

**The Second National Report of the Irish Observatory on  
Violence against Women**

**Pornography**

**By Monica O'Connor  
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### About the Author

Monica O'Connor has worked in the area of violence against women for twenty years. She is now an independent consultant in the areas of research, policy development and training and is the co-author of many publications on violence against women including:

"The Links between Prostitution and Sex Trafficking: a Briefing Handbook", Healy, G. & O'Connor, M., European Women's Lobby & Coalition against Trafficking in Women, 2006.

## Introduction

In 1997 The European Women's Lobby (EWL) set up an Observatory on Violence against Women drawing together experts from the then fifteen Member States, now expanded to twenty five, to share experience, gather data and examine progress across the European Union. The EWL Observatory is co-ordinated by and feeds into the work of the EWL Policy Action Centre on Violence against Women in monitoring and highlighting the issue of gender based violence with the European institutions, including the European Commission and the European Parliament. National non-governmental Observatories have been initiated as a mechanism to collate accurate, independent data and create common frameworks and indicators to monitor progress in combating violence against women within the Member States. The Irish Observatory on Violence against Women was the first such body to be set up in 2002.

The EWL has a Feminist Charter of Principles on violence against women which underpin the work of the Observatories; they state that women's rights are human rights; that the autonomy and empowerment of all women underpins its work; that prostitution and trafficking in women are fundamental violations of women's human rights and that the diversity of women's experience of violence and intersecting issues of discrimination must inform the work of combating violence against women.

On April 15<sup>th</sup> 2002 Mary Banotti, MEP hosted the launch of the Irish National Observatory in the E.U. Commission offices in Dublin, the first of its kind in Europe. Mary Wallace, Minister of State at the Department of Justice Equality and Law Reform, publicly welcomed the setting up of an independent mechanism for monitoring Member State action and pledged support to the National Women's Council of Ireland, as the national co-ordination of women's organisations and host organisation for the EWL in Ireland.

It was proposed by the European Observatory that an national report would be published in each Member State providing a critical overview of the national context including data, initiatives by the State and the non-governmental women's organisations with recommendations for Government action. (O'Connor, 2004)<sup>1</sup> This national report would also include a specific focus on one form of gender based violence. Recognising that the growth of the sex industry in Ireland was a matter of deep concern to women the Irish Observatory agreed that prostitution would be the focus of the first national report followed by this the second report on pornography. Both reports specifically address the issue of the sexual exploitation of women. The Observatory holds that it is not possible to make clear distinctions between adult and child prostitution and adult and child pornography. The sex industry is made up of multiple venues and forms into which both women and children are marketed and sold for the purpose of sexual exploitation through prostitution and pornography. (Kelly & Regan, 2000)

This report contains a brief look at some Irish women's action against pornography, a summary of legislation and enforcement by the state in relation to adult and child pornography and some national and international data on the proliferation of the sex industry. Some evidence that pornography is being used as a form and part of sexual abuse was provided by specialist women's services and is included throughout the report in 'boxes'. The report also challenges some of the arguments put forward by the defenders of pornography and makes recommendations for action by the state and civil society.

## Pornography in Ireland

The Irish Observatory on Violence against Women holds the position that the proliferation of the sex industry is a fundamental threat to the dignity and human rights of women and girls.<sup>2</sup> Prostitution and pornography directly

<sup>1</sup> The Irish Observatory decided that as there have been very few new Government initiatives since 2004 a second national report would be done on 2007.

<sup>2</sup> We recognise that boys and young men are also exploited through the sex industry. The primary focus of the EWL and this report is looking at the impact of pornography on women and gender equality but we believe the position taken and recommendations for action will benefit men, women and children.

undermine the goal of equality between women and men as expressed by the United Nations, the Council of Europe and the European Union.<sup>3</sup> The sex industry is any method or location in which women or children's bodies are bought, sold, or traded for sexual exploitation. These systems include pornography, international sexual slavery, trafficking and prostitution on the streets, in private venues and on the Internet. (Hughes, 2005) The male demand for a class of women and girls to be available for their sexual gratification in prostitution and in pornography is the root cause of sexual exploitation. Producers and distributors of pornography, pimps and traffickers are ensuring a supply to those consumers, marketing women and children's bodies for massive profits. Gender inequality, globalisation, poverty, racism, migration and the collapse of women's economic stability are global factors that create the conditions in which women are driven into the sex industry. (UNESCE, 2004)

Despite the absence of research and data the proliferation of the sex industry in Ireland is visible on an increasing scale. The last ten years has seen the introduction of lap dancing clubs throughout the country, a major growth in the advertising of sex lines, massage parlours and escort services and a massive increase in the availability of all forms of pornography in newsagents and video stores. This has been accompanied by widespread access to the Internet, which has transformed the immediate free availability of pornography for adults and young people.

However, despite these developments there has been little debate on the impacts and consequences for Irish society. The usual claim by those promoting the sex industry that this is an issue of sexual liberation and freedom is perhaps particularly difficult to challenge within the Irish context as a country still emerging from a long history of sexual repression and censorship. On the one hand there still remains a culture of repression in relation to women's sexuality, sexual diversity and reproductive rights. At the same time there is a growing liberalism, which welcomes the sex industry as a form of liberation and progress with those seeking to hold anti-pornography statements/positions often being vociferously misinterpreted as anti-sex, prudish and repressive of sexual diversity. Ultimately there has been very little constructive and informed discussion in relation to the social consequences of the proliferation of the sex industry for women and gender equality in Ireland. This report is a contribution to that critical debate.

## The Pornography Industry

**In North America and Europe** the pornography industry is estimated to be the size of the video and music industry combined, and includes so-called soft core, hard core and snuff<sup>4</sup> pornography, child pornography, and other genres. 70% of the £252 million that European Internet users spent on the net during 2001 went to various pornography sites. (European Parliament, 2003) In its hardcore form, pornography is now accessed in the U.K. by an estimated 33% of all Internet users. Since the British Board of Film Classification relaxed its guidelines in 2000, hardcore video pornography makes up between 13% and 17% of censors' viewing, compared with just 1% three years ago. In the U.S. with the pornography industry bringing in up to \$15bn annually, people spend more on pornography than they do on movie tickets and all the performing arts combined. Each year, in Los Angeles alone, more than 10,000 hardcore movies are made, against an annual Hollywood average of just 400 movies. (Marriott, 2003) In their publication on violence against women as an obstacle to women's equality and women's participation in society the European Women's Lobby state that: *"the rapid growth of pornographic sites on the internet facilitates men's easy access to pornography making this form of gender based violence accessible every minute of the day in both the public and private spheres of women and men's lives. (EWL, 2004)*

**In Ireland** there has been very little research carried out which would inform us on the growth, profits, production, dissemination and usage of pornographic material. However, in this section we outline some of the evidence that is available from limited research, Garda data and the media.

