](http://www.psychology.org.au/publications/tip_sheets/girls_positive_image/), Tip Sheet for Parents, 2008,

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Young Media Australia, *Too sexy, too soon: The sexualisation of children in the media*, ,2002

*The United Nations Convention on the Rights of the Child.*

*Charter of Human Rights and Responsibilities Act (Vic) 2006*

*Child Wellbeing and Safety Act (Vic) 2005*

### **Newspaper articles**

*Outcry over sexy slogans for kids*, Herald Sun, February 3, 2008.

*Row over lewd clothes for kids*, The Daily Telegraph, January 11, 2008.

*Vulgar kids clothing labels*, Yahoo 7 News, 11 January, 2008.

## **ATTACHMENT A**

### **United Nations Convention on the Rights of the Child**

#### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### **Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

## **Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

## **Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (order public), or of public health or morals.

## **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

## **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

## **Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

## **ATTACHMENT B**

### **Charter of Human Rights and Responsibilities Act (Vic) 2006**

#### **17 Protection of families and children**

- (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.
- (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

## **ATTACHMENT C**

### **Child Wellbeing and Safety Act (Vic) 2005**

#### **5 Principles for children**

- (1) The development and provision of services for children and families should be based upon the fundamental principles that—
  - (a) society as a whole shares responsibility for promoting the wellbeing and safety of children;