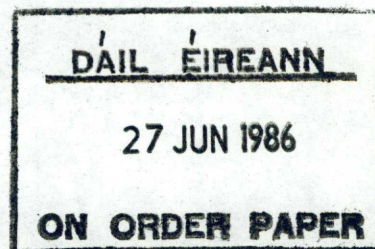


4170

TITHE AN OIREACHTAS

An Deichu Tuarascail
on
ROGHCHOISTE UM CHOIREACTH, AINDLI
AGUS LOITIMEIREACTH

Rialuithe ar fhís ghránáin



Tenth Report
of the
SELECT COMMITTEE ON CRIME, LAWLESSNESS
AND VANDALISM

Controls on video nasties

(P1. 4170)

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1. Introduction

1.1 At its meeting on 19 February, 1986, the Committee expressed concern at what it considers to be a tendency towards a higher tolerance for violence in our society. The presence of violence and sexual abuse on videos, films and television was considered to contribute to a lowering of standards in society generally and to the unconscious conditioning of people to accept such standards.

1.2 The Committee considered the controls that operate in relation to the cinema and television. In the case of videos, however, no controls operate and films that are banned are available on video.

1.3 The Committee had meetings with:

- (i) the Irish Videogram Association,
- (ii) CASE (Campaign against Sexual Exploitation),
- (iii) Dr. J. Robins, Assistant Secretary, Department of Health, and Dr. Marie Woods, Sexual Assault Unit, Rotunda Hospital,
- (iv) representatives from RTE, and
- (v) the Film Censor, Mr. Frank Hall.

The Committee appreciates the assistance given by these people in contributing to its deliberations in this area.

1.4 The Committee considers that the question of video nasties is a rapidly growing social problem and that there is a need for the immediate introduction of controls on the availability of videos.

1.5 Once the Committee began its examination of this subject, it became obvious that there was a need for legislation to tackle the problem. The Committee decided to write to the Minister for Justice, in advance of finalising this Report. Accordingly, in a letter dated 25th April, 1986 the Clerk to the Committee wrote to the Private Secretary to the Minister for Justice to:-

- (i) advise the Minister that the Select Committee was of the opinion that immediate legislation is necessary to
 - (a) ban what are commonly referred to as video nasties, and
 - (b) to control the availability of other videos by the introduction of a classification system for all video recordings, and
- (ii) to enquire as to what proposals the Minister has for the introduction of controls on video recordings.

The Minister advised (16 June 1986) the Committee that "the adequacy of the law in relation to video films is being examined in this Department. When that examination has been completed, and consideration given to any views submitted by interested parties, including your Committee, I will have any proposals considered necessary prepared for consideration by the Government".

2. Summary

- 2.1 The Committee has been considering the need to ban video nasties and to control the availability of video recordings. During the course of its deliberations, the Committee has had meetings with representatives of the Industry, RTE, Film Censor, with Dr. Marie Woods, Sexual Assault Unit, Rotunda Hospital, with Dr. J. Robins, Assistant Secretary, Department of Health and with CASE (Campaign against Sexual Exploitation).
- 2.2 The Committee concluded, at an early stage in its deliberations, that there was a need for legislation to be introduced as a matter of urgency and this opinion was conveyed to the Minister for Justice on 25th April, 1986.
- 2.3 The following is a summary of the recommendations of the Committee:-
- (i) Legislation should be introduced as a matter of urgency to accept the international coding system for classifying video recordings for audience suitability. This would have the effect of making any trade in unclassified material, such as video nasties, unlawful. Trade in the "restricted 18" classification should also be prohibited. This would be an important step in meeting the demand that the most objectionable videos (video nasties) be banned.
 - (ii) The terms of reference of the Film Censor should be extended to enable him to consider any appeal against the classification of any video recording. If the Film Censor considers that a classification is unsuitable, he should be empowered to alter it.

Additional censors should be appointed to deal with this work and there should be a mix of male and female censors. If necessary, particular temporary arrangements should be made to deal with any initial large number of referrals to the Censor.

- (iii) All retail outlets for the sale or hire of video recordings should be licensed. This function should be carried out by the local authorities.
- (iv) The legislation should provide for heavy penalties, including imprisonment, for anyone trading in unclassified video recordings.

