

Government Response to Consultation

Policy on Sexual Communication with a Child

November 2022

Ascension Island Government



Contents

Introduction	3
Context.....	3
Consultation process.....	3
Format of response	4
Reponses	4
Next steps	4

Introduction

AIG has a constitutional duty to ensure that adequate safeguarding measures are in place to protect children, and more broadly that suitable laws are in place to allow authorities to prevent, and respond as necessary to, threats to public safety.

Context

In July 2022, the Sexual (Communication with a child) Offences Ordinance 2022 was introduced into law in St Helena. This served to prohibit communication with a child for sexual gratification and any matters connected therewith or incidental thereto.

Following the introduction of this legislation, a review was undertaken in Ascension to assess legal provision relating to this issue.

The review established that whilst some provision exists through the Sexual Offences Act 2003¹, with similar offences in Ascension previously being charged under section 10 (causing or inciting a child to engage in sexual activity), these provisions are poorly suited to addressing matters covered by the recently introduced St Helenian legislation. It was also established that the relevant amendments to the Sexual Offences Act, via section 67 of the Serious Crime Act 2015, do not apply in Ascension.

It was therefore decided that it would be prudent to develop an appropriate policy, with subsequent legislative apparatus, to create a new offence of sexual communication with a child. This will help ensure that young people are fully protected by the law and allow the authorities to intervene earlier to prevent more serious offending against children from occurring.

As both public protection and the safeguarding of young persons are key constitutional duties of the government, it is necessary to have a policy in place that works to prevent sexual communication with children from occurring, and provides a basis for similar legislative provision to enforce such a policy.

Consultation process

The key question of whether or not a policy concerning the issue of sexual communication with a child was required had already been determined, for the reasons outlined above. The secondary question of the form and scope this should take was determined by an analysis of the policies and legislation currently in place.

As such, during the consultation process specific questions were not posed for answer. Instead, the draft policy was made available and feedback was sought.

In seeking feedback on the policy AIG announced that a public consultation would begin on Tuesday 13 September and invited responses until the closing date of Tuesday 27 September.

As the Island Council had been dissolved on 1 September, it was not possible to discuss the draft policy with elected members prior to consultation. However, the issue of developing such a policy had been discussed at a meeting of the Island Council on 11 August, where no objections were raised.

¹ Applicable to Ascension Island via the English Law (Application) Ordinance, 2005 (St Helena)

Following completion of the consultation period on Tuesday 27 September, officials considered the responses provided and made a number of edits and adaptations to the draft policy.

Format of response

Due to the limited number of persons and organisations operating within Ascension and the consequent difficulty in being able to effectively anonymise complete responses, AIG has not made the responses available verbatim and in full to the public. This approach was decided upon prior to the commencement of the consultation to encourage honest and full feedback. However, a record of the responses received has been kept by AIG.

Instead, responses will be detailed in one of two ways.

Where they are specific and unique to an issue which has not already been addressed in the policy they will be anonymised and a government response provided.

Where they relate to a specific issue and the same, or sufficiently similar, to other responses received on that matter, they will be anonymised, grouped along thematic lines and a government response provided.

Reponses

The policy identified that provision already exists in local legislation to deal with issues such as this, so why is this policy necessary?

Government response:

Although some provision exists in current legislation, as the policy notes, this is poorly suited to addressing matters such as these. . For example, current legislation is unlikely to apply if a communication (for example in the form of an e-mail or a text message) sent to a child contains sexual content but does not in any way ask the child to engage in sexual activity. For this reason, it was determined that it was proportionate and appropriate to develop a relevant policy on this issue, with a view to then developing specific legislation to give effect to this policy in law.

Is there a reason why the policy is limited in scope to only communication that take place for sexual purposes, and therefore does not include purposes such as blackmail, coercion or control?

Government response

During the policy development process consideration was given to broadening the scope of the policy to include that which went beyond communication with a child that only for a sexual purpose. However, at this time it is considered that most other issues could reasonably be dealt with through existing legislation, and as such the scope of this policy has currently been limited to communication with a child for sexual purposes alone.

However, as with all policies, this will be kept under review and this therefore may be addressed in the future if it is deemed to be necessary and proportionate.

Next steps

The government will now proceed with publishing a revised draft Policy on Sexual Communication with a Child. Once published, draft implementing legislation will then be

brought before the Island Council and a recommendation that it be made into law will be sought.