<sup>3</sup> See "The Links between Prostitution and Trafficking, a Briefing Handbook, Healy & O'Connor, EWL, 2006 for list of U.N. and European declarations/documents.

<sup>4</sup> The term snuff movie refers to the filming of an actual murder. Due to lack of evidence there is some debate among police forces about whether these actually exist. However, the filming of sexually violent scenes using actual dead bodies in war zones and disasters has been discovered. (DVSAIU)

In the SAVI Report, the first National survey on sexual abuse in Ireland a question was included on exposure to pornography prior to age seventeen. 2.7% of girls and 6.7% of boys, a total of 9.4% said yes when asked if anyone ever showed or persuaded them to look at pornographic material (for example, magazines, videos, internet, etc.) in a way that made them feel uncomfortable during childhood or adolescence. The survey also

found that 8% of people had experience of someone who displayed, used or distributed pornographic or suggestive materials in an offensive manner in the workplace. 58% of those people felt some level of distress as a result. (Mc Gee et al 2002) In a recent study on domestic abuse in Ireland 4.6% disclosed being subjected to sexual abuse, 13.1% of those had been forced to watch or read pornography. (Watson & Parsons, 2005)

In a study involving 302 school students in Dublin, young people had high levels of exposure to pornography with almost all young men (94%) and a majority of young women (68%) having had some contact with pornography. More than three out of four reported having seen at least one pornographic film (80%) with a minority having seen lots of them (17% of males and 2% of females). Two thirds of young women and men had seen pornographic magazines but patterns of regular use are highly gendered, 31% of boys and 1% of girls. Similarly two thirds of young men and one third of young women had accessed pornography on the Internet. (Kelly and Regan, Women's Aid, 2001)

A follow up study with 306 psychology students in University College Dublin (242 female and 64 male students reflecting the gender ratio of psychology students) revealed similar high levels of exposure with much higher percentages of males (92.1%) compared with females (63.9%) having viewed pornography. This study also shows that while the highest percentages of females (19%-26% of females compared with 18%-20% of males) have seen pornography only once, a greater percentage of males (48%-52% of males compared with 14%-11% of females) have seen it several times. A considerable percentage of males (14%-26%) have seen pornography "lots", compared with almost no females (1%-3%) who viewed pornography "lots". (Moane, 2006)

In 1996, the National Women's Council of Ireland convened a working group on Pornography.<sup>5</sup> They were interested to see just how easy it was to gain access to child pornography on the Internet.<sup>6</sup> A small piece of work was carried out by two women who had no particular expertise with computers or the Internet to see just how easy or difficult it was to find pornography. They entered key words such as "children sex," "schoolgirls," "kiddie" and "kiddie porn." The actual listings, which came up when the above words were entered, show that pornography is completely accessible on the Internet.

They concluded that:

- Any adult, however unused to using internet who sets out to find child pornography will have no difficulty in finding access to a) explicit online visual images of child pornography and b) addresses and further information for gaining access to child pornography.
- Many adults using Internet for research or recreational purposes will inadvertently be faced with adverts for pornography if they use any of the keywords above. These include words like schoolgirls, child, animal, horse, etc. in other words it is almost impossible to avoid exposure to material about child pornography while using Internet.
- Any child who is curious about sex will easily gain access to child pornography.
- Children are at high risk for exposure to child pornography through inadvertently using any of the keywords above. (Healy, 1997)

Speaking at a seminar called Understanding Child Pornography at University College Cork in March 2003, Professor Max Taylor of the UCC COPINE project (Combating Paedophile Information Networks in Europe) said that the level of abuse against children depicted in photographs circulating on the net was getting more vicious and sadistic. While the typical age of children appearing in abusive images on the Internet was between six and twelve years, he described how the age profile was getting younger and that more babies and toddlers are appearing in the images and the abuse is getting worse. Professor Taylor said demand for these images was driving the huge growth in the numbers of new children appearing in the images and on average, twenty new

<sup>5</sup> This included researchers and activists from Women's Aid, Women's Education Research and Resource Centre at UCD and NWC Executive members.

<sup>6</sup> This was prior to the Child Trafficking and Pornography Act 1998

children are appearing each month on the internet in abusive or highly graphic sex poses. (Irish Examiner, March 03, 2003)

### Identifying pornography as a form of violence against women and adopting harm based definitions in Ireland

There has been a consistent voice of opposition to pornography within the Irish women's movement over the past thirty years. In 1989 the Campaign against Pornography and Censorship (CPC, 1989) adopted a clear harm based definition of pornography: *"Pornography is the graphic sexually explicit subordination of women through pictures and/or words which includes one or more of the following - women presented as dehumanised objects; enjoying humiliation and pain; tied up, cut, or mutilated; shown with severed body parts; penetrated by object or animal."*

In 1996 the Report on the Working Party on the Legal and Judicial Process for Victims of Sexual and Other Crimes of Violence Against Women and Children (NWCI, 1996) recognised that: *"...pornography operates to differentiate women from men by representing men in positions of power and influence over women – these positions are ones which are often abusive and or violent...sexual objectification, common to pornography, portrays human beings – usually women or children – as depersonalised sexual beings, rather than as multi-faceted human beings deserving equal rights with men...pornography is the sexualisation or eroticisation of dominance and submission....."*

In their submission to the Working group on the Illegal and Harmful use of the Internet set up by the Department of Justice Equality and Law Reform (Healy, 1997), the NWCI adopted a harm based definition and made the observation that given the inherent violence within the content of most pornography: *"it seems redundant to say 'violent pornography' – pornography is in essence the depiction of degradation and subordination and is thus a form of violence – sometimes explicitly so at other times implicitly so."*

During the Irish presidency of the European Union in 2004, an EU Presidency conference was held in Dublin on Violence against Women. The speakers and participants at the panel on pornography expressed their concern at the increased availability of pornography and were agreed on defining pornography as a form of violence against women. Dr. Geraldine Moane from University College Dublin stated that:

*The violence depicted in pornography includes rape, assault with weapons, tying up and beating, distortions of bodily parts, urination and defecation, rape by animals, and in snuff movies, actual killing. Women are depicted as enjoying such violence, and usually having orgasms during rape and other violent scenes. (Moane, 2004)*