2.4 The Committee considers that the aim of legislation in this area should be the protection of society, especially of children and young persons. A quick and effective method of banning the most offensive videos and of classifying other videos is essential. The Committee urges parents to exercise greater control generally of their children and their access to videos.

3. Videos - the problems

3.1 The widespread availability of videos depicting unrestrained violence, sexual abuse, mutilation and murder, or "video nasties" as they are now commonly called, has aroused wide public concern. This concern, which is very much on the increase, is shared by members of the Select Committee.

3.2 The basic problem is the absence of any controls on the sale or rental of video recordings. The Censorship of Films Act, 1923 provides that every film, which it is proposed to exhibit in public, must first be viewed by the official censor. However, though the case for control is at least as great for videos, no controls operate on videos in this country. The result is that films which are banned by the Film Censor are available on video. There is a provision in the Customs (Consolidation) Act 1876, providing powers for the confiscation of obscene material. While this is used from time to time it is not, by any means, a comprehensive approach to modern technology. The Committee has written to the Revenue Commissioners and the Garda Commissioner about the operation of this provision.

3.3 In recent years, there has been a rapid growth in the sale of video equipment and the availability of video recordings; many outlets rent, rather than sell, video cassettes and it is easy for young persons to obtain and play video material. It is estimated that there are at present about 500 video retail outlets and that there will be about 200,000 video machines in Ireland by the end of 1986.

3.4 Some of the video nasties available in this country are regarded as obscene in England. The Committee was advised that many more video nasties will be available here when

new English legislation comes into full effect in September 1986. The Committee considers that video nasties should not be available in this country. Such videos can have a damaging and disturbing effect on many people who see them. Some videos depict dreadful rape scenes and physical abuse which have the effect of dehumanising women. Others deal with unrestricted physical violence. The combination of brutal sex and violence is extremely dangerous and cannot but have a corrupting influence on some viewers, especially young people.

- 3.5 The Committee is conscious that the majority of video recordings do not fall into the category of video nasties, but the existence of the trade in video nasties raises a question over all video recordings.
- 3.6 It may be argued that the introduction of controls is an unwarranted interference with people's freedom to watch what they like in their own homes. However, the Committee considers that there comes a point when the freedom of individuals must be controlled for the common good and that there is a need to protect the public, particularly young people, from the effects of witnessing scenes such as those portrayed on some of the video nasties available in this country at the present time. The aim of controls is to remove the really objectionable and revolting material from circulation. The Committee considers that the general availability of video nasties has a corrupting influence on, at least, some members of our society. It is to combat this evil influence that some controls are required.
- 3.7 The Committee recognises another aspect of the problem of video nasties, namely, that legislation of itself cannot provide the complete answer; the primary duty for the

protection of children and young persons rests on parents and other adults having a duty towards such persons. It would not be practical for society to try and take on the twenty-four hour a day task of safeguarding the standards of children and young persons. That is the function of parents and guardians. The State has a part to play in reducing the extent to which corrupting influences are available; but, it falls to parents to exercise their responsibility for the welfare of their children within the framework laid down by the State for the benefit of the common good of society.

- 3.8 While calling for controls on the availability of video recordings, the Committee is conscious of the possibility of creating an environment for a black market for videos which are prohibited. There is, nevertheless, a responsibility to protect people from the depravity shown on some videos. It will be a matter for parents to ensure that their children are kept away from any such black market operators and that the Gardai are informed so that appropriate action can be taken.

4. Irish Videogram Association submission

4.1 The Irish Videogram Association made a submission to the Committee and attended at a private meeting of the Committee on 6th May 1986 to discuss this topic.

4.2 The Irish Videogram Association represents all the international video companies operating in Ireland (Thorn, EMI, Walt Disney, Paramount, Rank, 20th Century Fox, Warner Brothers and others).

4.3 The Association contend that at present the industry is threatened by two major problems, namely, piracy and pornography which, although they appear separate, are in effect intertwined and emanate from the same sources.

4.4 The Association maintains that the video industry has been endeavouring to tackle both issues but that they urgently need official support. They maintain that, as both problems exist almost entirely through the existence of illegal operators, concerted action by the government on those people will virtually wipe out both problems simultaneously.

