

# **Consultation on the Possession of Extreme Pornographic Material**

## **Summary of responses and next steps**

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# PART ONE: EXECUTIVE SUMMARY OF RESPONSES TO THE CONSULTATION EXERCISE

## Overview

1. The total number of responses to the Consultation Paper was 397. Opinions were sharply divided: the vast majority of the responses to the proposals to strengthen the law to create a new offence of possession of a limited category of extreme pornography were either strongly supportive or strongly opposed. A majority of organisations responding were in favour: a majority of individuals responding opposed the proposals. Where expressed, there was a general consensus that the laws against possessing indecent photographs of children were necessary. To a lesser extent, most people were in favour of, or held no strong views about, the proposal to proscribe possession of images of bestiality and necrophilia, though some thought it would be hard to enforce in practice.
2. On the whole, those who were in favour of the proposal supported the arguments set out in the consultation paper. Many expressed the view that the boundaries of acceptability were continually expanding and would continue to do so unless action was taken now. Many felt that the proposal should go much further, and that tighter restriction on all pornography should be imposed. Virtually all of those opposed to the proposals were worried that the inclusion of material featuring ‘sexual violence’ and ‘violence in a sexual context’ would criminalise possession of images of consensual sexual acts, such as private photographs taken by a husband and wife, or material created by those practising BDSM (BDSM includes the consensual practices of Bondage, Domination, Submission and Mastery, and Sado-Masochism.). Many of those opposed also raised issues of proportionality, freedom of speech, lack of evidence of harm and police resources.
3. General concerns were raised about practical implementation, relationship with the Obscene Publications Act 1959 (OPA), resources for enforcement, and the interaction of the proposals with works classified by the British Board of Film Classification (BBFC) and mainstream films and programmes broadcast on television.
4. Respondents answered the question “Do you think the challenge posed by the Internet in this area requires the law to be strengthened?” as follows:<sup>1</sup>

	No	Yes	Not stated	Totals
<b>Individuals</b>	223	90	0	313
<b>Organisations<sup>2</sup></b>	18	53	13	84
<b>Totals</b>	241	143	13	<b>397</b>

<sup>1</sup> Those who answered ‘no’ to this question were typically against the proposals, those who answered ‘yes’ were in favour of the proposals. A few answers were inconsistent with this trend; for instance some answered ‘yes’, and explained they thought some new law or action was needed but then went on to express concern about the proposed offence. In these small number of cases, their response was analysed and a notional ‘yes’ was entered if they chose options 1, 2, or 3, and a ‘no’ was entered if they chose option 4 (‘do nothing’) or otherwise expressed their opposition to the proposed legislation.

<sup>2</sup> ‘Organisations’ indicates all responses not from individuals: this includes police forces, campaigning groups, charities, religious groups, professional bodies, government, and regulators. Judges are classed as individuals.

‘No’ indicates they were opposed to the proposals; ‘Yes’ that they supported stronger laws on extreme pornography, almost all supporting the creation of a freestanding new offence of possession, but many saying the law should go further to proscribe all pornography.

5. The table below shows additional categories of responses not included in the numbers set out above. All of these have been considered. They include anonymous responses to the Consultation Paper i.e. those that lacked any identifying name, address or email, and letters that offered broad support but did not engage directly with the questions or issues posed in the Consultation Paper.

	<b>No</b>	<b>Yes</b>
<b>Anonymous responses</b>	18	-
<b>Letters</b>	1	56
<b>Additional signatures on letters</b>	-	20
<b>Additional signatures on own petition format</b>	-	8
<b>Names, addresses &amp; signatures on sheets with no reference to proposals</b>	-	59

6. The Home Office also received a petition which is recorded separately at the end of Part Three.
7. The outcome of the consultation (as set out in Part Two) has not been based on a numerical assessment of those in favour, or those opposed, to the proposal but on a detailed analysis of the responses which have been submitted, as set out in Part Three.

## **PART TWO: THE GOVERNMENT'S RESPONSE TO THE CONSULTATION AND PROPOSALS FOR NEXT STEPS**

1. All responses to the consultation have been carefully considered, including those received shortly after the consultation ended on 2 December 2005.
2. During April and May 2006 officials met representatives of a number of interested groups to explore in more detail the issues which had been raised in their consultation responses. These were: the British Broadcasting Corporation (BBC), Channel 4, the British Board of Film Classification (BBFC), the Internet Watch Foundation (IWF), law enforcement, the internet and mobile phone industries, and BDSM groups (The Spanner Trust and SM Pride).
3. As the response to the consultation has demonstrated, the issue of taking action to tackle the circulation of extreme pornography, particularly via the Internet, is one which arouses much debate. Creating an offence of possession of a category of material is a serious step and the Government has given further careful consideration to the proposal in the light of comments received. But the concern over this kind of extreme material, which is already illegal to publish or broadcast in this country, remains strong. Controls in place to prevent such extreme material from being available here are being circumvented by technological advances, weakening the protections which have existed, particularly for the young and vulnerable who may come into contact with it. Controlling the use of this extreme material is therefore more important. We therefore continue to believe that tightening up the law to cover possession of such material is justified.
4. It was clear from the consultation that many people found the categories of material specified in the proposal too broad and the definitions unclear. The consultation specified that only material which would already be criminal to publish or distribute under the OPA should be covered and within that not all material would meet the criteria specified. However, while many of those concerned about the proposal accepted this starting point, the language used to identify such material was strongly questioned. In particular, there was concern about possible interpretations of the term "pornography", a need to clarify what was meant by "realistic depictions" and a need to look again at the categories "serious violence in a sexual context" and "serious sexual violence", which were considered by many respondents to be too broad and likely to catch too much material.
5. There was also concern that the grievous bodily harm (GBH) threshold level which was proposed for "serious violence" was not sufficiently clear and covered a very wide range of material, including material which would not be in breach of the Obscene Publications Act. Respondents also felt it was important that the defences proposed should adequately cover law enforcement, the legitimate activities of broadcasters, the BBFC and those involved in the internet industry, for example systems administrators. Finally, there was concern, particularly from individuals, that there should not be undue interference with private sexual matters.
6. We have sought to clarify the proposal to ensure that only material which would currently be caught by the Obscene Publications Act 1959 would be caught by the new offence.