In 2005 the Irish Freedom from Pornography Campaign was launched declaring the harmful nature of pornography through the objectification, dehumanization, humiliation and degradation of women. They recognise that violence and sexual assault are presented as normal acceptable and even pleasurable and that pornographic material depicts sexual relationships as based on female subordination and male dominance. They aim to: *"eliminate pornography and promote a society in which all people enjoy sexuality based on respect, safety, equality and mutuality"*. (FFP, 2005)

## Legislation in Ireland

### Adult pornography

The legal response to adult pornography in Ireland has primarily been through censorship of visual and print materials and the creation of specific criminal offences for the import, distribution and display of obscene or indecent material. (See appendix 1)

In her critique of the censorship laws, Dr. Judy Walsh observes that existing Irish legislation centres on the concepts of 'obscenity' and 'indecenty' and as such represents a form of legal 'moralism.' She argues that: "*the application of censorship law is placed in the hands of a conservative elite ...whose task is to advance the presumed moral welfare of the individual and society and that ambiguities in the definitions of obscenity and indecenty leave the legislation open to abuse.*"

Many international experts would support the view that present censorship and obscenity based legislation is subjective, open to wide interpretation and abuse, unenforceable and that it is completely inadequate to respond

to the massive growth of the pornography industry through technological advances.<sup>7</sup> (Itzin, 1993, Mc Kinnon, 1993)

Dr. Walsh observes that several commentators have suggested that the Irish laws may be in breach of our international obligations in the area of freedom of expression as set out in the International Covenant on Civil and Political Rights (Article 19) and the European Convention on Human Rights (Article 10). Furthermore the Law Reform Commission (a statutory body) has also suggested "that an examination of (a) legislation on obscene and indecent matter and (b) the various schemes of censorship is necessary if we are to attach due weight to the Irish Constitutional guarantee of free speech."

It is therefore a particularly critical time to examine other legal options and to ensure that the repeal of censorship laws does not take place in the absence of effective alternatives. The protection of free speech must be balanced with the protection of the right to live in a society that does not allow the promotion of material that is degrading and violating of women. We can and do derogate from a rigid adherence to the principle of free speech where material is for example racist or fascist with the explicit intention of inciting hatred against a group of people. We recognise that there is a competing right i.e.: the right to live in a society that condemns the production and distribution of material that degrades and harms our perception of a group and which could incite actual harm against them. Legislation that is informed by a harm based definition and discrimination such as incitement to hatred measures need to be examined. As Aminatta Forna says in her discussion of the Race Relations Act in the U. K 1965:

*If we weigh the balance of two apparently conflicting freedoms- individual free speech and racial equality – we put the freedom of black people first. If we weigh the balance of two censorships, which takes precedence- the censorship of black people as a result of race hatred or the censorship of race hatred? (Forna, 1993)*

There have been major criticisms of the difficulties in the U.K. and in Ireland in enforcing and prosecuting cases of incitement to hatred. Similarly, arguments against the introduction of legislation to control pornography are often conflated with the difficulties of enforcement or the use of the law to remove sexually explicit publications in particular gay and lesbian erotic material. This is not necessarily an argument against the law as much as the lack of political will to enact effective laws and the selectivity of their implementation.

If we consider the introduction of marital rape legislation we can draw a parallel that it has almost never been enforced in Ireland (two cases have been prosecuted since 1991). However this does not obviate the need for the law as much as the continuing need for institutional change in the processing of sexual crime within the legal system. The existence of such a law – a so called declarative law, has in itself the purpose of stating overtly that sex within marriage as in any other context must be based on mutuality and consent.

A code of guidance could be drawn up in parallel to the introduction of laws which would expand on a harm based approach defining the type of material to be considered as graphic, sexually explicit, material which subordinates, degrades, and violates regardless of whether it is produced for the heterosexual or gay market. It also could define what material would *not* fall within the remit of the law, including erotic material that is heterosexual, gay or lesbian, indicating the intention of the law and the priority for police enforcement. A failure to do so would lead to conclusion that as Itzin says: "*We have to ask why we have such demonstrably ineffectual*

<sup>7</sup> For full discussion of obscenity and censorship law in the U.S. and the U.K. see Mc Kinnon and Itzin in Pornography, Women Violence and Civil Liberties, 1993.



*laws against pornography and such pretence to the contrary; why we use a definition of pornography that cannot in practice be applied; why all legislation against pornography is drafted in such a manner as to be unenforceable, and nothing is done about it for decades; and we must conclude that it has never been the intention to prevent the publication and distribution of pornography; that it has always been, and remains the intention to permit pornography and to protect it from prosecution.” (Itzin, 1993)*

## Enforcement in Ireland

The laws pertaining to Adult Pornography are viewed by An Garda Síochána as seriously out of date and inadequate in the present climate and need to be reviewed. (DVSAU, 2006) The Customs Consolidation Act 1876 gives the authorities the right to seize any obscene materials being imported into the state but criminal

charges cannot be brought against the importer. This is merely a Revenue offence and the Gardai can only charge with evasion of excisable duty.

There are also various pieces of legislation, which give the Gardai the power to prosecute for the distribution and sale of pornography where a complaint is made. In relation to Censorship and Obscenity legislation where they confiscate material, which has not been certified, they can send this to the censorship board. However, it is only if they discover the *same material* at a later stage being marketed that they then can prosecute the distributor. Furthermore, regarding the display of offensive material, vendors for example can have magazines on the top shelf in plastic and although the Gardai may know there is offensive material inside it would only be where that is *actually* visible or on display that they could have it removed. These measures are clearly ineffective in responding to the present pornography industry.

## Child Pornography

### Legislation

The Child Trafficking and Pornography Act 1998 made it an offence to organise or knowingly facilitate the entry into, transit through, accommodate in or exit from the State of a child for the purpose of sexual exploitation. Sexual exploitation as defined within the Act includes inducing or coercing a child to engage in prostitution or the production of child pornography, using the child for prostitution for the production of child pornography and or inducing or coercing a child to participate in sexual activity.

### Enforcement

Even where there is a wide consensus on the outlawing of pornographic material at European level, as in the production and distribution of child pornography, there is a major gap between legislative measures and enforcement. In a European study on child sexual exploitation in 2000 very few countries provided detailed material on prosecutions for child pornography and a wide gap existed between “rhetoric and reality”. Ireland had documented just 4 cases of prosecution/convictions in 1998. The authors observe: *“In relation to effective action it is salutary to look at the failure and lack of political will to deal with child pornography which most countries have made illegal... very few European countries are doing anything effective in detecting and prosecuting it, let alone decreasing its circulation and presence on the Internet, or in its other forms.” (Kelly & Regan, 2000)*

Data from 2002 below (An Garda Síochána 2002) indicates that with the introduction of the new Legislation (Child Pornography Act, 1998) there was a substantial rise in the number of cases reported to the Gardai, resulting in a number of successful prosecutions.



