

1st October 2004

To: Sara Winter  
Content & Standards  
5<sup>th</sup> Floor  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Dear Madam,

#### REGULATION POLICY

CAC is concerned with Sections 1 to 15 inclusive and Annexes 4 & 11. We particularly object to Sections 5, 7 & 14 for the following reasons.

SECTION 5: We believe that adults should have the same rights when watching television as they have regarding video recordings and DVDs. To rule otherwise would be both illogical and a denial of the human right of freedom of expression (Article 10 European Convention on Human Rights). 18R material should thus be available to adults on television, as it is on video recordings and DVDs. (Point 24 page 27). This material does no more "seriously impair" minors when shown on television, than on other media, including lawful publications (Point 27 page 28)

The United Kingdom is a pluralist society without "generally accepted standards" "good taste and decency" or "public feeling" (Point 3 page 25)

Even if they did exist, there is no justification for denying minorities (eg gays) the right to view material that they want, even if the brute majority finds it distasteful. This is "cultural diversity".

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Obviously, when broadcast, R18 material should be differentiated. On video recordings and DVDs this is achieved by the display of the 18R symbol together with an explanatory note. This could be done before such television broadcasts. The traditional nannyist "No sex please: we're British" attitude is outdate and unacceptable.

SECTION 7 The same criteria apply to religious broadcasts. One man's faith is another's heresy. Freedom of expression must prevail. The references to "abuse" and "exploitation": must therefore be deleted. They are subjective and incapable of being impartially applied.

SECTION 14 Para 48. Parental responsibility exists equally regarding all media. Sexually explicit material is permitted on television in other European Union countries, without harmful effects and should be likewise permitted in the United Kingdom. Protection of minors is the responsibility of the parent or guardian, not an authoritarian nanny State.

CAC' specific answers to the questions posed are as follows:

SECTION 3A: No

3b & 3d: There should be a separate code for "Adults-Only" broadcasts.

Section 4: Protection of minors should be restricted to non-subscription television, because subscription television is controlled by consenting adult payers for their benefit.

SECTION 5a: No (see above comments)

5b Subscription television should be dealt with separately

5c: No

5d: Yes: adults should not be denied access to all material unsuitable for minors. So to do breaches Article 10 of the European Convention on Human Rights.

5e This is a parental, not State, responsibility

5f The code is disproportionate. 18R material should be available to consenting adults. There should be no watershed for subscription television, as it is controlled by adult payers.

5g: No restrictions should be imposed, just as is the case in other European Union countries.

5h: No. Classification by BBFC is expensive and therefore disproportionate for a single television transmission. 18R standards (as defined by the BBFC) can be demanded by OFCOM, without the need to pay for a BBFC certificate

7a: The subjective terms "abuse" and "exploitation" must be removed.

7b: No

7c Appeals for funds should be allowed. It is part of the human right of Freedom of Religion.

7d: Yes: The Human right of Freedom of Association demands it.

7e: Yes. Parents and guardians should control children's religious activity, not an authoritarian Nanny-State.

8b There should be a right to have a correction broadcast, in the same way that the Press Complaints Commission can require one to be published.



11a There should be a standard of differentiation, as is applied in the United States ie people in the public arena are entitled to less privacy than others, because the former have impliedly consented to publicity about their affairs (eg politicians and show business glitterati.

14a: No. There should be a separate Code for subscription "adults only" television, equating with the 18R rules of the British Board for Film Classification.

14b Yes. Protection for minors should be confined to non-subscription television programmes broadcast before the watershed.

14c: The television regulations existing in other European Union countries should be studied. The Union is one economic and cultural area (all of which is subject to the European Convention on Human Rights), Its national broadcasting codes should thus be mutually compatible.

Yours for freedom of expression,

E Goodman  
Chair of CAC