7. Almost all those who supported the proposal were in favour of the creation of a new, freestanding offence, as proposed in the consultation.

### The proposed offence

8. The first threshold for the offence itself would be an objective test for the jury that the material was pornographic.
9. By this we mean material that has been solely or primarily produced for the purpose of sexual arousal. It would be for the prosecution to prove that the material was pornographic. We believe that this first test should eliminate, for example, photographs of works of art, news and documentary programmes by mainstream broadcasters which are of public interest and works classified by the BBFC (other than those classified R18 for sale only in licensed sex shops).
10. The second threshold would be an objective test for the jury in respect of actual scenes or depictions which appear to be real acts. We would aim to cover activity which can be clearly seen, leaves little to the imagination, and is not hidden or disguised (e.g. by pixilation).
11. By actual scenes or depictions which appear to be real acts, we intend to catch material which either is genuinely violent or conveys a realistic impression of fear, violence and harm.

### Content of Material

12. The material covered by the offence would be:
  - (i) intercourse or oral sex with an animal; and
  - (ii) sexual interference with a human corpse, as proposed in the consultation document. We have considered the point raised by some respondents that these categories do not exactly mirror the criminal offences set out in the Sexual Offences Act 2003, which refer to penetration, but have concluded that the broader categories should remain.
13. We have reconsidered the remaining categories set out in the consultation:
  - (i) serious violence in a sexual context, and
  - (ii) serious sexual violence.

We have concluded that the reference to “in a sexual context” caused confusion and was unnecessary in view of the pornography threshold described above. We therefore propose a single category of serious violence.

14. We have considered the violence threshold, which was originally proposed at GBH level, and concluded that the test was not sufficiently precise, would be difficult to apply and would draw in material which would not pass the obscenity threshold. We have concluded that the offence should apply to images of acts that appear to be life threatening or are likely to result in serious, disabling injury. Again, it would be for the prosecution to show that the material fell into this category. We would consider giving non-statutory guidance on the type of injury which we consider would fall within this category.
15. In summary, material would need to be:
  - (a) pornographic
  - (b) explicit
  - (c) real or appears to be real act (these would be objective tests for the jury)

16. It would cover:

- (i) serious violence\*
- (ii) intercourse or oral sex with an animal
- (iii) sexual interference with a human corpse

\*by serious violence we mean appears to be life threatening or likely to result in serious, disabling injury.

## Defences

17. We have considered the concerns expressed by broadcasters and those in the internet industry and intend to ensure that there are adequate defences to cover those who need to have contact with the material in the course of their legitimate work, those who stumble across the material accidentally or are sent it unsolicited. These are likely to mirror the defences provided for the possession of indecent photographs of children in the Criminal Justice Act 1988 S160 (2): if the defendant can prove he had a legitimate reason for having the image; or he had not seen it and did not know or suspect it to be illegal; or it was sent to him unsolicited and he did not keep it for an unreasonable time.
18. We consider that it should also be a defence to have an unaltered version of a work classified by a designated organisation. Such designation would be by Order and we envisage designation of the BBFC. This defence would not exempt the organisation from the OPA, but would mean that someone possessing the material as classified would have certainty that they would not risk breaching the criminal law.

## Penalties

19. On penalties, as set out in the consultation, we propose a maximum penalty of three years' imprisonment for possession of material depicting serious violence and a lesser maximum penalty for possession of material in the other categories to reflect the seriousness of the offences shown or depicted in the material.
20. It would also be the intention to raise the maximum penalty for offences of publication, distribution and possession for gain committed under the 1959 and 1964 Obscene Publications Acts to five years' imprisonment.

## Timing

21. The Government intends to bring forward legislation, as soon as the Parliamentary timetable allows.

## PART THREE: SUMMARY OF RESPONSES TO THE CONSULTATION EXERCISE

### General Summary

1. Virtually all respondents agreed that the current law prohibiting child abuse images was justified, and most respondents generally welcomed the proposals to outlaw images of bestiality and sexual interference with a human corpse. This included a majority of those respondents who self-identified with BDSM practices; they held this view because of the absence of consent in such scenarios. Indeed, many respondents from both sides of the debate called for heavier penalties for makers and distributors of pornography in which participants had not consented. Quite a few individuals, as well as some organisations thought that more could be done by ISPs to restrict the availability of extreme pornography and to prevent people from being accidentally exposed to it, although some acknowledged that there were arguments both for and against ‘blocking content’ solutions which had been used in respect of indecent photographs of children.
2. Support for the proposals was expressed by many organisations which responded including women’s rights and welfare organisations, the British Psychological Society, child welfare organisations, including NCH and Barnardo’s, the Internet Watch Foundation, the Bar Council, the Crown Prosecution Service, eighteen local police forces, the Police Federation, the Conservative Party, religious groups and churches, media monitoring groups like MediaWatch and Mediamarch, and a couple of local councils. Many of these thought that definitions, defences and funding issues needed more consideration. Some, such as the British Association of Social Workers, although generally supporting the proposals, thought that a much broader strategy was needed, for example, tackling the issues of sexual exploitation by such means as public awareness and schools campaigns.
3. Opposition to the proposals was expressed by a number of sexual freedom organisations (such as the Spanner Trust, Unfettered, the Sexual Freedom Coalition, SM Pride and others), several BDSM-related businesses, anti-censorship organisations (e.g. Feminists Against Censorship, Ofwatch, Cyber-Rights & Cyber-Liberties), and some IT-related organisations.
4. Of the individual responses submitted online, most were opposed to the proposals and set out their reasons in detail. Many such respondents made similar arguments, some citing or using wording from the ‘Backlash’ campaign which describes itself as “an umbrella organisation representing BDSM, anti-censorship and libertarian groups to fight the proposal”. Some respondents attached to their own response a document entitled “A critique of the Government’s proposed legislation on ‘extreme’ pornography” which appears on the Backlash website. For respondents from this group, consent and personal freedom were crucial issues.
5. Many letters from individuals, who were generally supportive of the proposal, did not engage with the questions in the consultation document. Many cited the petition which is mentioned at the end of Part Three or a mailing from the “World Federation of Methodist and Uniting Church Women, British Unit”.