Child Pornography Act Data from An Garda Siochana, DVSAU	2002
Number of offences reported or known to the Gardai	125
Number of offences which were detected	107
Number of offences in which criminal Proceedings were commenced	75
Committed for and awaiting trial	9
Pending in the District Court	6
Convictions	12

In a study of trafficking in unaccompanied minors in the E.U. and Ireland in 2003 the authors comment that in fact: *“the (1998) act has been extensively enforced with consequent prosecutions and convictions in the courts in relation to child pornography, the downloading of computers or storing of electronic images of children and other related crimes in relation to child pornography. (Conroy, 2003)*

The rise in detection and convictions may also be due to “Operation Cathedral”, an internationally co-ordinated police investigation into the worldwide Wonderland child pornography network. To be a member of the club required possession of at least 10,000 different images of children. The FBI and the U.K. police force operation revealed the involvement of a number of Irish members. In 2001 “Operation Amethyst”, the Irish linked operation, the Garda Siochana raided 150 premises involving over 100 individuals’ homes and business places at an internationally co-ordinated time. These included some high profile cases including a member of the Judiciary and a well-known hotelier. However, Garda figures from 2003/4/5 indicate that despite a substantial number of reported cases there remains a very low level of successful prosecutions and convictions. (An Garda Siochana, 2004, 2005)

Child Pornography Act, 1998 Sections 3/4/5 & 6	2003	2004	2005
Number of offences reported or known to the Gardai	71	49	32
Number of offences which were detected	58	32	19
Number of offences in which criminal Proceedings were commenced	43	10	9
Committed for and awaiting trial	2	1	2
Pending in the District Court	7	8	2
Convictions	2	7	1

It is recognised by police forces that for operations like “Operation Cathedral” to succeed they must have access to highly skilled personnel with the level of expertise and resources that pornographers’ clearly have and that initiatives must involve international co-operation. An Garda Siochana have also realised that if members of the force become expert in this area of work they also need to provide officers with support to continue to deal with such offensive material.

The 2000 European study (Kelly & Regan, 2000) concludes that if we are serious about reducing and eventually eliminating the production and distribution of harmful violent pornography, adult or child, it is futile to have legislation that law enforcers cannot implement as they do not have the technology or resources to detect and prosecute. It is also futile to have aspirational declarations that legislators and policy makers have no political will to implement; action plans without monitoring mechanisms, voluntary codes of conduct from an industry that has no desire to self regulate and no mechanisms in place for ensuring compliance.

## Challenging the arguments in favour of pornography

### *Pornography is sexually liberating for women and men*

The pornography industry promotes the falsehood that this is an issue of sexual liberation and that those seeking to prevent the production and distribution of their material are repressing sexual freedom and are anti-sex. What in fact feminists have always struggled for is a liberating sexuality for women and men that is based on equal, mutual, consensual sex for heterosexual, gay, lesbian and bi-sexual people. We support the production of erotic sexual material that is not based on power and dominance, which presents women as having agency and choice and contains no violence, abuse or degradation. We reject the idea that pornography is an exciting and liberating experience for women.<sup>8</sup>

As Dorchen Leidholdt comments: *“The sexuality our culture offers women today through pornography is not new, not avant-garde, not revolutionary. It’s the same sex male supremacy has always forced on us: being used as the instrument of someone else’s sexual agency- the instrument of someone socially male...To speak powerfully in favour of sexual pleasure while blithely ignoring the fact that this pleasure is usually achieved*

*through women’s subordination and violation is to speak powerfully in favour of a system that keeps all women down.” (Leidholdt, 1990)*

### *Restricting pornography is a denial of freedom of expression*

Civil libertarians recognise and demand the protection of the right to free speech as a fundamental constitutional and human right. However, to seek to do as a superior right to the human rights of women to be free from degrading and inhumane treatment is to provide the ideal moral justification for pornographers. Pornographers exploit the concepts of rights and freedom to exercise their power to profit from the degradation of women.

*“There are certain ‘freedoms’ that people have agreed to forgo because of the damage and harm they do to other people. These include the freedom to steal, to assault, to rape, to murder, to incite racial hatred and discrimination and to discriminate in employment on the grounds of race or sex. The freedom to incite sexual hatred, sexual violence and sex discrimination through pornography is another freedom people should agree to forgo to ensure and safeguard the civil liberties of women”.* (Itzin 1993)

Attempting to enact effective legal measures to control pornography is not to deny the right to freedom of expression. It is to demand the right for women and men to create a space in which a discourse of liberating sexuality can take place in a climate of respect.

### *Pornography is just a fantasy not involving real women*

The pornography industry promotes the falsehood that the subjects within the material are not real women and children that this is only fantasy. Men therefore can justify their gaze on any form of perverse and abusive sexual act including watching and enjoying women being raped, beaten and penetrated by animals on the grounds that this is not real.

*“Total control is the power dynamic at the heart of pornography. The erotic appeal of this fantasy to millions of terrifyingly normal men fosters an immense industry in which women and children are abused, not in fantasy but in reality”.* (Herman, 1992)

<sup>8</sup> For a full discussion on the sexual liberal debate see Leidholdt, Dorchen and Raymond, Janice G. Eds., *The Sexual Liberals and the Attack on Feminism*, Pergamon, 1990.

Research and police evidence consistently reveal that alongside the commercial production of child pornography there are many child sex offenders filming, using and sharing live rape and abuse of children for their private use. In one case detected in “Operation Amethyst” the Gardai discovered a live video of a man sexually abusing a young girl. Following an investigation the Gardai obtained a conviction for the sexual abuse of his partner’s daughter from the age of two to age thirteen.

*“Pornography is the visual enactment and re-enactment of the rape of real women and children”.* (Eckbeg, 2002)

For survivors of the sex industry pornography is a visual record of abuse. They cannot erase it and there are multiple ongoing opportunities for being exploited. Some women get out of prostitution but pornographic images can be permanent and reproduced again and again.

