

World Vision Ireland



Child Protection Policy

March 2001

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Introduction

World Vision was born out of the Korean War in 1950 to assist the children who were innocently caught up in this conflict. Today it has blossomed into one of the major Christian relief and development agencies committed to the service and the rights of the child in all aspects in keeping with the charisma of its founder.

World Vision Ireland is vehemently opposed to any form of exploitation and abuse of children or their families. Such practices are morally unacceptable, totally incompatible and inconsistent with the aspirations of the organisation. More often than not, exploitation of children is irreversibly detrimental to them, their families and communities at large.

To remain faithful to the hopes and aspiration for a safer and loving world where children can realise their potentialities, World Vision Ireland from time to time reviews its methods of operation and practices to meet the challenge of the day. In this context, in consistent with the World Vision Partnership, World Vision Ireland is reviewing and formulating procedures and guidelines with a specific reference to the sexual exploitation of children. Their primary objective is to protect children supported through the office of World Vision Ireland. These practices are to ensure that no individual may gain access to children via World Vision Ireland for the purpose of sexual exploitation. The guidelines in consequence will also protect the visiting individual, the image and the reputation of the organisation.

This policy document which contains guidelines in three categories are solely for the purpose of use within World Vision Ireland. It is not expected to be regarded as a legal document, nevertheless, it is consistent and compatible with the legal framework of the Republic of Ireland. It is important to keep in mind that legal definitions and practices may vary among nation states and as such a policy of a non-state body, as in this case, has to be congruent with the legal structures and practices of that nation state.

The three categories of guidelines which are (a) on recruitment and training of paid staff and volunteers, (b) on procedures for reporting suspected or actual abuse of sponsored children, and (c) guidelines for advertising and communications are consistent with the legal base and relevant practices of respective government departments.

The guidelines are followed by some explanatory notes and tables which may be helpful in understanding practical aspects and implications of this policy.

Guidelines on Recruitment and Training of Paid Staff and Volunteers

- 1 World Vision Ireland will not employ any person who has a prior conviction for child abuse, history of paedophilia or related offences. This applies to paid staff, volunteers and contractors.
- 2 It is of utmost importance to World Vision that all personnel have not been previously convicted of child abuse. It is therefore, crucial that all applicants for all positions with World Vision Ireland prove themselves to be credible in this regard. A clearance from the Garda Síochána, personally obtained by the applicants, will be relevant in the process of establishing their credibility. Additionally, all applicants/volunteers are encouraged to sign an authorisation form, agreeing to permit World Vision Ireland to make enquiries of all relevant authorities (including police authorities in other jurisdictions) of the applicants/volunteers for the position, in the light of our policy on child protection. *(Data protection implications – Please refer Notes & Tables Section)*
- 3 For all applicants a reliable character reference will be obtained, and for applicants being considered for overseas contracts, particular attention will be given to all areas of concern relating to child protection.
- 4 Should any concerns arise during the probationary period, the issue should be discussed with the Executive Director, who will decide whether to refer the matter to the Garda Síochána, and the appointment will not be confirmed.
- 5 During employment with World Vision Ireland should an employee display unusual behaviour giving rise to concern, this should be discussed with the Executive Director who will decide what action to take.
- 6 Volunteers with World Vision Ireland will be monitored by the managers to whom they are assigned to ensure that confidential information concerning sponsorship projects, sponsored children and other such information is not misused. Where there are concerns, managers should inform the Executive Director, who will investigate further.
- 7 All staff involved in sponsor contact will be given induction training relating to:
 - security of information
 - confidentiality
 - procedures for sponsor visits
 - procedure to adopt if abuse or suspected abuse comes to light.

