

Prevention of Child Pornography Bill

Legal Age of Consent for Sexual Activity and the Age of ‘Child’ Defined in Child Pornography Legislation in Selected European Countries

At the 6th Bills Committee Meeting on 17 October, 2002, Members asked for information on the legal age of consent for sexual activity and the age of ‘child’ defined in relation to child pornography legislation of European countries. The following is the information on six European countries we found on the Internet:

Country	Legal Age of Consent for Sexual Activity	Age of ‘Child’ defined in Child Pornography
Austria	14	14
Ireland	17	17
Netherlands	16 (Note 1)	16
Norway	16	16
Spain	13(Note 2)	18
Sweden	15 (Note 3)	18

Note 1 : If a person between the ages of 12 and 16 commits a sexual act with another person between those ages, they will not be prosecuted unless there is a complaint from the other participant, a parent or a guardian. However, if a person over 16 commits a sexual act with a person under 16, they will be liable for prosecution regardless of whether or not a complaint has been made.

Note 2 : If a person between the ages of 13 and 16 has committed a sexual act with a person over 16, the older person maybe liable to prosecution if the younger person’s parents complain.

Note 3 : There is no statutory age of consent. In general, consensual relations are not penalized from the age of 12, although a person aged over 16 who has sex with a person between 12 and 16 may be liable to prosecution.

2. From the above table, we note that the legal age of consent for sexual activity varies among the countries while the age of ‘child’ defined in relation to child pornography is either the same or higher than the legal age of consent for sexual activity. Among the 16 countries listed in “Inhope” website with complete information, only Finland has higher age of consent (16) than the age of “child” defined in child pornography legislation (15). Hong Kong’s Prevention of Child Pornography Bill defines a child as a person under the age of 16 (the same as legal age of consent), which is by no means more stringent than our European counterparts.

Sources

<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws>

<http://www.parliament.uk/commons/lib/research/rp98/rp98-068.pdf>

<http://www.inhope.org/english/facts/age.htm>

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