

“ Anal intercourse is a high-risk activity because of the potential for infection from STDs including HIV transmission. Currently, there are no specific standards for the manufacture of condoms for anal sex. Current medical advice is therefore to avoid anal sex.¹ ”

Durex (the condom manufacturers)
October 2000

anal intercourse The case for protecting girls and boys abuse of trust

the Sexual Offences (Amendment) Bill

Christians have always been at the forefront of protecting children from sexual abuse. In 1885 it was Josephine Butler and Bramwell Booth (along with William Stead) who led the campaign to raise the heterosexual age of consent from 12 to 16. Now there is another battle to fight.

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The Sexual Offences (Amendment) Bill

This Bill:

- lowers the age at which homosexual acts can be committed from 18 to 16.
- lowers the age at which a man can commit buggery (anal intercourse) on a girl or a boy from 18 to 16.
- introduces what the Home Office describe as a “very limited criminal offence” to protect young people from being sexually exploited by adults who abuse their position of trust.

What Lady Young has proposed

Lady Young has tabled amendments which:

- keep the age at which buggery can be committed on a girl or a boy at 18.
- substantially strengthen the Bill’s abuse of trust safeguards.

These amendments do not affect the provisions in the Bill lowering from 18 to 16 the age at which homosexual acts (other than buggery) can be committed.

Why we support Lady Young’s amendments

- anal intercourse is one of the most medically dangerous forms of sexual activity.
- boys and girls aged 16 and 17 need more protection from sexual disease and abuse, given that the Government insists on forcing through the Sexual Offences (Amendment) Bill.
- The Government’s own review of sexual offences which reported in July has proposed more legal safeguards for young people. But the safeguards should be in place *before* the age of homosexual consent is lowered.

Anal intercourse is extremely dangerous

Physical damage (“trauma”) and infection

“The shape of the bowel is not intended for the purpose of sexual intercourse. The muscle of the anal sphincter has to be forced open. The lining of the bowel is a single cell layer. As a result there is trauma and tearing. The semen action damages the bowel lining and the consequence is easy entrance of bacteria and viruses.”²

Professor Elizabeth Duncan, MD(Hons), FRCOG, FRCSE

Dr Jeffrey Satinover says: *“anal intercourse, penile or otherwise, traumatizes the soft tissues of the rectal lining. These tissues... are nowhere near as sturdy as vaginal tissue. As a consequence, the lining of the rectum is almost always traumatized to some degree by any act of anal intercourse. Even in the absence of major trauma, minor or microscopic tears in the rectal lining allow for immediate contamination and the entry of germs into the bloodstream.”³*

“Furthermore, comparable tears in the vagina are not only less frequent because of the relative toughness of the vaginal lining, but the environment of the vagina is vastly cleaner than that of the rectum. Indeed, we are designed with a nearly impenetrable barrier between the bloodstream and the extraordinarily toxic and infectious contents of the bowel. Anal intercourse creates a breach in this barrier for the receptive partner, whether or not the insertive partner is wearing a condom.”⁴

The reason why it is possible for a person to “infect themselves” by their own bowel lining being torn is that bacteria reside in the gut. We need these bacteria for our digestion. Human faeces contains some of these bacteria. This causes no problems so long as the lining of the rectum is intact.

HIV

Sexual acts such as ‘oral sex’ or mutual masturbation are known to be a low risk for HIV. But the risk of HIV infection from anal intercourse is extremely high: for men it is at least 2,700 times the risk from vaginal intercourse.⁵

Professor Elizabeth Duncan has highlighted recent research which shows that semen can eat away at the cells in the lining of the lower bowel. This not only allows viruses such as HIV to infect the blood stream but also affects the bowel's ability to withdraw water from waste, causing diarrhoea.⁶

Anal sex is so dangerous for homosexual men that the UK Blood Transfusion Service will not accept blood from any man who has ever had sex with another man, even if it was 'safe sex' with a condom.⁷

Keep Blood Transfusions Safe

Thank you for volunteering to be a blood donor; your gift could save someone's life.