- 8 Any member of staff travelling abroad for the first time, for whatever reason, will be interviewed by a senior member of staff, to ensure his or her suitability for the trip.
- 9 Staff visiting the field for prolonged periods, including overseas contract staff, will be given a comprehensive briefing by the Executive Director on matters related to child abuse with a particular reference to child sexual abuse.
- 10 Whilst travelling abroad staff should where possible:
 - Avoid being alone with a child/children; the ideal is to have at least two adults present for the supervision of activities with children.
 - Seconded or overseas contract staff should not hire children as house help.
 - Staff should never touch minors in an inappropriate or culturally insensitive way.
 - If it is necessary for a staff person to spend time alone with a child, permission should be gained both from the project supervisor and parents/guardian.
 - Staff must be entirely professional in their relationships with minors and children, while at the same time demonstrating Christian love, compassion and care in both word and deed.
- 11 Anyone travelling overseas as a representative of World Vision Ireland, for example Board members, consultants; or where World Vision Ireland is responsible for that person, for example sponsors, journalists, will be interviewed by the Executive Director to ensure his or her suitability for the trip. World Vision Ireland will take all possible measures to ensure that no one uses the organisation or its facilities to exploit children and in this context the reference is the sexual exploitation of children. Garda clearance requested and obtained on his/her own volition by the person who wants to travel, will facilitate the process enormously.
- 12 All staff will be made aware of their individual responsibility to uphold the World Vision Ireland Child Protection Guidelines, which will be incorporated into their Employment Contract. Any member of staff who discovers or suspects abusive practices should refer the matter immediately and in confidence to the Executive Director who will report the matter to the Health Board or in emergency to the Garda Siochana.

Guidelines for Arranging and Reporting on Sponsor Visits

1. In order to ensure that all possible steps are taken to protect sponsored children, their families and communities from those who may wish to exploit or abuse them, all sponsor visits will be arranged through the Sponsorship Department of World Vision Ireland.
2. Project and field office staff are required to immediately refer any sponsor, or friend of a sponsor, attempting to bypass this procedure to World Vision Ireland. World Vision Ireland will report the matter to the Health Board and in emergency to the Garda Síochána and seek their advice for an appropriate action to be taken by the Executive Director or his/her representative.
3. On receiving a request from a sponsor to visit a project, Sponsorship staff will check the sponsor's record held by our office. Garda clearance requested and obtained by the sponsor of his/her own volition will facilitate the process enormously. *(Data Protection implications - Please refer Notes & Tables section)*
4. Additionally sponsors will receive:
 - Visit guidelines
 - 'Request to Visit' form
 - Additional questionnaire for the purpose of establishing the suitability of the sponsor to visit a child/children.
5. Sponsors wishing to visit a project will also be interviewed by a senior member of staff to ensure their suitability for the visit. Sponsors living outside Ireland will be asked to attend an interview with a representative of the nearest World Vision office. Garda clearance requested and obtained by the sponsor (a citizen of the country or generally resident in Ireland) on his/her own volition will facilitate the process as to his/her suitability to visit the child/children. *(Data Protection implications -Please refer Notes & Tables section)*
6. If the necessary criteria are not met, the sponsor will not receive permission from World Vision Ireland to visit the child/children.
7. Group sponsor visits will be subject to the same requirements as individual sponsor visit. Any sponsor wishing to join a group visit must attend a briefing meeting at World Vision Ireland prior to departure. A senior staff member will be present during these briefings.
8. World Vision Ireland will retain the right to cancel a sponsor's visit at any time.

- 9 While visiting the projects, sponsors must be accompanied by a member of World Vision staff. During group visits, when there may be more sponsors than members of staff to accompany them, child visits must be done in turn. Under no circumstances should a sponsor be allowed to visit a child's home alone.
- 10 Project staff must inform their field office, who will then inform World Vision Ireland, should a sponsor attempt to return, un-chaperoned, to a project on a subsequent occasion.
- 11 For field offices to be eligible to receive sponsor visits, they should undertake to provide World Vision Ireland with a Sponsor Visit Report following every visit. In the case of group visits, World Vision Ireland will prepare a report. (The visit must be reported in full detail giving both positive and negative information including inappropriate behaviour as the report may have a bearing on future requests). One should bear in mind that under the Data Protection Act 1988, on request World Vision Ireland will be obliged to supply to any person that element of the report that refers to him/her. Otherwise, the information will be treated confidentially. (*Data Protection implications - Please refer Notes & Tables section*)