6. Some organisations, principally media broadcasting organisations and Internet Service Providers (ISPs) were reluctant to give any opinion on the public policy aspects of the proposals, but did provide helpful comments in relation to issues of practical implementation.

**Question 1: Do you think that the challenge posed by the Internet in this area requires the law to be strengthened?**

7. The BBC and Channel 4, as well as most organisations providing Internet services or infrastructure (such as Telewest Broadband, NTL, UKERNA<sup>3</sup>), thought it was inappropriate for them to respond to this question, but did express their views about some potential difficulties in practical implementation of the proposed legislation. Similarly, the Internet Service Providers Association (ISPA) thought enforcement would be problematic due to lack of clarity in the definitions, and suggested the Home Office should consider the practical and operational issues raised by the Internet in this regard.
8. All of the eighteen police forces that responded to the Consultation answered ‘yes’ to this question, as did the Police Federation and British Association of Women in Policing.
9. The British Computer Society expressed concern about the underlying issues in relation to this question, because they thought it was “absolutely essential to understand the nature of the problems being addressed”. Lord Erroll, Crossbench Peer, appended his support to the BCS response, adding that the entire area must be thought out carefully and not rushed.
10. Many of those who wrote letters in support of the proposed legislation cited the increased availability of all types of pornography as reasons for the need for stronger legislation. They asserted that even mainstream pornography had a detrimental effect on society as well as the participants, and that the government should not only legislate in relation to extreme pornography but should also take action against the increased prevalence of pornographic images not only on the Internet, but also in top shelf magazines and in material broadcast on television and in films.
11. Some respondents who wrote in to support the proposed legislation, considered that society had become desensitised into considering pornography as normal, harmless entertainment, while at the same time, the Internet had made it a great deal easier for people to access pornographic content. Some particularly thought the growth of the Internet meant that new laws were needed.
12. A majority of those responding in detail to the Consultation as individuals opposed the proposals. Many of these referred to BDSM practices, expressing concern that a large number of law-abiding citizens who consensually engaged in such practices in private or in like-minded groups, and who circulated the associated images, would be criminalised by the proposed laws. An 18 page document entitled “A Critique on the government’s proposed legislation on extreme pornography” was attached by some respondents to their own response. It sets out in detail the arguments of this group of respondents against the proposed legislation.

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<sup>3</sup> the organisation which runs the JANET computer network which connects UK universities and other academic establishments.

**Question 2: In the absence of conclusive research results as to its possible negative effects, do you think that there is some pornographic material which is so degrading, violent or aberrant that it should not be tolerated?**

13. Almost all respondents who opposed the proposals argued that the answer to the question posed was obviously “No”, citing the lack of evidence as acknowledged in the consultation paper of a causative correlation between viewing extreme images and commission of offences as a reason not to legislate in this area.

“Beliefs held without evidence are not a sound basis for proposals to curtail civil liberties.”

14. Most BDSM-affiliated respondents considered that these offences would not only proscribe certain images but would effectively criminalise their sexual lives:

“The theory that people should be punished for viewing an image that simply involves the idea of sexuality with violence (rather than a real instantiation of it) shows the proposal being made is to introduce a form of ‘thought crime’.”

“Criminalising the possession of material relating to a person’s own sexuality amounts to criminalising that sexuality itself by the back door.”

15. Some respondents from the BDSM community indicated that they thought that, instead of getting rid of extreme material, these proposals could actually increase its availability and impact. Those seeking to educate and encourage “safe play” would be deterred from producing images, whereas pornographers would continue to produce unconsensual material.
16. Some of the BDSM community’s objections regarding the rights of consenting adults were shared by respondents who, although expressing their personal repulsion towards images depicting sexual violence, were nonetheless committed to the human rights of other people to possess them without interference from the Government, on either privacy or freedom of expression grounds.
17. Most of those who supported the Government’s proposals as outlined in the Consultation Paper agreed there was a class of material that should not be tolerated, even in the absence of conclusive evidence. For example:

“Those ‘pushing the boundaries’ are time and again leading to criminal offences against animals and children and although empirical data is poor, those probation officers I deal with who are part of the sexual rehabilitation program, see pornography, particularly of an extreme nature, as throwing ‘fuel on the fire.’” (West Midlands Police)

“We would support the Government’s stance that there is a limit to what can be tolerated in our society regarding the most degrading form of human expression. We work with the most vulnerable children and young adults in our society and it is our experience that contact with such violence and degradation impacts upon the health and wellbeing of children, young people and vulnerable adults. We need to deliver a clear message that such material poses an extreme danger to vulnerable children and adults who may become involved in its possession and thereby its distribution.” (Barnardo’s)