Blood transfusions are safer now than they've ever been because we take such care with donor screening. All donations are tested thoroughly for dangerous viruses, but some viruses like HIV and hepatitis B and C cannot always be detected at the earliest stages of infection.

In fact, very occasionally, it may take up to a year between the time someone is infected and the time it shows up in tests. This means your blood might not show any signs of infection but could still pass on a disease.

The chances of this happening are very small, but if there is any risk you could have been infected – please don't give blood.

This leaflet will help you decide if you have been at risk. If, after reading it, you are still unsure or you need help, please talk in complete confidence to the nurse or doctor at the session.

Or, if you need time to think about it, it's quite alright to make an excuse and leave the session without giving blood, and with no questions asked.

Remember – you can't get hepatitis, HIV or any other infection by giving blood.

You should NEVER give blood if:

HIV

you, or your partner are HIV positive

you don't

you carry the hepatitis B or C virus

You should not give blood FOR A YEAR after sex with:

you don't

you are a man who has had sex with another man, even 'safe sex' using a condom

a prostitute

anyone who has injected themselves with drugs

a man who has had sex with another man (if you are female)

a prostitute

you have ever worked as a prostitute

anyone who has injected themselves with drugs

anyone with haemophilia or a related blood clotting disorder who has received clotting factor concentrates

you have ever injected yourself with drugs, even once

anyone, of any race, who has been sexually active in Africa* in the past year. This is because the main route of HIV infection there is heterosexual sex.

*and from Mexico, Spain, France, and elsewhere

Please do not give blood if you think you need a test for HIV or hepatitis, or if you have had sex in the past year with someone you think may be HIV or hepatitis positive.

If you have any doubts or questions, talk to the nurse or doctor.

"Do not give blood without reading this leaflet", Department of Health, December 1995

Condoms

Even condom manufacturers advise against anal sex. The condom company, Durex, said in October 2000 : "Anal intercourse is a high-risk activity because of the potential for infection from STDs including HIV transmission. Currently, there are no specific standards for the manufacture of condoms for anal sex. Current medical advice is therefore to avoid anal sex. However, whenever this advice is not followed, the medical profession recommends that stronger condoms should be used

although studies have shown that there is still a risk of breakage and slippage”.⁸

Condoms do not offer adequate protection because condoms slip and break at an alarming rate during anal sex. One study calculated that 32% of condoms broke and 21% slipped during anal intercourse.⁹ The researchers pointed out that “Condoms manufactured in the United States generally are labelled ‘for vaginal use only’. This labelling reflects the concern that condoms designed for use during vaginal intercourse may fail at an unacceptably high rate when used during anal intercourse...”¹⁰

A condom only has to slip or break once for HIV to be transmitted.

Drugs

To facilitate anal intercourse, some people use drugs to relax the anal muscle. These drugs may unfortunately suppress the immune system. The recipient may learn to relax the anal muscle, but even then there is usually some tearing of tissue.¹¹ This damage can lead to a high level of rectal incontinence. One study found that over a third of those who received anal intercourse reported some degree of anal incontinence or urgency of defecation.¹²

Other facts about anal intercourse

- Both homosexuals and heterosexuals engage in anal intercourse.
- Anal intercourse between men and women was only legalised (for those aged over 18) in 1994.
- One major study for the Department of Health found that the average age for first anal intercourse for homosexuals was 20.9 years¹³ and that that 71% of *homosexual* men have engaged in anal intercourse in the past year.¹⁴
- Some 6.5% of *heterosexual* men have engaged in anal intercourse in the past year according to the largest study ever carried out in the UK on sexual behaviour.¹⁵
- This same study found that only 0.3% of men are exclusively homosexual.¹⁶
- Whilst proportionately more homosexuals than heterosexuals engage in anal intercourse, in terms of numbers there are more heterosexuals than homosexuals who have ever had anal intercourse.