4.5 The Association calculated the value of the trade in 1985 as follows:-

(a) Video Rentals at Retail Level	£22M including VAT
of which the Legitimate trade accounted for	£12M including VAT
and the Non-Legitimate trade for	£10M on which no VAT was paid
(b) Distributors Revenue amounted to	£8M including VAT
of which the Legitimate trade accounted for	£4M including VAT
and the Non-Legitimate trade for	£4M on which no VAT was paid

- 4.6 The Association advised the Committee that most new videos coming on the Irish market are of American or British origin. These already conform to an international coding system which classifies audience suitability. The same coding applies to posters and other advertising material. For practical reasons the Irish Video Industry is keen to adopt the same classifications for products being issued on the Irish market, but they need government support to enforce adherence to the code.
- 4.7 The Association proposed that any unclassified video offered for sale be deemed illegal, and any person found buying, selling, viewing or possessing it be liable to stiff prison sentences and heavy fines. To adopt a system not in accordance with the international code would create difficulties:
- (i) it would almost certainly prohibit the sale of Irish made videos on the overseas market, and
 - (ii) it would create very many practical problems, hold up the release of videos and increase the potential revenues for illegal operators.
- 4.8 In relation to piracy, counterfeiting and copyright theft, the Association told the Committee that it had been fighting illegal operators for the past four years. The industry has so far spent half a million pounds in an effort to combat this theft of business, but without any major success.
- 4.9 In a subsequent written submission from the Irish Videogram Association, the Committee was advised that:-
- (i) the so-called "video nasties" have not been distributed by legitimate operators in Dublin for the last three years. The films mentioned in the "Today Tonight"

report on video nasties had also been distributed by the legitimate trade some 4/5 years ago. They were subsequently banned in the U.K. When the various police authorities started to prosecute video outlets under the obscenity laws, "video nasties" were eliminated from the legitimate U.K. market.

- (ii) U.K. legislation, subsequent to this police action in "cleaning-up" the video scene, was designed primarily to eliminate the confusion caused by different Police Authorities and the courts who took different views as to which video films were obscene. According to the Irish Videogram Association, a list of approximately 30 films was published by the D.P.P. in Britain and declared obscene - all the films mentioned in the RTE report were on this list. These films disappeared from the legitimate U.K. market 2/3 years ago prior to any legislation. This legislation has introduced a general classification system, grading films as to age suitability.
- (iii) The Irish Videogram Association advised the Committee that, when the U.K. legislation comes into full effect in September 1986, there is no glut of "nasty" unclassified films which will be dumped in Ireland because the U.K. market is currently "clean". Films which needed "cuts" to obtain fresh certificates have been dumped in Ireland and other countries already. The British Authorities have enforced obscenity laws

for the past three years. The only product that may be dumped here are low grade films which are simply not worth recertifying in Britain on financial criteria. (It costs approximately £500 stg. to obtain a certificate and there is a packaging cost on top of that).

- (iv) The Irish Videogram Association contend that, in general, there is a much less tolerant attitude towards violence in videos in the U.K. than in Ireland. Censorship, as exercised by the Customs and Excise here, has been mainly directed at sex and nudity. Apart from the more obvious "nasties", videos which were freely imported here without questions were subsequently banned in the U.K., because they were too violent. Demand for video pornography is notably higher in Ireland than in the U.K. Where pornography is stocked by clubs here either openly or beneath the counter these films count for 25-33% of turnover. A comparable figure in the U.K. is of the rate of 5-10%. Violent films will sell proportionally much better here than in the U.K.
- (v) Because of the heavy demand here for pornographic films, there is a large trade in these prohibited films which are all smuggled into Ireland - mainly through Northern Ireland.
- (vi) The Irish market size is very small by U.K. standards. It is not economically viable for companies to certify video films for a market where the average video film may sell 100 units at say £40 gross per unit.

Furthermore, the proximity of Northern Ireland and the ease of passage across the border makes it essential that films have simultaneous release dates - otherwise they are simply smuggled in here. Re-classifying films here and the delay that this will obviously cause will simply mean that the illegal operators will add certified U.K. products to their existing range of pornography and other smuggled films.