*The woman told me when she was 15 she was made participate in a pornographic video by three men. She told me she was very afraid at the time and couldn’t tell anyone. She told me it haunts her every day since as she doesn’t know where that video is and it worries her. She told me all her relationships with men including her father, have been physically, sexually and emotionally abusive. The woman is now in her late thirties and wants men to stop abusing her. (Domestic Violence Support Service, 2006)*

Pornography depicts that girls and women are always ready and willing to do any sexual act at any time sending out a dangerous message to men. Women exploited in pornography and prostitution consistently document that men want them to pretend that they are enjoying it, to smile and to act as if they are having sexual pleasure no matter what is happening to them including violence and abuse. Men writing about their experience as consumers consistently validate how these visual images strongly impact on the meaning and construction of their lives, their sexuality and how they perceive women. (Baker, 1993)

*“Pornography institutionalises and eroticises male supremacy. It makes dominance and subordination feel like sex; it makes hierarchy feel like sex; it makes force and violence feel like sex; it makes hate and terrorism feel like sex; it makes inequality feel like sex. Pornography keeps sexism sexy.”* (Stoltenberg, 1992)

### **Women choose to be in the sex industry and consent to sex**

The sex industry justifies the abuse of women in pornography and in prostitution by exploiting and distorting the concepts of choice and consent. These are misleading and inaccurate terms when applied to the constrained and limited contexts in which women and girls are forced into sexual exploitation.<sup>9</sup>

*“...when force is a normalized part of sex, when no is taken to mean yes, when fear and despair produce acquiescence and acquiescence is taken to mean consent, consent is not a meaningful concept”* (Mac Kinnon, 1990).

Studies consistently indicate that women and children who are exploited in the sex industry have experienced economic deprivation, previous sexual abuse as children and young adults and that many have also been homeless and institutionalised. As the authors observe in “Prostitution, Power and Freedom”: *“Wealthy powerful individuals do not typically elect to prostitute themselves. We hear stories about government ministers, senior executives, bishops, movie stars, directors of public prosecution, university vice –chancellors and so on using prostitutes. We do not hear stories of them giving up their careers in order to become prostitutes.”* (O’Connell Davidson, 1998)

### **Sex work is a legitimate career for girls**

<sup>9</sup> For a full discussion on the issues of choice and consent see Healy, G. & O’Connor, M., “The Links between Prostitution and Sex Trafficking: a Briefing Handbook”, European Women’s Lobby & Coalition against Trafficking in Women, 2006

Promoting the sex industry as a form of work denies the inherent sexual exploitation and violence to which women and girls are subjected. The language of sexual liberalism is used to promote the idea that it is women's freedom to choose what to do with one's own body and that the women in the industry benefit.

In her study of the new sexy "raunch" culture being promoted as liberating for young women in the U.S. Ariel Levy demonstrates how the pornographic industry has successfully promoted itself as an exciting career. She cites the example of Jenna Jameson being presented as a role model for girls. In her best selling book "How to Make Love like a Porn Star" (Jameson & Strauss, 2004) and on her popular web site, Jenna Jameson directs her marketing at young teenage girls encouraging them to see the pornography industry as a lucrative job and an exit route from poverty to fame. In reality, as Levy comments, Jameson has said she would rather lock her daughter in the house than let her get involved in the sex industry. Jameson herself was beaten with a rock, gang raped and left for dead in a dirt road during her sophomore year in High School. She was life threateningly addicted to drugs by the age of twenty; she was beaten by her boyfriend and sexually assaulted by his friend. (Levy, 2006)

Pornographers insist that women have a "right" to work in the industry and that those opposing them are denying women "the right to sell their own bodies". But as Jenny Westerstrand argues, one cannot have the "right" to violation one only has the right to be free from violation. She draws the parallel with trading in organs and the trading of women's bodies: Even though people may "choose" to sell their organs because of economic desperation, trade in organs cannot be accepted and those buying them must be prosecuted. The sale of women for sexual exploitation is therefore an intrinsic violation, which must be stopped by the prosecution not of women but of the buyers and consumers. (Westerstrand, 2002)

### **Pornography is not prostitution**

The Internet is now being used for the direct buying of children and women for prostitution, extensive organisation of sex tours, agents dealing in women and girls as mail order brides and trafficking of human beings for sexual exploitation by organised criminal gangs. Internet technology has now created the possibility for men to be in one part of the globe and watching and even directing live pornography including the sexual abuse of a child or woman in another continent (D'Cunha, 2000). In her research on the Internet Donna Hughes comments: *"The internet allows pimps and predators to create their own culture outside community standards. The technology of computer based communication also provides a high degree of privacy and anonymity for men to engage in stalking, viewing and buying of women and children in acts of sexual exploitation"*. (Hughes, 2004)

She goes on to describe how men are using the Internet to find women and children to buy in prostitution. Men describe taking a computer print out of hotels, bar addresses and phone numbers with them on their trips or describe in detail how they used the Internet search engine to locate sex tours. She quotes many men describing their experience of using and abusing children girls and women...

*"The hotel girls are usually younger than most 'available' girls in Bangkok, 14 to 15 year olds being rather common. They are in fact 'owned' by the hotel, which means you can treat them more or less any way you want – and many men do. Hotels like this should be like paradise for those of us who are into S&M (sodomasochism)." (anonymous, Bangkok, date unknown, cited in Hughes, 2004)*

Research with 200 current and former sex workers in San Francisco, confirms the extent of the connection between prostitution and pornography. Just under two thirds of the women working currently in prostitution were 16 or under. These 200 women recounted 193 instances of rape and 178 experiences of sexual abuse in childhood. In the accounts of rape, almost a quarter (23%) told unprompted of references made to pornography by the rapist. Over a quarter of this group of young prostitutes had also been used in child pornography (Silbert & Pines, 1984).