18. The response from the British Psychological Society cited developing research about the impact of extreme pornography on those who are already predisposed to violent or other sexually offending behaviour, including how exposure to 'deviant' sexual scripts about what is appropriate sexual behaviour may increase these vulnerabilities further. (A few of the Society's members wrote separately dissenting from this view.)
19. Some spoke from their own particular area of expertise; for instance, an organisation providing a range of services to women, children and men who are vulnerable and excluded as a result of experiencing domestic violence or childhood sexual abuse wrote:
 

“This imagery provides the cultural backdrop against which the abuse of women is mainstream and endemic. Legislation to strengthen the possibility of prosecution in this area would send out a strong signal of disapproval to the individuals who believe that easy accessibility equals an acceptance of their behaviour.” (Wearside Women in Need.)
20. Considering the problem to be much being wider than just the extreme images of sexual violence at which the proposals are aimed, many of those in favour of the proposed legislation said that it should go much further, to impose tighter restrictions on all pornography. Many were concerned about what they saw as the inexorable shift towards more extreme material.
 

“Our concern is that if 'mainstream' pornography is now to be tolerated, how long will it be before there is pressure for a law on extreme pornography cited in this Consultation to be relaxed?” (Mediamarch)
21. The director of the Child and Woman Abuse Studies Unit at London Metropolitan University reiterated this, pointing to its own research, training and consultancy for almost 20 years, and asserted that:
 

“Adult pornography in its extreme forms should be considered in the same way that child pornography is – a record of sexual abuse...Our interest has never been in 'proving' direct causal links between pornography and specific acts of sexual violence, although there certainly is strong evidence with respect to individual cases, but to suggest that the existence and now virtual ubiquity of pornography creates a cultural context which devalues women's humanity and dignity...Government is right to argue that it does not need proof that images of torture and degradation are corrupting and may affect behaviour.” (Child and Woman Abuse Studies Unit at LMU)
22. Few respondents commented on whether or not the proposed laws would better protect persons exploited or coerced into making such images. But one respondent suggested that the concern was overstated:
 

“It is no different if people receive pornography made in exploitative conditions than if they buy trainers, chocolate or coffee that has been produced in exploitative conditions. It is for governments to work together to tackle these and other exploitations at source”

### *Freedom of expression & censorship issues*

23. Many individual respondents who opposed the proposals suggested the Government was acting in a way which was inappropriate for a democratic Western country. Some couched the matter in terms of the need to protect unpopular minorities within a pluralistic democracy.

24. BT thought caution should be exercised and an evidence-based justification was merited before introducing laws criminalising possession of certain materials. They thought it important that the proposal “does not provide a precedent leading to an irresistible (and escalating) series of demands for curbs on how people express themselves and on what they are entitled to see.”
25. Many respondents reiterated the legal principle that freedom of expression should not be limited to information or ideas favoured by the Government, or the majority. But rather, the test of free expression was whether a government criminalised a form of free expression that does no harm, on grounds that the expression is abhorrent.
26. One religious group, however, contended that permitting the possession of the types of material described in the Consultation Paper would impede the UK’s ability to protect human rights, since participants may be the victims of ‘degrading and inhuman treatment’ contrary to the Universal Declaration on Human Rights<sup>4</sup> and the European Convention on Human Rights<sup>5</sup>. (Church of Jesus Christ of Latter-Day Saints)

### *The focus on ‘sexual’ violence*

27. Many respondents argued that extreme (non-sexual) violence was commonplace in mainstream media such as films and they queried why sexual violence was being singled out. It was also felt that there were many other potential influences on a person’s behaviour, such as excessive alcohol consumption or extreme religious beliefs but there was no suggestion that alcohol or religion should be banned.
28. In relation to graphically violent material which was not within the scope of the proposed offences, the BBFC drew attention to the increasing numbers of films containing what they called ‘extreme reality’ documentary material which would fall outside the scope of the proposed legislation.

### *Harm to children*

29. The suggestion in the Consultation Paper that the new offence is needed to “protect society, particularly children from exposure to (such) material” was criticised by some on the grounds that controlling access by children is not a justification for prohibiting access to adults.
30. Many respondents also suggested that it is the responsibility of parents to ensure their children do not access adult material online. Some suggested that parents should be better informed about the software that can help achieve this. Several respondents suggested that all adult entertainment sites be required to place Internet Content Rating Association ICRA<sup>6</sup> rating meta tags on their websites which would enable web filtering software to be deployed by parents, the software would then deny children access to such sites.

### *Evidence-based policymaking*

31. Some suggested that enacting the proposed legislation would contravene the Government’s commitment to ‘evidence-based’ policymaking, as there is no

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<sup>4</sup> Article 5: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” See <http://www.unhcr.ch/udhr/lang/eng.htm>

<sup>5</sup> Article 3: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” See <http://www.hri.org/docs/ECHR50.html>

<sup>6</sup> Internet Content Rating Association, see <http://www.icra.org/>.

- conclusive evidence of harm resulting from the viewing of extreme pornography.
32. Several respondents suggested that, rather than causing harm, viewing such images may actually be cathartic and operate as a ‘safety valve’, thus preventing violent sexual assaults.
  33. Many individual respondents cited different pieces of research to support their view that pornography does not cause harm to those who view it. Others, however, criticized the same studies and pointed to flaws in their conclusions. For example, a number of respondents cited Japan and Denmark as examples of countries in which the absence of prohibitions on pornography was related to lower numbers of sex crimes. However, Mediawatch-UK challenged the invocation of ‘the Denmark model’ asserting that eleven categories of sexual crime were repealed during the same period, which would necessarily reduce the sex crime statistics.
  34. Implicit in the examples provided by many respondents opposed to the proposed legislation was the assertion that correlation does not mean causation. There was also some discussion of the need for predisposition to offending behaviour.

