



Child Protection

Criminal Justice (Public Order) Act 1994

Section 17 of the Act deals with blackmail and extortion offences.

NO.1 It shall be an offence for any person who, with a view to gain for himself or another or with intent to cause a loss to another, makes any unwarranted demand with menaces.

While there is no definition in the Act for ‘menaces’, the meaning of the word was defined in case-law. In the case of *Thorne v Motor Trade Association* (1937) the court stated that ‘the word menace is to be liberally construed, and not as limited to threats of violence but as to include threats of any action detrimental to or unpleasant to the person addressed.’ The definition of menace would include threats to publish explicit photos/videos online.²¹

Other Applicable Legislation

The legislation outlined above are the laws which directly deal with sexual coercion and extortion. There are other legislative provisions which may also apply depending on the circumstances of the particular case, see Appendix 10.

Harmful Communications and Digital Safety Report 2016

The Law Reform Commission (LRC) recently published a Report on the area of cybercrime and other related online issues. Appendix A of the Report contains a Draft Harmful Communications and Digital Safety Bill²² which addresses cyber-crime affecting personal safety, privacy and reputation.

Under the Bill it will be an offence to distribute an intimate image without consent, or threaten to do so, with intent to cause harm, to take or distribute an intimate image without consent, and to distribute a threatening or false message.

Children First Act 2015

The Children First Act 2015 outlines the reporting requirements that are placed on teachers as ‘mandated persons’. Teachers have a legal obligation to report to Tusla, the Child and Family Agency, should they know, believe or have reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed. Teachers also have a legal obligation to report disclosures made by a child.

The act states that where a “mandated person” (which includes a teacher registered with the Teaching Council) knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child – (a) has been harmed, (b) is being harmed, or (c) is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to Tusla, the Child and Family Agency.

The definition of “harm” includes sexual abuse. Sexual abuse is defined under the 2015 Act as “an offence against the child, specified offences include the following:

- Section 4** (allowing child to be used for child pornography);
- Section 4A** (organising etc. child prostitution or production of child pornography);
- Section 5A** (participation of child in pornographic performance)
- Section 8** (use of information and communication technology to facilitate sexual exploitation of child)