As one survivor of prostitution testified at a public hearing in the U.S.: *"porn was the text book. We learned the tricks of the trade by men exposing us to porn and us trying to mimic what we saw. I could not stress enough what a huge influence we feel this was. (Public Hearings before the Minneapolis City Council; Session 11, December 1983, in Giobbe, 1990)*

### **The adult and child pornography industry are distinct and separate**

We recognise the importance of specific legislation and measures to respond to the issue child pornography. However, upholding the notion that there are two distinct markets for adult women and for children is not tenable. Entry into the sex industry is almost always a process of abuse from childhood or girlhood leading into adult sexual exploitation. In different studies from around the world, the majority of women and girls in prostitution report that they have been victims of male sexual violence in their girlhoods. In a study of 130 prostituted persons in San Francisco, the researchers found that 57% had been sexually abused as children and 49% had been physically assaulted. (Farley & Barkan, 1998). Barnardos, the children's organisation in the U.K identified four phases of entrapment into prostitution for young women, ensnaring, creating dependence, taking control and total dominance. (Barnardos, 1998)

Pimps target women and girls for the purposes of sexual exploitation and they will exploit socio-economic, cultural and personal contexts in order to coerce and dominate the victim. Women and girls will be subjected to multiple forms of intentional violence and abuse. The methods and tactics may vary at different times but the intention is similar to male perpetrators of domestic violence, in that they are designed to maximise control and compliance of the victim. (Aghatise, 2004)

In July 1998 a 49 year old limerick man was jailed for 7 years for sexually assaulting a fourteen year old girl in a Dublin hotel. When Gardai arrested the accused they found 69 child and bestiality pornographic videos. She had been photographed and sexually exploited by a pimp since the age of ten along with other young girls. The pimp was later sentenced to six years in prison (later increased to ten on appeal of the leniency of the sentence) for sexual assault and unlawful carnal knowledge of six girls aged 11 to 13. It emerged that the former company director lured children with the promise of money and sweets. He had shown them pornography featuring bestiality and he also took pornographic videos of them. (Mc Kay, 2005)

*“The simple fact is that where sex industries are tolerated, sexual exploitation of children is facilitated...By insisting on an absolute separation of children and adults the argument to extend protection to 18 is undermined, and an implicit – but deeply problematic – logic is re-enforced. How can it be that on one day when the young person is 15 or 17 their involvement in the sex industry is exploitation and illegal, but on the next day – their birthday – when they are 16 or 18, this becomes not just legal but legitimate, a matter of choice, a form of work? What process can occur in 24 hours that transforms something inherently exploitative into an issue of choice and consent? (Kelly & Regan, 2000).*

## Further Issues of Concern

### *Impacts and consequences for women exploited in pornography*

Sexual exploitation results in devastating impacts on the physical and mental well being of women and girls. (W.H.O. 2000) Research consistently demonstrates that levels of physical and sexual violence experienced by women working in the sex industry are immensely higher than the general population of women and girls. (Farley, 2000) It is also recognised that where trauma is prolonged repeated and systematic, as for battered women, hostages and women who are being sexual exploited in the sex industry, the cumulative damage and symptoms of post traumatic stress are profoundly worse than for those subjected to a single traumatic incident. (Herman, 1992) Women in the pornography industry describe horrific incidents of abuse. Linda Marchiano, re-named Linda Lovelace by her pimp was threatened and beaten by him. She describes how she was handed a script by her captor that read:

*Q. Does it bother you to suck cock in front of so many people?*

*A: Oh no I love it. I guess I'm what you call an exhibitionist". (Leidholdt, 2003)*

*The woman's husband would make her watch pornographic videos and then he would make her act out what was on the videos. She described how humiliated and degraded she felt. She felt if she didn't go along with this he would make her pay in other ways. She said, "I didn't feel I was a human being". She eventually left the relationship but has mental health problems as a result. (Domestic Violence Support Service, 2006)*

### Racism and migrant women

Promoting the idea that some women must be available to be viewed as sexual objects to satisfy men's sexual needs is to create a group of women who are "other" and therefore are excluded from the respect and rights of all women. The sex industry encourages sexism and racism, as men are encouraged to see black women as wild primitive and exotic.

*Pornography exploits and regenerates the derogatory racist sexualised stereotypes of black people, continually reworking them so that they enter the reader's subconscious...black women as represented in pornography are synonymous with deep carnality, animal desires and uncontrolled lust...portrayed as the most sexually voracious, the most wanton of all females. "Naturally" less civilised than her white counterpart, she exists solely for sex and is even more sexually insatiable." (Forna, 1992)*

Women from poorer countries are targeted and driven into the sex industry because of economic necessity. Their difference is then represented by pornographers and pimps as exotic and exciting to western white men who view them as cheap, legitimate objects for sale.

*We have had disclosures from women from the accession states to the E.U. who cannot support themselves here and have found themselves being pimped by foreign national men for sexual services including pornography. We would be concerned in particular with the plight of these women as the Habitual Residency Condition<sup>10</sup> is having an extremely negative impact on them. We fear that many more women will be forced into the sex trade in this country as a result. (Women's Refuge, Domestic Violence Support Services, 2006)*

### Links to Violence against Women

In her comprehensive review of the research on the links between violence and pornography Dr. Geraldine Moane (2004) examined four main kinds of research:

**Laboratory studies** with male psychology students, around 21 years of age. These laboratory studies have found with remarkable consistency that males exposed to violent pornography, compared to a sample exposed to neutral material will amongst other impacts: behave more aggressively to a female when given the opportunity; are more likely to endorse myths about rape; are more likely to agree with statements such as: that women enjoy rape, that women are sexually aroused during rape, that women want to be raped, that when a woman says no, she really means yes and express greater willingness to rape if they can get away with it.

**Surveys in women's magazines**; provide ample evidence that women experience sexual abuse linked with pornography. Many of them provide percentages of women in the sample who have been abused or raped where pornography was seen by them as part of the cause. They often also provide personal accounts by women of the ways in which pornography has been used to assault them or coerce them into performing sexual acts, and of how pornography can create a gulf between them and their partners. Women in relationships with men who use pornography report feeling unattractive and increasing distance from their partner.

<sup>10</sup> The Habitual Residency Condition was introduced by the Department of Social and Family Affairs after EU accession in May 2004. Since then all new applicants for residency (including Irish nationals) must satisfy this condition in order to qualify for means tested payments and Child Benefit. Generally new applicants must have been resident in the Common Travel Area (Ireland and the UK) for two years. For further information on the difficulties facing migrant women who are subjected to violence by their partners see "Submission to the Department of Justice Equality and Law Reform's Immigration and Residence proposals regarding migrant women who are victims of domestic violence", ICI, 2006, Immigrant Council of Ireland, 2006.