Guidelines on Procedures for Reporting Suspected or Actual Abuse of Sponsored Children

1. Should World Vision Ireland identify or suspect a paedophile or child abuser before a visit takes place, permission for the visit will be cancelled or refused immediately. Details will be forwarded to the relevant field office, in case the sponsor attempts to visit the child independently. World Vision Ireland will report the matter to the Health Board and in emergency to the Garda Siochana. (*Date Protection implications - Please refer Notes & Tables section*)
2. Should a field office identify a case of actual or suspected abuse by a visiting sponsor, this should be reported as a matter of urgency to World Vision Ireland (Executive Director and Sponsorship Staff) in as much detail as possible.
3. The Executive Director will then contact the relevant authorities within Ireland, and inform the sponsor that his/her sponsorship link has been cancelled. Letters must be worded carefully to avoid stating the reason for the cancellation and legal advice will be sought where necessary.
4. Relevant managers and directors, both at World Vision Ireland and at the field office concerned, should be kept fully informed of all details.
5. Should a member of staff receive any information about, or observe, actual or suspected abuse at a project site, he or she must immediately inform the World Vision Ireland Executive Director or Director of Programmes.

Guidelines for Advertising and Communications

1. World Vision Ireland's advertising should at all times uphold the dignity of children and should never exploit, through images or text, no matter how urgent the need.
2. World Vision Ireland's web site should not use scanned images of children without formal permission of the World Vision Field office responsible for the project and the parent(s)/guardian(s) of the child. This permission should be in writing and may be part of the packet of documents signed by the child's parent(s)/guardian(s) when the child joins the sponsorship programme. (*Data Protection implications - Please refer Notes & Tables section*)
3. Child's personal information e.g. address and physical details that could be used to identify the location of a child within a country should not be used on the World Vision Ireland web site or in any other media communication.
4. Individuals or organisations requesting the use of World Vision Ireland resources such as videos or photographs should be required to sign an agreement with World Vision Ireland as to the proper use of such materials. The agreement should include a statement that any use of such materials for purposes other than what is agreed upon could subject the borrowing individual or organisation to legal action. Furthermore, failure to adhere to the agreed upon use of the material will result in the immediate termination of World Vision Ireland's permission to use the subject materials and/or require immediate return of all materials provided by World Vision Ireland as well as any copies of such materials.
5. World Vision Ireland will take every reasonable precaution to protect child information and picture folders from falling into the hands of individuals who do not share World Vision's commitment to the protection of children. Extra caution must be exercised and a procedure put in place regarding events where mass quantities of picture folders are available to the public (e.g.: fundraising events etc).

Notes and Tables

Definition of the child:

In relation to sexual offences a person under the age of 17 years is regarded as a child in the Republic of Ireland.

Outside of marriage, 17 years is the age of consent for both heterosexual and homosexual intercourse.

According to various other acts i.e. Age of Majority Act, 1985, The Child Care Act, 1991 or in the Adoption Acts a person under the age of 18 years is a child.

UN Definition of the child: A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (*Convention on the Rights of the Child, 1989*)

Definition of Sexual Abuse:

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others. Examples of child sexual abuse include the following:

- (i) Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- (ii) Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- (iii) Masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- (iv) Sexual intercourse with the child whether oral, vaginal, or anal;
- (v) Sexual exploitation of a child includes inciting, encouraging propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the “grooming” process by perpetrators of abuse.

(vi) Consensual sexual activity involving an adult and an under-age person. In relation to **child sexual abuse**, it should be noted that for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years. This means, for example, that sexual intercourse between a 16 year-old girl and her 17 year-old boyfriend is illegal, although it might not be regarded as constituting **child sexual abuse**.

The decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects of the case, will be dealt with by An Garda Síochána under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offences of sexual assault.

(Child First, National Guidelines For the Protection and Welfare of Children, Department of Health & Children, Ireland. September 1999)

The Law Reform commission in its Report on Child Sexual Abuse recommended a new definition of child sexual abuse or sexual exploitation to include sexual intercourse and anal penile penetration of a child to replace the offence of "indecent assault with consent" based on a definition used in Western Australia which is as follows -

"(i) intentional touching of the body of a child for the purpose of the sexual arousal or sexual gratification of the child or the person;

(ii) intentional masturbation in the presence of the child;

(iii) intentional exposure of the sexual organs of a person or any other sexual act intentionally performed in the presence of the child for the purpose of sexual arousal or gratification of the older person or as an expression of aggression, threat or intimidation towards the child; and

(iv) sexual exploitation, which includes permitting, encouraging or requiring a child to solicit for or to engage in prostitution or other sexual act as referred to above with the accused or any other person, persons, animal or thing or engaging in the recording (on video-tape, film, audio tape, or other temporary or permanent material), posing, modelling or performing of any act involving the exhibition of a child's body for the purpose of the sexual gratification of an audience or for the purpose of any other sexual act (referred to in sub-paragraphs (i) and (iii) above).
(The Law on Sexual Offences, Dept. of Justice, Equality and Law Reform, May 1998)

Protection of the Mentally Impaired Against Sexual Abuse:

According to The Criminal Law (Sexual Offences) Act, 1993, it is a criminal offence to have sexual intercourse, attempted sexual intercourse, buggery and attempted buggery with a mentally impaired person, as defined in that section. It also makes it an offence for a male to commit or attempt to commit, an act of gross indecency with another male person who is mentally impaired. Section 6 of the Act makes it an offence to solicit or importune for the purpose of the commission of an act which would constitute an offence under section 5.

Definition of Mentally Impaired, The Criminal Law (Sexual Offences) Act, 1993:

Mentally impaired persons are defined as people "suffering from a disorder of the mind, whether through mental handicap or mental illness, which is of such a nature or degree as to render a person incapable of living an independent life or of guarding against serious exploitation." (*The Law on Sexual Offences, Dept. of Justice, Equality and Law Reform, May 1998*)

The Sexual Offences (Jurisdiction) Act, 1996:

This Act, gives protection to children outside the State against abuse by persons ordinarily resident in the Republic of Ireland. Any person committing such crimes can be charged and convicted in Ireland. (*The Law on Sexual Offences, Dept. of Justice, Equality and Law Reform, May 1998.*)

Sex Offenders Bill, 2000

The main purpose of the Bill is to impose a requirement on certain sex offenders to notify the Garda Siochana of their name(s) and address(es) and any changes to those details in order to ensure that the information in that respect contained within the Garda Siochana national computer is kept up to date.

The Bill also:

- Creates a new civil court order against sex offenders whose behaviour in the community gives the Garda Siochana reasonable cause for concern that the order is necessary to protect the public from serious harm from him or her;

- Creates a new offence for sex offenders who seek or accept work involving unsupervised contact with children without informing the employer of their conviction;

- Provides for the post-release supervision of sex offenders by the Probation and Welfare Service; and
 - Introduces separate legal representation from complainants in rape and other serious sexual assault cases during applications to adduce evidence or cross-examine on the complainant's past sexual experience.
(*Sex Offenders Bill, 2000 - Explanatory Memorandum*)
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UN Convention (Sexual Exploitation of Children):

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

(*Article 34, UN Convention on the Rights of the Child, 1989*)

Child Pornography:

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.

(*Article 2 (c) Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, May 2000.*)

The Europol Convention (1995):

The Europol Act, 1997 enabled Ireland to ratify the 1995 Europol Convention and related Protocol. It provides for a framework for co-operation in relation to international organised crime especially where criminal structures involved. The category of "trafficking in human beings" will cover child protection issues.

