[IE] Child Trafficking and Pornography Act 1998

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The purpose of the Child Trafficking and Pornography Act, passed a few months ago, is to prohibit trafficking in, or the use of, children for the purposes of their sexual exploitation, and to prohibit the production, dissemination, handling or possession of child pornography.

The Act, which is aimed particularly at the Internet, covers film, video, tapes, computer disks, and other forms of audio and visual representation, through any medium, or produced by or from computer graphics or any other electronic or mechanical means. The Internet is not specifically mentioned but the scope of the Act is kept sufficiently broad to ensure that it will not become quickly outdated by advances in computer technology. The terms "child pornography" and both "audio representation" and "visual representation" are defined in the Act in broad terms. A child is defined as a person under the age of 17 years. A number of offences are created. It is an offence to organise or knowingly facilitate child trafficking for purposes of sexual exploitation (maximum penalty is life imprisonment) or to allow a child to be used for child pornography (maximum penalty is a fine of £25,000 and/or 14 years' imprisonment). It is also an offence inter alia to produce, distribute, publish, import, export, or sell child pornography (maximum penalty is a fineamount not specified -and/or14years' imprisonment). Possession of child pornography is itself an offence (maximum penalty is a fine of £5,000 and/or 5 years' imprisonment).

However, despite concerns about the placing of pornography on web-sites which children regularly access, the Act does not deal specifically with access by children to pornography. Proposals to include such measures in this or in subsequent legislation relating to children were rejected. For parents who are concerned about this problem, "Net Nanny" is available and can be loaded onto any personal computer to control access. Also, a report is awaited from a working group set up to examine the illegal and harmful use of the Internet. Meanwhile, the Irish Society for the Prevention of Cruelty to Children (ISPCC) has urged Ministers of the EU Member States to ensure that other Member States, that have not done so already, enact similar legislation, so that through the harmonisation of laws on child abuse, it may be stamped out more effectively. Ireland was due to raise the issue at a meeting of Foreign Ministers in Luxembourg in early October. The ISPCC has also said that nasty and violent computer games should be regulated in the same way as literature and film. At present, they do not come within the control mechanisms of the Censorship of Films or Video Recordings

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Acts.

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