**Personal Testimony** provides numerous accounts by individuals of experiences where pornography has been associated with sexually abusive behaviour. Clinical settings where psychiatrists, psychologists or counsellors are dealing with victims of sexual violence provide ample accounts of the role of pornography as an actual incitement to violence or as providing a model for violence. In a study of 271 women in a battered women's shelter it was found that where the abuser used pornography the woman was significantly more like to have been sexually abused. (Shope, 2004) In a study of 100 women at a rape crisis centre found that 28% reported abusers used pornography and 12% forced the woman to imitate something from pornography. (Bergin, 2000)

**Sex Offenders studies** have included personal testimony where sex offenders themselves report that pornography was a factor in their violent behaviour, and those working with sex offenders report high levels of pornography by them sex offenders also show higher levels of arousal to sado-masochistic violence, and higher levels of arousal to depictions of rape of women. (Donnerstein & Penrod, 1987)

*"It is impossible to not to believe that pornography plays a part in sexual violence. As we constantly confront sex offenders about their behaviour, they display a wide range of distorted views that they then use to excuse their behaviour, justify their actions, blame the victim and minimise the effect of their offending. They seek to make their own behaviour seem normal and interpret the behaviour of the victim as consent, rather than survival strategy. Pornography legitimises these views."* (Wyre, 2005)

Dr, Moane (Moane, 2004) concludes that:

- (1) Consumption of pornography is associated with an increase in aggressive attitudes to women, and greater acceptance of myths about rape, e.g. that women like to be raped.
- (2) Repeated linking of sex and violence in pornography and media leads to the eroticisation of violence, so that non-sexual violence becomes sexually arousing to men.
- (3) Repeated exposure to violence in pornography and in media has a desensitisation effect, i.e. makes people immune to violence.
- (4) Consumption of pornography may increase a proclivity to rape or sexual assault in some men.

***Some services in Ireland have noted an increase in disclosure by women of the use of pornography in their abuse.***

***In a rural town in the south west of Ireland women in a refuge have disclosed being:***

***Photographed sexually explicit poses by their partners, or by groups of men who have been invited to do so by their partner***

***Forced to take part in home pornographic videos, including sexual intercourse with their partners or other men, which their partner may have invited.***

***Threatened with these images being placed on the internet, if they try to leave***

***One Rape Crisis Centre located in the west of Ireland cited the following cases:***

***One woman described her ex husband as being 'addicted' to pornography. He would constantly want her to 'act out' the images he saw on pornographic videos and when she would not he would berate her, calling her frigid and telling that she was not a real woman***

***A client told how her ex husband would force her to watch very violent pornographic videos and then act them out. He physically as well as sexually abused this woman throughout their relationship.***

***One woman attending the centre spoke about her uncle and how he used to show her pornographic magazines. She would have been approximately eleven.***

***Another client spoke of how her older brother used to make her look at pornographic magazines when she was a child.***

***A male client told how his older brother kept a stash of pornographic magazines in a shed on their farm. Tom would be shown these magazines and then sexually abused. (Rape Crisis centres response to survey, 2006)***



### Normalisation

The sex industry has been frighteningly successful in mainstreaming a pornographic concept of female sexuality throughout the music, film and television market. Music videos consistently display scenes, which would formerly be at least recognised as pornography such as sado-masochistic material and groups of young women sexually satisfying the male star. The industry portrays a view of sexuality that is saturated in the pornographic objectification of women and girls, displayed as objects whose sexuality exists for the sole purpose of gratifying male sexual demand.

*A young woman described how her husband was making her watch porn movies and then wanted her to act out what was in them. She said she did not mind the sexual acts at the beginning as she felt this was her husband and that's what he wanted so it was ok. However he had gotten more and more interested in bondage and sado-masochistic material. He wanted her to slap him but he wanted to tie her up and do her much more damage. She was very frightened and wanted to know how to handle this. (Domestic Violence Support Service, 2006)*

In examining the sexual lives of young girls in the U.S. Ariel Levy demonstrates how the pornographic industry has permeated the everyday representation of what is sexually normal and healthy. She visited clubs and parties and promotions where girls are encouraged and persuaded that stripping in public to be photographed, lap-dancing and pole dancing, simulating sex with other girls to titillate men are daring and liberating things to do. In her interviews with teenage girls she observes how the pornographic portrayal of sex as a service offered to men by women has become the norm for many of them. From the very beginning of their experiences as sexual beings they are conceiving of sex as a performance you give for attention, rather than as something thrilling and interesting you engage in because you want to. She concludes that in the U.S.: *“The proposition that having the most simplistic plastic stereotypes of female sexuality constantly reiterated throughout our culture somehow proves that we are sexually liberated and personally empowered has been offered to us and we have accepted it”.* (Levy, 2005)

### Impact on women, men and gender equality

The marketing of women's bodies for the purpose of sexual exploitation directly undermines the goal of equality as stated by international human rights bodies. (Huda, S. U.N. 2006, Council of Europe, 1997). The sex of pornography is the eroticisation of power, dominance and violence where men are encouraged to perceive women as objects to be violated and exploited. We cannot continue to protect the right of pornographers to mass produce material that promotes inequality and pretend that this is not a threat to the fundamental human rights of women.

*“Equality for women requires material remedies for pornography, whether pornography is central to the inequality for women or only one cause of it. Pornographers antagonism to civil equality, integrity and self-determination for women is absolute; and it is effective in making that antagonism socially real and socially determining”.* (Andrea Dworkin, 1992)

- *One client told of how her husband would look at porn magazines where the models wore 'sexy lingerie'. He would then insist on his wife wearing the same lingerie and because she is a different weight to the models he would hold up the magazines to her and compare how she looked as opposed to how the models looked. This woman felt very degraded and distressed by this humiliating practice. (Rape Crisis Centre, Survey response, 2006)*

- *A young woman with 4 young children, a baby of 4 months came to the centre. Her husband would only give her money to live on if she had sex with him. She believed that he was constantly on sex lines. He demanded all kinds of sexually distorted and abusive acts from her...she felt like a prostitute. (Domestic Violence Support Service, 2006)*

Pornographer's claims to express sexual freedom are in fact the expression of sexual exploitation and repression. Their demand to articulate and depict a form of sexuality that degrades and humiliates denies the human right and desire to express erotic, mutual, consensual sex.

*"You cannot have authentic sexual freedom without sexual justice...and sexual justice is incompatible with a definition of freedom that is based on the subordination of women....equality is still a radical idea. It makes some people very angry. It gives some people hope. When equality is an idea whose time has come, we will perhaps know sex with justice....passion with compassion..... ardour and affection with honour". (Stoltenberg, 1992)*

## Recommendations

The Irish Observatory on violence against women and the Freedom from Pornography Campaign propose the following recommendations and urge the Irish Government to respond and take immediate action. ([www.freedomfrompornographycampaign.com](http://www.freedomfrompornographycampaign.com))

## Research

There is an urgent need for research in Ireland that would build on existing international knowledge and evidence. It should include data on:

- Production, distribution and usage of pornography.
- Relationship between pornography and sexual violence
- Links between child pornography adult pornography
- Impacts on women, children, and men
- Links with trafficking and prostitution
- Audit of current legal provisions and protections internationally
- Recommendations on legislation, policy and appropriate measures.

