

Fact Check Response: What does the UN-linked report actually say about children and consent?

The AP recently issued a fact check alleging that various outlets have misrepresented information presented in a recent report known as the 8 March Principles written by the International Commission of Jurists (ICJ), endorsed by members affiliated with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Research Institute for Social Development, and launched on Wednesday, March 8 at a side event to the 52nd Session of the UN Human Rights Council.

Quoting a statement made by the ICJ on Thursday, the AP writes: “The 8 March Principles do not call for the decriminalization of sex with children, nor do they call for the abolition of a domestically prescribed minimum age of consent to sex.”

Also responding to media attention given to this report, the Spokesperson for the UN Secretary General stated at a press briefing (emphasis added):

*I want to read something on behalf of our colleagues at the Joint United Nations Programme on HIV/AIDS (UNAIDS), because there has been a lot of — how to say — malicious misreporting on a recent report on the age of legal consent. And I can tell you that the report released by the International Commission of Jurists in March has recently been misrepresented on a number of websites. It did not call for the decriminalization of sex with children, nor did it call for the abolition of the age of consent. The International Commission of Jurists report set out legal principles to guide the application of the international human rights law to criminal law across a range of issues. In the application of law, it is recognized that criminal sanctions are not appropriate against **adolescents of similar ages for consensual non-exploitative sexual activity.***

Similarly, Christine Stegling, UNAIDS deputy executive director for policy, advocacy and knowledge, said in a statement to the AP: “In the application of law, it is recognized that criminal sanctions are not appropriate against adolescents of similar ages for consensual non-exploitative sexual activity.”

These comments are inadequate to assuage concerns surrounding this document.

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