The new offence created by the Bill

The Bill makes it a criminal offence for adults in certain positions of responsibility to have sexual relations (homosexual or heterosexual) with a young person aged under 18 in their care.

The situations covered are tightly defined in Clause 4. They include full time education, young offenders' institutions, children's homes, foster care and hospitals. The narrowness of the provisions is revealed in the Bill's explanatory notes which state that the Home Office only predict 10-15 prosecutions a year.¹⁷ Of course, not all prosecutions will end in convictions.

The new abuse of trust offence runs in parallel with the age of consent offences. A full time teacher who has sexual relations with a 14 year old pupil will be committing both offences. If the pupil was aged 16, only the abuse of trust offence would have been committed.

A specific intention of the abuse of trust offence is to protect young people aged 16 and 17 from an adult who could exploit a position of responsibility. The great benefit of the offence is that (like the age of consent) it is automatic. It only has to be proved that the sexual act took place. The Court does not have to consider arguments about whether the young person consented.

Strengthening the abuse of trust clauses

Lady Young and other peers have proposed amendments which closes loopholes in the Bill's abuse of trust provisions.

By far the most important are those amendments which deal with the systematic abuse which was uncovered by the Waterhouse inquiry into child abuse in North Wales children's homes. Sir Ronald Waterhouse has particularly pointed out the vulnerability of young people when they leave care or before they go into care.

Abuse uncovered by the Waterhouse Inquiry

“We have concentrated our attention on evidence relating to children who were in care at the time, having regard to our terms of reference, but we have necessarily heard some evidence about others who were on the fringe of the care system, that is, children who were later committed to care and youths who had recently been discharged from care. In our judgment, the perils for such persons are as great in this respect as for those actually in care and our findings emphasise the importance of continuing support by social services for those who are discharged from care.

We draw the attention of Parliament also to the abuse suffered by B between the ages of 16 years and 18 years, in circumstances which appear to have made him question his own sexuality for a period. Much of the later abuse was not inflicted by persons in a position of trust in relation to him and there can be no doubt that he was significantly corrupted and damaged by what occurred.”¹⁸

The Waterhouse Tribunal of Inquiry into the North Wales child abuse scandal.



The Waterhouse Report



Lost out of Care
The Christian Institute's response to the Waterhouse Report is available on request

The report into Child Abuse in North Wales drew attention to the following types of abuse **not covered** by the Bill's abuse of trust provisions:

- **'Grooming'**
preparing a young person for abuse after they have left the home
- **'Farming out'**
children from one home were abused by care staff from another home
- **Absconders**
these cease to be "resident" at the home and so can be abused by the care staff from the home without committing an abuse of trust offence
- **Abuse by ancillary staff**
- **Abuse by a social services inspector**
(including the man who became the Deputy Chief Inspector of Social Services in Wales)
- **Abuse in youth organisations**
(paedophiles got involved in youth club leadership)

Other loopholes not covered by the Bill's abuse of trust provisions

- religious organisations
- part time pupils
- part time teachers
- "personal advisers" as appointed under the Children (Leaving Care) Act 2000
- "personal mentors" as appointed under the Learning and Standards Act 2000
- adults *in loco parentis*
- abuse by step-parents
- homosexual incest (the incest laws only cover heterosexual incest)

The Home Office Review

Several of Lady Young’s amendments reflect recommendations of the Home Office’s own enquiry into sexual offences. The Home Office paper “Setting the Boundaries” produced in July, proposed a series of new offences. The table below compares some of the proposals with Lady Young’s own amendments.