### **Question 3: Do you agree with the list of material set out in paragraph 39?**

35. Almost all respondents, whether or not they agreed with the proposals for new laws, did not object to it being illegal to possess images depicting bestiality or sexual interference with a corpse. This included almost all the respondents identifying themselves with BDSM practices, who explained that such activities lacked the consent which is the essential characteristic of BDSM activities.
36. A handful of respondents, mostly those who supported the proposals, thought that the inclusion of bestiality and sexual interference with a corpse did not fit within the aims of the Consultation Paper, since the former activities did not cause harm to any non-consenting person.
37. A few comments were made about bestiality and necrophilia. These are shown below.

#### *Bestiality*

38. Regarding bestiality, some thought that poor animal welfare practices in factory farms and slaughtering of animals for food and fashion probably caused animals more harm than the small number of incidents of bestiality which might take place. Furthermore, it was suggested, the focus of regulation should be actual cruelty to the animal, not images of that cruelty. Several individual and organisational respondents suggested that the existing definition of bestiality and necrophilia in the Sexual Offences Act 2003 be revisited, for instance to include oral sex with or masturbation of an animal (e.g. Mediamarch, West Midlands Police). Several police force responses also argued for revision and expansion of the definition of bestiality to include an animal whether alive or dead (Hampshire Police) and that ‘sexual interference’ with an animal corpse be included in the definition of bestiality. (West Midlands Police).

#### *Necrophilia*

39. Regarding “sexual interference with a corpse”, quite a few respondents, including the BBC, thought that this needed more clarification as to exactly

what was included. Some thought it could catch many mainstream horror and vampire movies and would be hard to enforce in practice.

### *Sexual Violence & Violence in a Sexual Context*

40. A few opponents of the proposal indicated that they might support the introduction of offences of possession of images depicting 'real' non-consensual sexual violence such as real rape or truly non-consensual bondage activities. But the categories of "sexual violence" and "serious violence in a sexual context" prompted a great deal of concern, even from some supporters of the proposals.
41. Some pointed out types of abhorrent material which the definitions would not cover (some asserting that this would always be a defect in the 'list' approach). The British Computer Society thought that the notorious tapes made by Ian Brady and Myra Hindley would escape prosecution. The Bar Council thought the proposed definitions would not include theatrical works like "The Romans in Britain" at the National Theatre in 1982, which depicted anal rape and in respect of which a trial judge ruled, in relation to a prosecution for gross indecency<sup>7</sup> that there was a case to answer. If correct, this would produce the anomaly that being an actor in such a play would be legal, but possessing a video of the play or a still photograph which depicted the rape scene would be illegal. The Bar Council also noted that the proposed offences raise the question of why a realistic depiction in written form would be exempt from prosecution, in contrast to a realistic depiction in an image.
42. Almost all the opponents of the proposals who identified with the BDSM arguments saw the proposal relating to "serious violence in a sexual context" and "serious sexual violence" as potentially criminalising their private consensual sexual activities. Many asserted that the authors of the proposal did not sufficiently understand the modalities of BDSM, for instance:

"The Consultation Paper seems to imply (by omission) that masochism does not exist. People subjected to sexual violence are only seen as victims, requiring protection by law."

There was also concern that people could be "convicted of owning pictures of themselves carrying out acts that involved no breach of the criminal law."
43. Many respondents raised the issue of sexually violent material, apparently within the scope of the definitions, that is broadcast via mainstream media channels. Likewise, the BBFC raised the point that "realistic depictions of serious violence are a very common feature of modern, mainstream films and videos, and many such depictions will have a sexual context".
44. Similarly, the BBC was concerned that the definitions in the consultation document needed tighter drafting. Without this, they said:

"...there is a significant risk that some BBC output, including documentaries, black comedies, dramas, animations, works featuring extensive computer generated images and BBFC classified films, could fall foul of the current wording."
45. Channel 4 commented that despite assurances to the contrary in the Consultation Paper:

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<sup>7</sup> The prosecution withdrew the charge, having established the principle.

“...the proposals as presently drawn would effectively outlaw a significant raft of important programming which has not in the past breached the old regulatory Codes and would not breach Ofcom Codes provisions. This is unless there are to be clearly defined defences which would enable journalists and producers legitimately to investigate subjects which touch on extreme adult pornography...”

46. Problems caused by the imprecise scope of the definitions of sexual violence and violence in a sexual context were foreseen by the sector which provides the technical infrastructure of the internet. For instance, although not expressing a view on the public policy question of what type of material should be covered, London Internet Exchange (LINX) asserted it had an interest in the list being “clearly stated and capable of supporting an objective assessment as to whether particular material falls within the proscribed class.” The Internet Service Providers Association (ISPA) thought there would be difficulties for ISPs asked to take down material under the headings ‘serious sexual violence’ and ‘serious violence in a sexual context’. BT likewise thought it would not be easy to determine quickly and simply whether content definitely fell into the prohibited categories. Similarly, Telewest Broadband thought it was important that there was as much legal certainty as possible over which type of images would or would not be covered.
47. Some respondents suggested possible solutions: Liberty suggested these categories be limited to “the realistic and explicit depiction of permanent or dangerous injury being inflicted upon a person in a sexual context”.