## Legislation

Effective criminal legislative measures need to be introduced based on evidence of harm rather than the subjective standards of morality to prevent the production, distribution and usage of pornographic material. Pornography would be defined as graphic, sexually explicit, material that subordinates, degrades, and violates. Legislative models based on incitement to hatred should be drafted by the Department of Justice, Equality and Law Reform and disseminated for consultation accompanied by an explanatory memorandum. Civil legal initiatives should also be re-examined as a means to enable victims of pornography related harm to take civil action against the manufacturers and distributors of pornography.<sup>11</sup>

## Enforcement

<sup>11</sup> The Civil Ordinance drafted by Mac Kinnon and Dworkin provide a model this form of legislation. See Mac Kinnon, Catherine, A., Pornography, Civil Rights and Speech in Pornography: Women violence and Civil Liberties, a Radical View, ed. Itzin, Catherine, Oxford University Press, 1992

A code of guidance should be drafted in cooperation with the Gardai that would define what material would and would not fall within the remit of the law and which would indicate the intention of the law and the priority for police enforcement. The Gardai must also have the resources to develop the technical expertise necessary for effective prosecutions. International cross border cooperation must be central to any initiatives recognising the capacity of pornographers to cross national boundaries with impunity.

### Informed public discussion, debate and education

This issue of pornography needs to be taken up by legislators, policy makers and the media with an informed evidence based approach. Resources should be provided to the NWCI and the FFP to develop a national strategy for raising awareness on pornography. The council could create the opportunity for women to have dialogue on sexuality and what constitutes an erotic life as defined by women themselves not merely as pleasing male sexual demand. The absence of sex education programmes leaves a serious gap for young people to explore and develop sexual awareness. Educational materials for young people on pornography are needed to inform teachers, parents, police, doctors, judges, lawyers, and social workers to support them in having a healthy open debate on sexuality and the harm for young people of pornography whether you are a user or a victim of it.

### Services

Frontline services on violence against women must be resourced to respond to the issues of pornography and prostitution. In particular:

- Practitioners need training and support in responding to the needs of women who are disclosing the use of pornography as part of their abuse and as an instrument of sexual violence.
- Services need information and expertise on the particular needs and risks for women who are commercially exploited within the sex industry in Ireland.
- Methods of recording and documenting these emerging concerns need to be introduced in Rape Crisis Centres, Refuges and Support Services.

### Strategies and actions

- The International human rights arena should be examined such as CEDAW in defining pornography as a violation of women's bodily and sexual integrity and seeking to utilise human rights instruments to hold States accountable for the protection of those rights.
- Direct actions which have been successful in challenging the sex industry should be considered such as:
  - Boycotts of hotels which have pornographic channels by large organisations such as trade unions and private companies
  - Picketing of lap dancing clubs
  - Demanding the removal of pornographic material from newsagents
  - Making colleges pornography free zones
  - Public and Corporate sector initiatives in forbidding the transmission of pornography in the workplace
  - Removing financial custom from Banks and Companies that invest in pornography
  - Encouraging trades unions and human rights and equality bodies to raise awareness of the demeaning nature of pornography and its undermining of women's human rights and negative impact on equality, in both public, private and workplace spaces.

## Appendix. 1

### Censorship of films and videos

Censorship of films is exercised under the Censorship of Films Act 1923 to 1992. The 1923 Act establishes the Office of Official Censor of Films, and a Censorship of Films Appeal Board. No picture shall be exhibited in public by until the Official Censor has certified that the whole of such picture is fit for exhibition in public." (Section 5.) The criterion on which the Censor may refuse a certificate is given his/her opinion that:

"Such picture or some part thereof is unfit for general exhibition in public by reason of its being indecent, obscene or blasphemous or because the exhibition thereof in public would tend to inculcate principles contrary to public morality or would be otherwise subversive of public morality." 7(2) The Censor may grant a limited certificate laying down specific conditions, for example as to the classes of persons who may see the film.

Censorship of videos is provided for under the Video Recordings Acts 1989 and 1992, these set out rules for certification and classification. In normal circumstances the certification and classification procedure is initiated by an application to the Official Censor for a 'supply certificate'. Further, section 17 gives an officer of customs and excise the express power to detain on importation any video recording that in his/her opinion ought to be examined by the Official Censor and to refer it to the Official Censor for that purpose.

By virtue of s 3(1), a video is 'unfit for viewing' if:

(a) the viewing of it -

would be likely to cause persons to commit crimes, whether by inciting or encouraging them to do so or by indicating or suggesting ways of doing so or avoiding detection, or would be likely to stir up hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation, or would tend, by reason of the inclusion in it of obscene or indecent matter, to deprave or corrupt persons who might view it, or

(b) it depicts acts of gross violence or cruelty (including mutilation or torture) towards humans or animals.

### Censorship of publications

Censorship of publications exists by virtue of the Censorship of Publications Acts 1929 -1967. The 1946 Act provided for establishment of the Censorship of Publications Board.

Under s 6 the Board:

"Shall examine every book duly referred to them by an officer of customs and excise and every book in respect of which a complaint is made to them in the prescribed manner by any other person and may examine any book on their own initiative."

The Board, in examining a book, is to have regard to:

- (a) the literary, artistic, scientific or historic merit or importance, and the general tenor of the book;
- (b) the language in which it is written;
- (c) the nature and extent of the circulation which, in their opinion, it is likely to have;
- (d) the class of reader which, in their opinion, may reasonably be expected to read it;
- (e) any other matter relating to the book, which appears to them to be relevant.

If the Board: "Having duly examined a book, are of opinion that it is indecent (defined in section 1 as 'suggestive of or inciting to, sexual immorality or unnatural vice or likely in any other similar way to corrupt or deprave') or obscene" the Board may prohibit the sale and distribution of the book. Similar provisions apply to periodicals.

There is an appeals system under all three systems. The censorship system contained in the two Acts of 1929 and 1946 proved extremely controversial and in 1967 a new Censorship of Publications Act mitigated the severity of the code by placing a twelve year limit on the life of any prohibition order, past or future, made on a book on the ground that it was indecent or obscene; this had the effect of automatically 'un-banning' nearly all the books censored before mid-1955.

<sup>1</sup> This is a summary drawn from Walsh Judy, Gender, the Law and the Legal System, Background note on Censorship UCED, 2002-2003

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