- (vii) The Irish Videogram Association propose that video films should be imported only by licensed distributors, accepting the U.K. or international classification as prima facie evidence as to their suitability. There should be an appropriate Appeal Board to which reference can be made when the classification is not considered suitable. The Appeal Board would thus only deal with the marginal cases, but would carry authority to re-classify or ban entirely in the appropriate case. This would avoid creating machinery to view and classify the 10,000 or so video films released to date.

5. CASE (Campaign against Sexual Exploitation) submission

5.1 This organisation, which is affiliated to the Council for the Status of Women, made a written submission to the Committee. Subsequently, representatives attended at a private meeting for a discussion on the contents of the submission.

5.2 Ms. Antoinette Farron, Director and Ms. Linda Kavanagh, Secretary stated that the purpose of their submission was:-

- (i) To provoke serious thought and discussion on pornography as a major social issue.
- (ii) To ensure that pornography is seen as exploitation, and therefore as a civil rights issue rather than as a specifically 'moral' one.
- (iii) To suggest ways - other than the traditional 'moral' solutions - to deal with the problem through legislation.

5.3 CASE make the following overall recommendations:

(i) There should be a positive approach to the problem of pornography; Ireland should be the first country to put true equality into practice, by rejecting pornography for its exploitative and degrading sentiments, rather than on the grounds of 'obscenity' or 'indecent', which CASE argues maintains the view of sex as something shameful in itself.

(ii) CASE believes that it is essential to create a society in which pornography and prostitution, as forms of sexual exploitation, are socially unacceptable; pornography has nothing to do with sexual freedom, or with more open and honest attitudes to sex.

(iii) CASE is of the opinion that persons involved either in planning for legislation on pornography should make a serious study of pornography themselves, because, unless the insidious nature of soft pornography and the sheer brutality of hard-core pornography is seen personally, it is easy to underrate its long-term effects.

(iv) CASE considers that there is a need for sex education in schools and that there is a danger that pornography could become the chief source of sex education for youngsters.

5.4 CASE states that pornography is essentially about the sexual exploitation of women and, increasingly, children. Ultimately however, its effects are experienced by everyone in the society in which it is available. Men, although they are the consumers of pornography, are also its victims, since the females with whom they have caring relationships - their mothers, sisters, wives, daughters, colleagues and friends - are equally targets for the hatred and violence which pornography promotes against all women. When pornography becomes freely available in a society, the freedom of women and children becomes correspondingly less. Ultimately, men themselves will have to live in fear, because of the threat which each will pose to the loved ones of the others.

5.5 There is also the question of new technology, and the problems it poses in relation to pornography. The pornography industry has already been quick to see the potential of films and videos. Cable television in the United States has resulted in a proliferation of stations devoted entirely to pornography and advertisements for brothels and massage parlours. Sponsored 'Dial-it' services in New York supply pornographic recordings by telephone.

5.6 CASE considers that the question is - why does pornography exist? Its rationale of "more open and honest attitudes to sex" is blatantly untrue. It exploits men's fears and fantasies as surely as it sexually exploits the women and children in it. Yet pornography is one of the few 'growth' industries in the Western world today.

6. Child Sexual Abuse

6.1 The Committee invited Dr. Marie Woods, Sexual Assault Unit, Rotunda Hospital and Dr. J. Robins, Assistant Secretary, Child Care Services, Department of Health to a meeting of the Committee which was held on 15 May to discuss the effects on children of the portrayal of violence and sex on videos, films and television.

6.2 The Committee was advised that the following information is available on the extent of sexual abuse of children:-

- (i) In the first three months of 1985, before the Sexual Assault Unit officially opened, there were 13 reported cases. By October 1985, the figure had risen to 125. It is at present (May 1986) running at an average of one new case per day.
- (ii) 26.4% of these cases were assaults committed within the family. In the remaining cases the assaults were by persons outside the family; apart from about 15% of cases which involved abuse by strangers - this arose mainly in the older age groups (14-16) - these assaults by persons outside the family were by persons involved in some way with the family.
- (iii) People working in the area of child sexual abuse maintain that these figures understate the extent of the problem; they are only the cases that come to light.
- (iv) An Irish study of 16 serious abusers of children, aged about 30 to 40, showed it to be extremely difficult to pinpoint common factors. However, there appeared

to be a tendency in each case to an abuse of power; half of those involved were considered by their families to be excessively religious.