### *GBH Threshold*

48. Several respondents expressed concern about ‘serious’ harm being defined in relation to GBH.
49. Specifically, Liberty argued that the formulation in the Consultation Paper of the two categories of sexually violent offences were problematic because they were defined as involving or appearing to involve harm ‘amounting to GBH’. They felt that since GBH could include any breaking of the skin, the proposed offences would include a wide range of pornographic images showing ‘commonplace’ forms of pornography such as mild and consensual bondage, spanking etc. Since this would criminalise many people who did not pose any threat to society, Liberty thought this would not be in the public interest.
50. The Internet Watch Foundation<sup>8</sup> also thought the reference to GBH in the definition of sexually violence offences needed greater clarity, as it was not clear to them whether some types of material would come within the ambit of the offence or not.
51. It was also suggested that the complexity in judicial case law rulings in this area of the law made GBH inappropriate as the test for whether possession of an image would be illegal:

“Expensive barristers and clever lawyers have over the years argued successfully that very minor injuries are to be considered as GBH. Yet again there is no way that the man in the street can be expected to have followed legal debate about what constitutes GBH.” (Melon Farmers<sup>9</sup>)

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<sup>8</sup> IWF is an industry-funded self regulatory body which operates a national hotline for reports of illegal material available on the internet; specifically, child abuse images worldwide, and criminally obscene or criminally racist content hosted in the UK. See [www.iwf.org.uk](http://www.iwf.org.uk)

<sup>9</sup> Melon Farmers is “an informal grouping of people who are opposed to undue censorship.”

### *“Realistic depictions”*

52. Many respondents were concerned by the proposal to include “realistic depictions” of the specified types of material.
53. At paragraph 38 of the Consultation Paper it was proposed that the new offences would not include text or cartoons, but several respondents (including the BBFC, the BBC and LINX) raised questions about ‘realistic depictions’ particularly in relation to computer-generated images. Other respondents raised a similar point about technological developments and the creation of increasingly life-like images, for example in Poser software.
54. The Backlash Critique document argued that the term ‘realistic depictions’ would be unenforceable since, if people did not know whether such depictions were realistic enough to come within the scope of the legislation, they would not be able to know in advance whether or not their activities would be breaking the law, which was not satisfactory.
55. Cyber-Rights & Cyber-Liberties contended that it was not acceptable for someone to be imprisoned for up to three years for having a sexually explicit image of someone looking dead (i.e. a ‘realistic depiction’) but not really dead.
56. The Bar Council also thought there would be difficulties with the ‘realistic depictions’ test, but that they could be ‘partially cured’ by providing a statutory defence if the defendant proved the persons shown were consenting adults and the activities were depictions.
57. Some respondents pointed to the risk of inconsistent interpretation of the definitions across the country. For instance:

“The proposed definitions of proscribed material would be interpreted in different ways by different juries, resulting in an arbitrary system of imprisonments.” (Campaign against Censorship)

### *Impact on existing BBFC regulatory regime and mainstream broadcasting*

58. The proposals on sexual violence and violence in a sexual context were said by some respondents to contradict BBFC policy, which allows BDSM and other explicit material to be classified as R18 (i.e. only to be sold in a licensed sex shop to those aged 18 or above).
59. Rabinder Singh Q.C., Counsel for the Spanner Trust, thought material passed for broadcast on television could not be excluded from the scope of the offences because it says in the Consultation Paper (at para 36) that all material falling within the prohibition would be targeted, irrespective of the medium by which it was conveyed. There was concern that material might be legal in one medium (e.g. on TV or if classified by the BBFC) but illegal in another medium like the Internet. If so, this would pose enforcement difficulties.
60. Other respondents raised the question of how still images taken from a TV programme or film with a BBFC classification would be treated.
61. Some respondents expressed concern about the test for pornography. In the Consultation Paper it was suggested this could be where the material was “solely or primarily produced for the purpose of sexual arousal.” It was considered difficult for a member of the public to second-guess the mind of the producer of a film or of a set of images or excerpts from films.
62. Although supporting the intention behind the proposals, the BBFC acknowledged that it would not be straightforward to formulate the necessary definitions, and that the proposals may have significant unintended

consequences, including in relation to works classified by the BBFC. In particular, they were concerned about definitions and their interpretation, defences, and possible consequences for the BBFC's policy on depictions of sexual violence. They suggested, among other things, that works classified by the BBFC be excluded from the ambit of the new legislation.

### *Widening the Scope of Proscribed Material*

63. Many respondents who supported the proposed new possession offences thought that the current classification scheme was not working, asserting the BBFC had gone too far in allowing explicit sexual and violent material to be broadcast through television and DVD channels. Many such respondents also argued that R18 material should also be brought within the scope of the possession offence.
64. Other suggestions included advocating the broadening of the proposed categories of proscribed sexually violent material:
  - the Conservative Party, while supporting the four categories of offence proposed so long as they were tightly drafted, suggested that the laws go further to cover sites providing blatant guidance on, for example, 'how to commit rape without leaving any traces', on the ground that such sites constitute incitement to commit illegal sexual acts. They also thought material on 3G mobile phones should come within the scope of the proposed offences;
  - Kent Police similarly called for the law to proscribe written fantasy material, e.g. on child rape;
  - Wearside Women in Need were concerned with what they saw as 'gender neutrality' in the consultation and proposed legislation. They thought the definitions should be expanded to include "incitement to gender hatred" on the grounds that "women are the victims of pornography with men disproportionately the creators, distributors and consumers of pornography". Alternatively, it thought such incitement should be made an 'aggravating factor' to be considered in relation to sentencing for other offences.

### **Question 4: Do you believe there is any justification for being in possession of such material?**

65. Many respondents opposing the proposal asserted that citizens should not have to justify their possession of material depicting consensual activities which cause no harm. Rather the burden must be on the State to show the proposed law is necessary and proportionate. For instance: "This question is the wrong way round – people should not have to justify it. Quite the reverse, in fact: law-makers should have to justify why people should not possess it, and you have clearly failed to achieve this."

