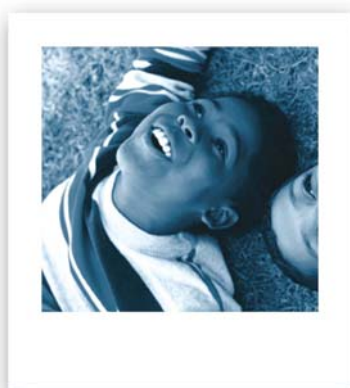




# CONSULTATION ON NON-PHOTOGRAPHIC VISUAL DEPICTIONS OF CHILD SEXUAL ABUSE

2 July 2007

## RESPONSE TO CONSULTATION



## **SCRA Background**

Established in 1996, the Scottish Children's Reporter Administration (SCRA) assumed responsibility for the Children's Reporter service across Scotland and operates as a Non-Departmental Public Body (NDPB), funded by the Scottish Executive. While the Principal Reporter is independent in terms of his/her decision-making powers in relation to children referred, the organisation and Board of SCRA is responsible and accountable to Scottish Ministers.

In 2005-06, 53,883 children were referred to the Children's Reporter. This figure represents 6% of all the children in Scotland. 40,931 of these children were referred because they were considered to require care and protection, while 17,624 had allegedly committed an offence (some children were referred on both types of grounds).<sup>1</sup>

## **Introduction**

SCRA welcomes the identification of this particular issue and is supportive of any attempt to tackle loopholes in the current legislation relating to the protection of children from abuse and exploitation. We have the following specific comments to make.

### **Creation of an offence**

SCRA supports Option Two – “the creation of a new free-standing offence of possession of any non-photographic visual depiction/representation of child sexual abuse” – for the reasons set out in the consultation paper.

### **Power to confiscate**

SCRA welcomes the aspect of the proposals which give police the power to remove the images from circulation.

### **Legal relationship with the Children's Hearings System**

SCRA recommends that any new offence be added to Schedule 1 of the Criminal Procedure (Scotland) Act 1995, in order to ensure that it explicitly forms part of the test for grounds of referral to a Children's Hearing. The relevant grounds are contained within section 52(2)(d), (e) and (f) of the Children (Scotland) Act 1995. This would ensure that the Children's Hearings System is able to continue to protect children at risk.

It is important to note that the Scottish Executive is currently working on the draft Children's Services (Scotland) Bill, which proposes to change the grounds for referral. It is important that work on these two pieces of legislation should be co-ordinated where necessary.

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<sup>1</sup> Children referred on both care & protection and offence grounds are counted once in each set of figures. This is the reason that the sum is greater than 53,883.

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**CHILDREN'S REPORTER**  
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