(v) A 1985 study in Holland by a Dutch theologian showed a definite relationship between inter-family abuse and extreme religious orthodoxy.

6.3 Young offenders - some as young as eleven, but one case of a two-year-old - pose a special problem in that there is difficulty in getting access to these offenders and to valid control groups. There is a very definite indication that offenders in this category have access to pornographic material, whether videos or magazines. Access to this material is regarded as a serious problem for this category.

6.4 The combination of sex and violence in some of the material available at present has a very significant effect on young adolescents - the identification of the viewer is with the person committing the violent acts, rather than with the victim. It is considered that the combination of sex and violence has a greater influence on young persons than hard-core pornography.

6.5 The Committee was advised about the results of international research into the extent of child sexual abuse. The position may be summarised as follows:-

In Canada, a 1983 Government Report stated that one in four girls and one in six boys would be sexually abused before they reach 18 years.

In the United States there are no national figures, but local studies indicate an incidence of one in three to one in four.

In the United Kingdom a 1984 Report puts the level at one in six girls and one in ten boys being abused before reaching 16 years. However, most commentators consider that these figures underestimate the extent of the problem.

In Scandinavia, the figures are about one in four.

There are no comparable figures for Ireland, but it is considered by persons working in this area that the figures for Ireland probably fall somewhere between those for Canada and the United Kingdom.

6.6 Dr. Robins advised the Committee that he was completely misrepresented and taken out of context on the Today Tonight programme dealing with video nasties. He has taken this matter up with RTE, but despite two letters he has not had any response. He is satisfied that video nasties can have a detrimental effect on young persons. In an opening address to a Seminar on Child Sexual Abuse at the National Institute for Higher Education, Glasnevin on 18th January, 1986, Dr. Robins stated that persons concerned about child sexual abuse must give more attention to pornography. Professionals who have to deal with the victims of sexual assaults, whether these victims are women or children, sometimes find that the perpetrators have been incited by pornography in its various forms. This is particularly true of some of the more violent and repulsive cases of sexual attack. Pornography, particularly in video form, appears to be far too readily available at the moment and it is clearly necessary to review the law in this area.

6.7 There is evidence of increasing sexual abuse of children, but it is not clear if this arises from an actual increase in that type of activity, or a greater willingness of persons

to report such events. The number of incidents of sexual abuse to children reported to the Department of Health by doctors has increased in the past number of years as follows:-

1983	-	4 cases
1984	-	33 cases
1985	-	133 cases

This would seem to indicate that sexual abuse of children is increasing.

6.8 The Children Bill, which is before the Dail at present, provides for the taking into care of any child who is being sexually abused.

6.9 The Committee was advised that it is extremely difficult to separate sex from violence in the video nasties which do not fall into the category of hard-core pornography. Extreme physical violence is usually associated in some way with sex and is totally unacceptable. There is no doubt, but that video nasties should be banned. Urgent action is necessary, but this will not solve the whole problem. Consideration should also be given to ensuring that video nasties are not, in the future, made in Ireland.

7. RTE

7.1 RTE accepted an invitation from the Committee to appear at a private meeting on Thursday, 22 May, 1986. The RTE representatives were Mr. Vincent Finn, Director General, Mr. B. Collins, Mr. T. Fahy, Mr. A. Burns and Mr. Vercoe-Rogers.

7.2 Mr. Finn outlined the context within which RTE operated; the Station is only part of the media, and not the totality. There is competition from other TV channels - about 60% of the population of the country have access to other channels - and also from video recorders. About 70% of RTE's output is acquired programming.

7.3 RTE has a number of staff, called "film acceptance viewers", who look at all imported films and programmes to see if they are acceptable. There is an obvious concern with the portrayal of violence on television. While it is difficult to lay down specific criteria for determining what is acceptable, it is generally considered that violence which is gratuitous or purely sensational is not legitimate. Every series is viewed initially before acceptance and then each programme is viewed. There have been instances of a series being accepted, but some individual programmes within the series have been rejected.

7.4 RTE also review material on the basis of the time at which programmes are screened. The time after the news (9.30 p.m.) is regarded as a watershed for the type of programmes that may be transmitted. It is considered reasonable for parents to exercise more control over their children's viewing at that time of night rather than earlier in the evening. Some programmes have had their transmission time changed to after 9.30 p.m.