### *Consensual acts*

66. Many respondents said that it was not clear from the Consultation Paper whether or not images involving *consenting* participants would come within the scope of the proposed offences. Some felt that the indication in the Consultation Paper that 'notional' consent would be disregarded would serve to undermine the notion of consent in other areas of the law on sex crimes.
67. Members of BDSM groups were particularly concerned about the implications for the private lives of BDSM practitioners.

68. In this context they raised the justification for proscribing possession of photographs taken by consenting adults, perhaps even husband and wife, depicting their own sexual acts, and retained for their own private viewing with no intention to distribute them. It was asked how criminalising the possession of such home-made images addressed the harm the proposals sought to prevent.
69. Some respondents from this group suggested methods to ensure their consensual activities were excluded from the scope of the new offences, such as requiring participants to be over 18, ensuring they all provide written consent, and ensuring any websites clearly indicated both the adult nature of the material, and that all participants consented, on an introductory page.

### *Justifications and defences proposed*

70. Several respondents commented on the question of a public good defence ( as is available under the OPA for works of scientific, artistic, literary value etc) to the proposed offence.
71. The BBFC thought that having no ‘public good’ defence for possession may mean that convictions result from the possession of material which it would not otherwise be an offence to distribute under the OPA.
72. UKERNA suggested any prosecutions should only be initiated with the consent of the Director of Public Prosecutions to ensure consistency.
73. LINX had “serious concerns” that the Government’s objectives would not be achieved if there were no defences or exclusions for meritorious content. It also thought it was essential to have a “deprave and corrupt” test (as in the OPA) as an explicit boundary of the offence.
74. However some other respondents criticised the flexibility in the ‘deprave and corrupt’ test. The director of one BDSM film company thought it would be “wholly inadequate” for still images.
75. Most individual respondents who supported the proposals thought there was no justification for anyone apart from law enforcement possessing the material described. However, arguments were submitted from a variety of respondents about what sectors and people might legitimately have access to such material, and in relation to whom a statutory defence would be needed.
76. As regards accidental possession, some respondents noted that with online images, the material may still be ‘possessed’ after the user has deleted it, since it remained in a hidden cache on the computer.
77. Liberty was concerned that the onus of proof would be on the defendant to prove they did not intend to keep the material. Liberty argued that putting the burden of proof on the defendant in such cases might have been appropriate in the days before the Internet, when the mere fact of possession would ordinarily indicate deliberate intention to obtain it. But in relation to internet images, that assumption was no longer appropriate. Liberty suggested that the burden of proof should be on the prosecutor to show the defendant deliberately accessed the material.
78. Additional suggestions for defences and justifications for having the material included:
  - a. Consent, BDSM material where the participants have provided informed consent and the material shows only depictions of (non-consensual) sexual violence;

- b. Labelling images on websites with a statement that participants gave consent;
- c. Exemption for BDSM ‘safety training materials’: some respondents suggested that it was in the public interest to permit them;
- d. Academic research: some police forces, however, expressed opposition to such a defence because of their experiences in respect of child abuse images. Some suggested that an application procedure for permission to possess such material be devised, to prevent this being used as an excuse.
- e. Unsolicited material.
- f. Accidental downloads: e.g. when doing batch processing from newsgroups or when clicking on mislabelled textual hyperlinks or thumbnail images.
- g. Material acquired legally before the law came into force and retained on a computer unknowingly.
- h. Law enforcement, including war crimes and military investigators.
- i. Legal defence teams (under controlled conditions, as is the case with child abuse images).
- j. Social workers who rehabilitate and treat sex offenders. Also trainers in this sector.
- k. IT systems administrators and security staff at ISPs and other organisations, if material came into their possession in the course of their lawful duties; for example to enable them to notify the authorities and preserve evidence for use by the police. It was suggested that this should at least provide the same protections as the Sexual Offences Act s.46<sup>10</sup> or should replicate the defence in s.160 Criminal Justice Act 1988<sup>11</sup>.
- l. Staff of the BBFC, and other persons employed in agencies that regulate content, in order to do their duties.
- m. Journalists: Channel 4 and the BBC were among those who considered that a defence would be needed for journalists and producers of documentaries on extreme pornography, who may have been provided with the material in the course of their investigations, whether or not it ultimately became part of the programme.
- n. Compliance staff: legal and other staff of mainstream broadcasters who have to determine whether or not borderline adult pornographic images come within the scope of the prohibition.
- o. Coroners, undertakers, mortuary assistants: regarding images of ‘sexual interference with a corpse’.
- p. Images of oneself, or private images of married couples, or partners in enduring relationships, not circulated to others.
- q. Still images excerpted from a film or video passed by the BBFC.

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<sup>10</sup> SOA 2003, s.46(3) provides a defence to ‘making’ indecent images of children for those involved in criminal investigations and proceedings, in the Security Services or in GCHQ. ISPA refers in its submission to a Memorandum of Understanding agreed under s.46 which they thought provided a suitable model for the proposed possession offences, to protect from legal liability those ISP staff whose work exposes them to such images.

<sup>11</sup> CJA 1988 s.160(2) provides defences in relation to possessing indecent images of children if the defendant can prove he had a legitimate reason for having the image; or he had not seen it and did not know or suspect it to be indecent; or it was sent to him unsolicited and he did not keep it for an unreasonable time.

- r. For employment purposes: i.e. models/actors may want to keep a portfolio of images of themselves in extreme settings in order to gain work in future, e.g. those working in countries in which extreme pornography is not illegal.
- s. During international travel, e.g. travelling with a stopover in London.

