

CAC DRAFT RESPONSE TO CONSULTATION ON POSSESSION
OF EXTREME PORNOGRAPHIC MATERIAL 2005

1. No other European Union country criminalises mere possession of adult visual material. To do so here would create an Orwellian victimless crime enforced by Thought Police. There is no justification for trying to surround Britain by an Iron Curtain against freedom of access to adult material on the internet.
2. "Degrading," "serious violence" and "aberrant" are subjective concepts which have no place in criminal law. As Bernard Shaw stated: "The role of the artist is to shock." The proposed definitions of proscribed material would be interpreted in different ways by different juries, resulting in an arbitrary system of imprisonments.
3. The only justification for proscribing mere possession of visual material is protection of minors, because they cannot give valid consent to the sexual acts portrayed. The proposed laundry list is intolerable because it provides no defence of consent by the subjects portrayed. Where there is no consent, the existing criminal law applies.
4. The question is wrongly worded. What is required is justification for prohibiting adults from exercising their freedom of choice. There is none because the proposed crime is victimless. No-one is harmed by merely seeing any material. If they were all crime films and some newsreels would have to be banned. Bestiality, necrophilia and violence, whether filmed or not, are already illegal.

5. The present law is solely directed at paedophiles. The proposal, by contrast, seeks to imprison law abiding people who chose to look at adult material of which others disapprove. Any criminal offence committed in the production of the material can and should be dealt with under existing law.

7. Imprisonment is totally unacceptable for victimless thought crimes. The United Kingdom already has the highest prison population in the European Union. Why increase it with people whose only offence has been to look at the "wrong" thing ?

PARTIAL REGULATORY IMPACT ASSESSMENT.

1. If the financial impact will be low (paragraph 111) then the amount of material concerned cannot be large enough to justify imprisoning viewers. The requisite supply and demand exists and there is no evidence that it will increase. There is no "gap" to be closed.

3. Participants in the material are already protected by the criminal law against assault. There is no justification for using the old "protection of children" argument. That would mean proscribing all material which is unsuitable for minors. No country does that. Option 4 has benefits, namely freedom of citizens in a supposed democracy to watch what they chose.

4. Option 4 contains no message. In a democracy there should be no authoritarian "Nanny State" which only allows material of which it approves. If so alcohol and cigarettes should be banned.

6. Male gay S-M material should be noted.

ANY AMENDMENTS URGENTLY REQUIRED IN WRITING BY
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Drive, Redhill, Surrey RH1 2QB, SO A FINAL CAC RESPONSE
CAN BE READY FOR APPROVAL BY CAC COUNCIL IN OCT &
SENT IN NOV BEFORE THE 2ND DECEMBER 2005 DEADLINE