- 7.5 RTE sometimes issue warnings as to the content of some programmes. This policy is kept under continual review.
- 7.6 The question of violence on newscasts was considered and it was acknowledged that there is a very real problem as to where to draw the line on the portrayal of real-life violence. The basic test is whether the news informs or educates, if it is considered sensational then it is considered unsuitable. Even here, however, it was acknowledged that there is room for disagreement.
- 7.7 On the question of the effects of violence on television on young persons, RTE informed the Committee that it is extremely difficult to establish any causal relationship. It is extremely expensive to investigate this topic and it is conceptually difficult to link cause and effect. In 1972, a U.S. Government sponsored study - United States Surgeon General's Report on the relationship between television violence and behaviour - after conducting twenty-three prestigious surveys and spending over one million dollars, could only conclude that there was a preliminary and tentative relationship between violence and television viewing.
- 7.8 RTE advised the Committee that there is no comparison between U.S. television programming and that in Ireland. On the question of violence and sexual matters on RTE, a survey conducted for RTE included a question on each of these topics and the results were as follows:-

(i) To what extent is RTE irresponsible in its treatment of violence on T.V.?

24% very responsible
44% fairly responsible
20% fairly irresponsible
7% very irresponsible
5% no opinion

(ii) To what extent is RTE irresponsible in its treatment of sex and sexual matters?

23% very responsible
44% fairly responsible
17% fairly irresponsible
10% very irresponsible
6% no opinion

7.9 The question of satellite television was considered. The major factor determining the speed with which satellite television will be available is the cost for householders. RTE state that householders are slow to change television sets. More than half of all television sets have six selection buttons or less. It is likely that the major advances will only come when the cable systems renew their systems to enable them to carry additional channels.

7.10 RTE share the Committee's concern about video nasties and the need to control their availability.

8. Film Censorship

- 8.1 The Committee invited the Film Censor, Mr. Frank Hall, to a private meeting which was held on 10th June, 1986.
- 8.2 The Censorship of Films Act, 1923, establishes the Office of Official Censor of Films and provides that the Minister for Justice shall appoint a fit person to be the Official Censor.
- 8.3 The Act also establishes a Censorship of Films Appeal Board, consisting of nine Commissioners, to hear appeals from the decision of the Official Censor.
- 8.4 The Act provides that no picture shall be exhibited in public unless and until the Official Censor has certified that the whole of such picture is fit for exhibition in public. The Official Censor may grant a limited certificate specifying the conditions under which a picture may be shown in public. The penalty for a breach of these provisions is a fine of £50, and in the case of a continuing offence, a fine not exceeding £5 for each day on which the offence continues.
- 8.5 The Act provides that whenever any application for a certificate that such picture is fit for exhibition in public is made to the Official Censor, he shall certify in the prescribed manner that the picture to which the application relates is fit for exhibition in public, unless he is of 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.

8.6 If the Official Censor is of opinion that any picture, in respect of which an application for a certificate is made to him, is not fit for general exhibition in public but is fit for exhibition in public in certain places, or under special conditions, or in the presence of certain classes of persons, he shall grant a certificate that such picture is fit for exhibition in public subject to such restrictions and conditions (which shall be expressed on the certificate) in regard to the places at which, or the special conditions under which, the picture may be exhibited, or the classes of persons who may be admitted to an exhibition of the picture, as in the opinion of the Official Censor are necessary to prevent the exhibition of the picture in public being subversive of public morality.

8.7 There are four categories of certificate issued by the Official Censor, namely,

- (i) Universal - suitable for all,
- (ii) Persons under 12 years of age accompanied by an adult,
- (iii) Persons over 16 years of age,
- (iv) Persons over 18 years of age.

8.8 Mr. Hall considered that there was a clear need for controls on the availability of videos. The widespread availability of videos affected the censorship of films, as videos of films which are banned are freely available.

8.9 The main criteria in examining films is to look at the overall purpose and if it is to excite sexual violence then such a film will be banned or cuts will be made if appropriate.

