

Frank McAveety MSP  
Convener, Public Petitions Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

**PE1169/A**

31 October 2008

Dear Mr McAveety

**PETITION PE1169: Display of Sexually Graphic Material**

Thank you for the opportunity to comment on Petition PE1169 which calls on the Scottish Parliament to urge the Scottish Government to introduce and enforce measures that ensure that magazines and newspapers containing sexually graphic covers are not displayed at children's eye-level or below or adjacent to children's titles and comics and should be screen sleeved before being placed on the shelf.

As Scotland's Commissioner for Children and Young People, my role is to promote and safeguard the rights of children and young people. In so doing, I must have regard to the provisions of the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC sets out the fundamental human rights that all children and young people are entitled to. It sets out minimum benchmarks in rights for children rather than "best practice"; countries are thus encouraged to exceed the standards laid out in the Convention, but not fall short of its basic requirements. The UNCRC was passed by the UN General Assembly in 1989 and ratified by the UK in 1991. Ratification commits the UK to bring its law, policy and practice into line with the Convention. .

In my response, you ask me to comment on

- Specific issues raised in this petition; and
- Specific issues raised during the discussion on the petition.

**Specific issues raised in this petition**

My approach to the petition is to view this from a children's rights perspective and to assess this against the rights enshrined in the UNCRC. Several of these rights are relevant to Petition PE1169, including the four key principles of: non-discrimination; the primacy of the child's welfare; the rights to survival and development; and respect for the child's views.

One of the key provisions in this context is article 17, under which States Parties recognise the important function performed by the mass media, and must 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. Article 17(e) adds a duty on States to:

"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 [freedom of expression] and 18 [responsibilities of parents]."

This latter point is I feel of relevance to this petition. There is clearly a need to take account of the dangers and challenges posed by easy access to such materials and the

potential harm this may be doing to a child or young person in terms of normalising such exploitative images. I am very much persuaded by the arguments laid out in the Convention on the Elimination of all Forms of Discrimination against Women<sup>1</sup> (CEDAW) and in particular article 5 which focuses on sex role stereotyping and prejudice, which instructs all parties to:

*“modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

The proliferation of “lads’ mags” over the last few years has only served to increase the normalisation of pornographic values, which is disturbing. Retailers can play their part in ensuring that they behave responsibly in advertising this material and that the best interests of the child are at the forefront of such considerations.

The media also has an extremely important role to play especially in the way people perceive gender and sexuality. Several provisions of the Convention recognise that education and the media play an important role in preventing such violations by empowering children through information and education.

### **Specific issues raised during the discussion on the petition**

I endorse the comments made by the petitioner and by Mr Gil Paterson MSP in the Petitions Committee on 24<sup>th</sup> June 2008 that if children see pornographic materials when they go into stores to buy goods, that in effect can normalise such materials thus lowering the threshold for children.

I am also aware of the guidelines drawn up by the National Federation of Retail Newsagents for the display and positioning of lads’ magazines and women’s magazines with sexually graphic coverlines and support their attempts to encourage a responsible approach to display. Self regulation is usually preferable to Government regulation. I do however note from Mr Paterson’s comments and from the information gathered by my office, that whilst voluntary regulation is in place, it is not having much effect. The petitioner’s experiences with one of the larger supermarkets would also appear to support this view.

### **Conclusion**

I support the petition. There is endless debate in this country about the appropriateness of sex education for children, especially young children, and yet we allow profit-motivated adults to confront them with explicit and inappropriate sexual material. Parents are powerless to control their children’s access to these materials. If voluntary guidelines are not working, enforceable regulations should be considered.

Yours sincerely

Kathleen Marshall  
Scotland’s Commissioner for Children and Young People

---

<sup>1</sup> <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article5>