Trafficking in human beings means: Subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of

authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children.

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E.U. Joint Action:

The Joint Action on Trafficking in Human Beings and the Sexual Exploitation of Children was negotiated and adopted during the Irish Presidency of the E.U. in 1996.

The Child Trafficking and Pornography Bill, 1997 gives legislative effect to those areas of the Joint EU Action related to the trafficking of children for the purpose of Sexual Exploitation and pornography.

The Children Bill, 1996 has provisions for the protection of children from sexual abuse by persons in whose custody, charge or care they are. (*The Law on Sexual Offences, Dept. of Justice, Equality and Law Reform, May 1998*)

Implications of the Data Protection Act, 1988

(1) It is important to clarify the nature of details on the authorisation form. If a sample form cannot be supplied to applicants, they should be aware that the authorisation would refer solely to a search of relevant material, namely child abuse conviction records. It will be important also to indicate the time period that World Vision Ireland will retain the responses to such information requests. World Vision should put some time limit on the authorisation form, such as “The authorisation given in this form expires on (date) or upon termination of authorising person’s employment with World Vision Ireland, whichever is earlier. (*Ref. Child Protection Policy WV Ireland – 1.2*)

(1) With regards to the questionnaire completed by sponsors, in circumstances where a sponsor has withdrawn a request to visit a project, World Vision Ireland would have to justify the retention of the data supplied via the questionnaire. There is an obligation on all Data Controllers to record data that is “adequate, relevant and not excessive”. (*Ref. Child Protection Policy WV Ireland - 2.3*)

(2) Sponsors resident outside the state would have their data protected by the Act, and such people should be informed that their data is being recorded, and for what purpose. (*Ref. Child Protection Policy WV Ireland - 2.4*)

(3) Upon receipt of an access request under section 4 of the Act, World Vision Ireland would be obliged to supply a copy of any personal data asked for by a data subject. If such a report is recorded on computer and stored in Ireland, then a sponsor may gain access to that element of the report that refers to him/her.

Those elements of the report that refer to other persons (e.g. Author/Recipient/Child) are not automatically supplied, requiring the consent of the other individuals in question. Where that consent is not forthcoming, that element referring to other persons should be deleted from the report before it is supplied to the sponsor. (*Ref. Child Protection Policy WV Ireland - 2.10*)

(4) Where a person is identified as a "suspect" paedophile and if that information is recorded on computer, it will be available to that person if that person makes an access request. World Vision Ireland has obligations under the Act to ensure that data it records is accurate. There is also a provision within section 7 of the Act for a person to seek damages through civil action where that person has been damaged by the manner in which a data controller has held/used data. (*Ref. Child Protection Policy WV Ireland - 3.1*)

(5) No personal data should be disclosed in a manner incompatible with the purpose for which that data is held. There should be some level of consent from an individual before their data is released. (*Ref. Child Protection Policy WV Ireland - 4.2*)

Table of Sexual Offences

Offence	Statute	Penalty Maximum
Rape	Offences against the Person Act, 1861 (section 48)	Life Imprisonment
Rape under section 4	Criminal Law (Rape), 1981 (section 2)	Life Imprisonment
Aggravated sexual assault	Criminal Law (Rape) (Amendment) Act, 1990 (section 3)	Life Imprisonment
Incest by males	Punishment of Incest Act, 1908 (section 1), as amended by the Criminal Law Amendment Act 1935 (section 12), the Criminal Justice Act, 1993 (section 12) and the Criminal Law (Incest Proceedings) Act, 1995 (section 5)	Life Imprisonment
Incest by females of or over 17 years	Punishment of Incest Act, 1908 (section 2), as amended by the Criminal Law Amendment Act, 1935 (section 12)	7 years imprisonment
Unlawful carnal knowledge of girls under 15 years	Criminal Law Amendment Act, 1935 (section 1)	Life Imprisonment
Unlawful carnal knowledge of girls under 17 years	Criminal Law Amendment Act, 1935 (section 2) as amended by the Criminal Law Act, 1997 (section 13)	5 years imprisonment (1st conviction); 10 years for any subsequent conviction
Buggery with person under 15 years	Criminal Law (Sexual Offences) Act, 1993 (section 3)	Life Imprisonment
Buggery with person of or over 15 years and under 17 years	Criminal Law (Sexual Offences) Act, 1993 (section 3)	5 years imprisonment (1st conviction); 10 years for any subsequent conviction