8.10 Mr. Hall advised the Committee that the British Board of Film Censorship has a staff of 60 to deal with controls on videos and even at that it will take about four years to clear the backlog of videos on hands.

9. Recommendations of the Committee

- 9.1 The Committee is satisfied that there is an urgent need to take direct action to prohibit the supply of video nasties which, the Committee considers, have a damaging and corrupting influence on society, and especially on children.
- 9.2 The Committee considers that there is a need for a two-fold approach to the control of the video industry, namely,
- (i) the licensing of all retail outlets for the sale or hire of video recordings, and
 - (ii) the classification of all video recordings which are offered for sale or hire and the prohibition of the sale or hire of unclassified video recordings.

Licensing of retail outlets

- 9.3 The Committee recommends that legislation in relation to video recordings should provide that the owners of all retail outlets be licensed. The holding of a valid licence should be a requirement for continuing to operate in the business.
- 9.4 The Committee was advised that there is a relationship between the non-legitimate video trade and the availability of video nasties and hard-core pornographic videos. A licensing system would be a means of bringing some control into the industry and would make it possible to enforce realistic controls on the availability of video nasties.
- 9.5 On the question as to who should be the licensing authority, the Committee recommends that this role be allocated to the local authorities; that it should be a reserved function

of the councillors, and that there should be provision for an appeal to the Courts against a refusal of a licence. A licence should attach to the owner of the retail outlet and should be renewable every year. However, in the event of a second conviction for an offence under the legislation, the licence should be revoked.

- 9.6 In addition to the powers available to the Gardai, the local authority should be empowered to take proceedings against any licence holder who is alleged to have breached any provision of the legislation or against any unlicensed person offering video recordings for hire or sale.

Controls on the availability of videos

- 9.7 The Committee recommends that legislation be introduced as a matter of urgency to prohibit the supply of video nasties and to provide for the classification of all other video recordings offered for sale or hire.
- 9.8 The legislation should provide that, as a general guideline, the international coding system which classifies audience suitability should be adopted. There are six categories - Universal; particularly suited for children; parental guidance; persons 15 and over; persons 18 and over; and restricted 18. This latter category is available only on a restricted basis, for example, licensed clubs or licensed sex shops, and should be prohibited in Ireland.
- 9.9 The sale or hire of any unclassified video recordings should be prohibited.
- 9.10 The sale or hire of any video recording of any film, which has been banned by the Film Censor, shall be prohibited.

- 9.11 The sale or hire of any video recording of any film, which has been cut by the Film Censor, shall be prohibited unless the video also is so altered.
- 9.12 Provision should be made to extend the role of the Film Censor to include the examination of videos. The Committee considers that this can best be achieved by providing that any video recording which any member of the public considers to be objectionable should be viewed by the Film Censor. If the Censor considers that the classification is suitable, then it should stand. If, however, he considers it unsuitable, then he should be empowered to change the classification or to de-classify the video.
- 9.13 Additional censors should be appointed to deal with this work and there should be a mix of male and female censors. If necessary, particular temporary arrangements should be made to deal with any initial large number of referrals to the Censor.

Video nasties

- 9.14 The Committee understands that most videos coming on the Irish market are of American or British origin and conform to an international coding system. Video nasties, which display unrestrained violence and/or sexual abuse, are not classified under this coding system. Accordingly, if the Committee's recommendations are implemented, the sale or hire of such videos will be prohibited.
- 9.15 The Committee recommends that the legislation should also cover the position whereby material screened on television or carried on cable systems may be brought within the scope of the Film Censor if the Government of the day considers

it necessary to do so. The Committee is aware that RTE at present handles its role in this regard in a very sensitive manner, but provision should be made for future local television, for changes in RTE itself and also for any satellite channels carried on cable systems.

- 9.16 The Committee recommends that the penalties for the unauthorised copying of video recordings for sale or hire should be substantially increased.

Penalties

- 9.17 The legislation should provide for penalties for failure to comply with its provisions:-

- (i) any person/organisation offering videos for sale or hire without a licence should be liable to have his entire stock confiscated and be subject to a very substantial fine and/or imprisonment,
- (ii) any licensed outlet offering unclassified videos for sale or hire should be liable for a substantial fine and the confiscation of all unclassified videos,
- (iii) the licence holder of any licensed video outlet found guilty of an offence should have his licence endorsed. On a second endorsement, the licence should be revoked. No new licence should be granted to such a person for a period of at least five years,
- (iv) any individual found with an unclassified video should be liable to a fine and the confiscation of such video.

