



## NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

# N C R O P A

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### **FIGHTING SEXUAL CENSORSHIP**

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HONORARY DIRECTOR - David Webb, R.A.D.A. Dip., 15 Sloane Court West, Chelsea, London, SW3 4TD - Tel: 071-730 9537

#### NEWS AND MEDIA BRIEFING MATERIAL

#### THE SCANDAL OF UK STATE CENSORSHIP OF SEXUAL MATERIAL & PUBLICATIONS

1. It is an incontrovertible fact that the United Kingdom has more State censorship of sexual material than virtually any other country of the so-called 'free-world' - certainly more than all other European Union Member States (with the exception of Ireland, a tiny country with a total population of only 3½ million people which represents only 1% of the entire EU population!)
2. UK State censorship of sexual material is the most draconian and repressive of all such 'free-world', purportedly democratic countries which claim to implement a 'free society'.
3. The UK's laws which implement State censorship of sexual material flagrantly contravene the UK's commitment to 'freedom of expression' as an inaugurating and original signatory to both the United Nations Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950).
4. Every year in the UK hundreds of thousands of publications - books, magazines, films, videos, computer disks etc. - are seized by police, customs officers and trading standards officers and destroyed. Practically all of these publications would be legal in other 'free-world' countries.
5. Every year in the UK hundreds of otherwise entirely law-abiding people have their homes or offices raided by police or customs officers, their property confiscated and are prosecuted for publishing (publishing includes merely showing an article to another person!) harmless, adult material of a so-called "indecent" and/or "obscene" nature which is freely and legally published elsewhere (including the USA and all continental EU countries). Many of those prosecuted here receive huge fines and prison sentences and, as a result, have their lives ruined.
6. The mass of UK State censorship laws which operate against sexual material are all framed around the twin concepts of so-called 'indecent' and 'obscenity', both of which in varying and variable circumstances are prescribed unlawful when applied to virtually any kind of article.
7. The enshrinement of such concepts as 'indecent' and 'obscenity' in criminal law (either Common or Statute law), apart from its innate wrong-ness, is itself an absurdity, since both are capable only

of being interpreted in an entirely subjective way. What one individual regards as "obscene", another will regard as the opposite. Furthermore, any attempt to define 'obscenity' (as occurs in the iniquitous Obscene Publications Act 1959 with its ridiculous "deprave and corrupt" test) is equally absurd and unworkable - unworkable in any fair and just way, that is.

8. The four main areas in which drastic legal reforms are needed to redress this scandalous situation here in the United Kingdom are as follows:-

- (I) The virtual repeal of the Obscene Publications Acts of 1959 and 1964 - viz 'SCRAP THE OBSCENITY LAWS' and 'LEGALISE "PORNOGRAPHY" NOW';
- (II) Drastic reform of the Video Recordings Act 1984 to legalise the free availability of sexually-explicit (including homosexually-explicit) video tape cassettes and curtail the powers of the "designated authority" appointed by the Government under the provisions of that Act to censor (which presently often means ban) videos (the present "designated authority" is the lily-livered, Government poodle the British Board of Film Classification) - viz 'LEGALISE SEXUALLY-EXPLICIT FILMS AND VIDEOS' (Reform of the Cinemas Act 1985 would also be required to bring this about);
- (III) The repeal of Section 42 of the Customs Consolidation Act 1876 which makes it an offence to import "indecent or obscene" articles into the UK - viz 'SCRAP CUSTOMS PROHIBITIONS ON SEXUALLY-EXPLICIT MATERIAL';
- (IV) the repeal of Part II, Section 2 of the Local Government (Miscellaneous Provisions) Act 1982, which enables local authorities to restrict the number of sex shops in their area which usually means 'nil'. This is State censorship by the back-door, of course - viz 'REFORM THE SEX SHOP LAWS' and 'FREEDOM OF SEXUAL EXPRESSION', including 'FREEDOM OF GAY SEXUAL EXPRESSION'.

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It goes without saying that all these reforms (with others) could only be fully achieved with drastic reforms to the UK's gay 'sex' laws per se, e.g. an equal age of sexual consent; and the removal of the law which prohibits gay males from participating in sexual activity other than in private, i.e. when no-one else is present other than the two over-21 participating males.

Issued by David Webb,  
 Honorary Director,  
 National Campaign for the Reform of the Obscene Publications Acts,  
 15 Sloane Court West,  
 Chelsea,  
 London,  
SW3 4TD.

Telephone number: 071-730 9537