Lady Young’s Amendments	Sexual Offences Review Proposals
Extend abuse of trust to cover ancillary staff in residential homes	New offence of breach of relationship of care to cover all staff in residential care homes (Recommendation 32)
Extend abuse of trust to cover all social care workers	New offence of breach of relationship of care to cover designated care providers (Recommendation 32)
Extend abuse of trust to cover adoptive-, foster- and step-relations, aunts and uncles and those living in the same household	New offence of familial abuse of trust to cover adoptive relations, step-parents, foster parents, aunts and uncles and those living in the same household. (Recommendations 35, 36, 37, 38, 39, 41 and 42)

Given the similarities between the Home Office’s own proposals and Lady Young’s amendments, the Government should have no difficulty in accepting them.

References

- 1 http://www.durex.com/scientific/faqs/faq_4.html#1 as at 29th October 2000
- 2 Duncan, M E *Anal Intercourse – The Medical Risks* (unpublished paper, 2000)
- 3 Satinover J, *Homosexuality and the Politics of Truth*, Baker, 1997, page 67
- 4 *Loc cit*
- 5 Stewart G, *Health Care Analysis*, 1994, 2; 279-286. Professor Duncan has pointed out the clear implications of this study. Anal intercourse is uncommon amongst the heterosexual population, but usual amongst the homosexual population.
- 6 Duncan, M E *Op cit*
- 7 *Do Not Give Blood Without Reading This Leaflet*, The UK Blood Transfusion Services, Department of Health, December 1995
- 8 http://www.durex.com/scientific/faqs/faq_4.html#1 as at 29th October 2000
- 9 Silverman B G et al, *Use and Effectiveness of Condoms During Anal Intercourse*, Sexually Transmitted Diseases, Vol. 24, No. 1, January 1997, page 14
- 10 *Ibid* page 11
- 11 Duncan, M E *Op Cit*
- 12 Miles A J G et al, *Effect of anoreceptive intercourse on anorectal function*, Journal of the Royal Society of Medicine, Vol 86, March 1993, page 146
- 13 Weatherburn P et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 13
- 14 *Ibid* page 15
- 15 Johnson A M et al *Sexual Attitudes and Lifestyles*, Blackwell Scientific, 1994, page 164
- 16 *Ibid* page 209
- 17 The Sexual Offences (Amendment) Bill, Explanatory Note, para 21
- 18 Waterhouse, Sir Ronald, *Lost in Care: Report of the Tribunal of Inquiry into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974*, The Stationary Office, 2000, para 52.86,87

Summary

Anal intercourse

- If the Government insist that homosexual acts should be permitted at 16, this is no reason to lower the age at which buggery can be committed on boys and girls.
- Keeping buggery at 18 would not affect the homosexual age of consent, which could still be reduced to 16.
- Anal intercourse is extremely dangerous from a medical point of view.
- The lining of the rectum is only one cell thick. Buggery (anal intercourse) damages the tissue of the rectum causing tears and splits.
- Damage to the lining of the rectum allows the infectious contents of the bowel to enter the bloodstream of the receptive partner.
- Because of the high slippage and breakage rates, there is no manufacturing standard for condoms used in anal intercourse. One study found that 32% of condoms break and 21% of condoms slip during anal sex.
- The risk of HIV infection from anal intercourse is 2,700 times higher than vaginal intercourse.
- The UK Blood transfusion service refuses to take blood from a man who has ever had sex with another man, even if a condom was used.
- Keeping the age of consent for buggery at 18 would protect boys *and* girls.

Abuse of trust

- The Abuse of Trust provisions in the Sexual Offences (Amendment) Bill are very weak and narrow in scope.
- The Waterhouse report into child abuse in North Wales drew the attention of Parliament to children on the edge of the care system.
- In North Wales children were ‘groomed’ for later abuse and ‘farmed out’ for abuse by care workers from other homes. Abuse also took place whilst children absconded from the home.
- Abusers in the North Wales child abuse scandal included a caretaker, a man who became Deputy Chief Inspector of Social Services, and the leaders of youth groups.
- The abuse of trust provisions should be substantially strengthened to cover the abuse that took place in North Wales.
- Loopholes in the new abuse of trust offence should be closed to protect part time pupils and young people in religious organisations.