Offence	Statute	Penalty Maximum
Bestiality	Offences against the Person Act, 1861 (section 61)	Life Imprisonment
Sexual assault	Criminal Law (Rape) (Amendment) Act, 1990 (section 2)	5 years imprisonment
Gross indecency with male under 17 years	Criminal Law (Sexual Offences) Act, 1993	2 years imprisonment
Public indecency	Criminal Law Amendment Act, 1935, (section 18) as amended by the Criminal Law (Rape) (Amendment) Act, 1990 (section 18)	£500 fine or 6 months imprisonment or both
Sexual intercourse or buggery with mentally impaired person	Criminal Law (Sexual Offences) Act, 1993 (section 5)	10 years imprisonment
Gross indecency with mentally impaired male	Criminal Law (Sexual Offences) Act, 1993 (section 5)	2 years imprisonment
Soliciting or importuning for purpose of committing offence under section 3,4 or 5 of 1993 Act	Criminal Law (Sexual Offences) Act, 1993 (section 6)	£1,000 fine or 12 months imprisonment or both
Soliciting or importuning for purposes of prostitution	Criminal Law (Sexual Offences) Act, 1993 (section 7)	£250 fine (first offence) £500 fine (second offence) £500 fine or 4 weeks imprisonment or both (third or subsequent offence)
Failing to comply with direction of Garda where loitering for purposes of prostitution	Criminal Law (Sexual Offences) Act, 1993 (section 8)	£250 fine (first offence) £500 fine (second offence) £500 fine or 4 weeks imprisonment or both (third or subsequent offence)

Offence	Statute	Penalty Maximum
For gain, controlling or directing activities of a prostitute, organising prostitution, compelling or coercing a person to be a prostitute	Criminal Law (Sexual Offences) Act, 1993 (section 9)	£10,000 fine or 5 years imprisonment or both
Living on earnings of prostitution	Criminal Law (Sexual Offences) Act, 1993 (section 10)	£1,000 fine or 6 months imprisonment or both
Keeping or managing a brothel	Criminal Law (Sexual Offences) Act, 1993 (section 11)	£10,000 fine or 5 years imprisonment or both
Prohibition of advertising of brothels or prostitution	Criminal Justice (Public Order) Act, 1994 (section 23)	£10,000 fine
Procuring any girl or woman to: have unlawful carnal connection; to become a prostitute; to leave this country to become a prostitute; to leave her usual place of abode to become a prostitute in a brothel within or without the country	Criminal Law Amendment Act, 1885 (section 2)	2 years imprisonment
Procuring defilement of woman or girl by threat or intimidation or by false pretences or false representation	Criminal Law Amendment Act, 1885 (section 3), as amended by the Non-Fatal Offences against the Person Act, 1997 (section 31)	2 years imprisonment
Licensee permitting licensed premises to be used as a brothel	Licensing Act, 1872 (section 15)	£40 fine (and forfeiture of licence and disqualification for ever from holding a licence for the sale of liquor)

Offence	Statute	Penalty Maximum
Owner or occupier of premises who induces or suffers a girl under 15 years to be on such premises for the purpose of being unlawfully and carnally known by a man	Criminal Law Amendment Act, 1885 (section 6) as amended by Criminal Law Amendment Act, 1935 (section 9)	Life imprisonment