9.18 The Committee considers that the aim of legislation in this area should be the protection of society, especially of children and young persons; it is this danger to young people which is of greatest concern. What is necessary is a quick and effective method of banning the most offensive videos and of classifying other videos.

9.19 The Committee is aware that this problem of video nasties has been growing over the past few years. It is essential that it be tackled and suitable legislation introduced to deal with the scourge of video nasties. At the same time, the Committee urges parents to exercise greater control generally over their children's access to videos.

10. Acknowledgement

- 10.1 The Committee appreciates the assistance given by various organisations and individuals who took the time and trouble to make submissions and who attended at meetings.
- 10.2 The Irish Videogram Association which was represented by Mr. Jimmy Hayden, President, Mr. Colfer and Mr. Furlong, made a detailed submission and provided useful material on the need for controls on the video industry.
- 10.3 The submission from CASE and the subsequent meeting with Ms. A. Farron, Director and Ms. L. Kavanagh, Secretary, provided for a comprehensive discussion on pornography.
- 10.4 The Committee would like to thank Dr. J. Robins, Assistant Secretary, Department of Health and Dr. Marie Woods, Sexual Assault Unit, Rotunda Hospital, for the information and assistance they provided in relation to the sexual abuse of children.
- 10.5 The Committee would also like to thank Mr. Vincent Finn, Director General of RTE and the staff who attended at a meeting with the Committee on 22nd May, namely Mr. Bob Collins, Mr. Tony Fahy, Mr. Aidan Burns and Mr. Peter Vercoe-Rogers.
- 10.6 The assistance of the Film Censor, Mr. Frank Hall, who attended a meeting on 10th June, is also very much appreciated.
- 10.7 The Committee appreciates the assistance provided by the Clerk to the Committee, Mr. F.J. Brady, and its Secretary, Ms. G. Murphy, in the preparation of this report.

DÁIL ÉIREANN
ORDERS OF REFERENCE

Dáil Éireann, 7th July, 1983:- Ordered:

"(1) That a Select Committee consisting of 15 members of Dail Éireann none of whom shall be a Member of the Government or a Minister of State and which shall be called the Select Committee on Crime, Lawlessness and Vandalism be established to examine:

such aspects of

- (a) the administration of justice,
- (b) the implementation of the criminal law,
- (c) existing legislation

which in the opinion of the Select Committee affect the personal safety and security of our citizens in their homes, on the streets and in public places and to report thereon and to make recommendations where appropriate.

(2) That in the absence from a particular meeting of the Select Committee of a member, another member nominated by the Party to which the absent member belongs may take part in the proceedings and vote in his stead.

(3) That every report which the Select Committee proposes to make shall, on adoption by the Select Committee, be laid before the House forthwith whereupon the Select Committee shall be empowered to print and publish such report together with such related documents as it thinks fit.

(4) That 4 members of the Select Committee shall form a quorum.

*(5) That subject to the consent of the Minister for the Public Service, the Select Committee shall have the power to engage the services of persons with specialist or technical knowledge to assist it."

* As included in our Orders of Reference by Order of Dail Éireann dated 25 October 1984.

LIST OF REPORTS PUBLISHED BY THE SELECT COMMITTEE

<u>No.</u>	<u>Title</u>	<u>Date</u>
1	Neighbourhood Watch as a Scheme for Community Involvement in Policing	27th March, 1984
2	The role of Officers of Customs and Excise in controlling the supply of illegal drugs	3rd July, 1984
3	The decriminalisation of certain offences under the Vagrancy Acts	17th October, 1984
4	Controls on the private security industry	30th October, 1984
5	Report on a visit to Scotland Yard	30th October, 1984
6	Confiscation of assets illegally acquired through drug-trafficking	18th January, 1985
7	Recruitment and Training in the Garda Siochana	5th June, 1985
8	Safeguards for persons being questioned in Garda Stations and for members of the Garda Siochana	22nd January, 1986
9	Report on certain offences under the Vagrancy Acts	9th April, 1986