#### **Question 5: Which option do you prefer?**

#### **Question 6: Why do you think this option is best?**

- 79. Almost all respondents who indicated “yes” to question 1 (i.e. those supporting the proposals) supported the proposal for a freestanding offence set out as Option 3, on the same grounds as set out in the Consultation Paper. Liberty said that if such a new offence were to be created it should be a new and separate offence, and “should not be tagged on to existing legislation in relation to obscene publications, which was created with different concerns in mind.”
- 80. Either expressly or by implication, those indicating “no” to question 1 considered that Option 4 (doing nothing) was the best option. However, a number of respondents opposed to the proposal thought to do nothing was wrong, and that there should have been an Option 5 which would provide more resources and international cooperation for locating criminals who force people to participate in pornography.
- 81. Only a very few respondents thought Options 1 or 2 were best:
  - The Bar Council supported the intention to criminalise extreme images, but argued for the offences to be created through revision of the OPA with the same statutory defences.
  - BT preferred an approach based on the OPA, whereby the courts make judgements which reflect society’s (changing) tolerance or intolerance of certain material based on its ability to “deprave and corrupt”.

#### **Question 7: Which Penalty option do you think is preferable?**

- 82. For those against the proposals, the question of what penalty to impose for committing the offence was not relevant, although some of these respondents wished to make it clear that if an offence was introduced then they would prefer lower penalties, or simply a fine, confiscation of equipment and images, or counselling.
- 83. Among those in support of the proposals, the second, heavier penalty option was preferred. Of the 142 in favour of the proposed legislation, 54 preferred the higher penalty option, 3 preferred the lower penalty, and the rest did not state a preference.
- 84. Among the police forces and police organisations which responded in support of the proposals, all but two thought that the higher penalty option was better.

#### *Measures relating to use of credit cards*

- 85. The response on behalf of the Conservative Party suggested that people convicted of accessing the proscribed material by means of a credit card should be disqualified from possessing a credit card for a certain term. Also, that guidance on this should be developed in collaboration with credit card firms and agencies.

## Comments on the Partial Regulatory Impact Assessment

86. The handful of respondents who commented in detail on the Partial Regulatory Impact Assessment (RIA) expressed concern about the financial and human costs if the legislation was introduced.
87. A revised RIA will be prepared which will take into consideration the comments of respondents as they apply to cost implications for the public sector, businesses, charities and the voluntary sector.

## Miscellaneous responses

88. Many respondents raised concerns about practical matters such as enforcement, availability of resources, risk of geographic variation in enforcement, victimisation, and the risk of sending extreme pornography underground. Some thought more attention should be paid to the underlying reasons why people use such extreme material. From both sides of the debate, many urged stronger measures to catch the producers of the target material. Some thought ISPs needed to do more to filter out such material. The Internet industry respondents called for more clarity in the definitions and for thought to be given to reporting procedures in respect of the proscribed material, and the action which the industry would be expected to take when it was reported.
89. Some respondents drew attention to the human cost of legislation in this area in terms of ruined lives and careers. A number of respondents put forward alternative proposals which included greater international co-operation, more use of filtering software which should be pre-installed, public awareness campaigns and counselling.

## *References to legislation on indecent photographs of children in the Consultation Paper*

90. Many respondents who were opposed to the proposals objected to the way the issues were framed in the Consultation Paper, particularly the references to legislation in respect of indecent photographs of children. Some said it was misleading and emotive to include the issue of child abuse in the consultation paper, contending that this indicated the Government was trying to manipulate the response of the reader.
91. Some also pointed to the international consensus on child abuse material but lack of consensus on extreme adult pornography as further evidence that the two types of images were not comparable. Some respondents thought the proposed legislation could undermine the consensus on child abuse images. They felt that a new possession offence could dilute the message that child abuse images were uniquely horrendous and harmful, and were therefore deserving of special sanctions.
92. It was also thought that if those convicted of the new offences were added to the Sex Offenders Register, that would cause its value and protective effect for children to be seriously diminished. Some thought the reaction to such a policy would be met by significant protests and demonstrations from the large numbers of currently law-abiding people who would be at risk of being placed on it.
93. However, individual respondents who supported the proposals tended to consider it self-evident that images of child abuse and images of extreme adult pornography were similar, in that both were very harmful to society and seemed to find the references in the consultation document to the approach which had been taken with regard to indecent photographs of children justified.

## Petition

94. In addition to the responses summarised in this Part, a petition was received with around 50,000 signatures of people objecting to the presence of extreme internet sites promoting violence against women in the name of sexual gratification.

## PART FOUR: CONDUCT OF THE CONSULTATION EXERCISE

1. This chapter explains how the consultation exercise on the Possession of Extreme Pornographic Material has been conducted in accordance with the six criteria set out in the Cabinet Office Code of Practice on consultation exercises.

**Criterion 1 – Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation exercises at least once during the development of policy.**

2. The consultation exercise was launched on 30 August and ran until 2 December, although responses received shortly after that date were accepted and included in the analyses.
3. The consultation document was jointly published by the Home Office and the Scottish Executive and the Home Office has worked closely with the Scottish Executive throughout the consultation.
4. After the end of the consultation period, a number of meetings were held with interested groups to discuss in greater detail issues which had been raised in their consultation responses. These included: the British Broadcasting Corporation, Channel 4, The British Board of Film Classification, The Spanner Trust, S M Pride, representatives of the Internet Service Providers Association, the Mobile Broadband Group and others from the fixed and mobile internet industry, the Internet Watch Foundation and law enforcement.

**Criterion 2 – Be clear about what your proposals are, who may be affected, what questions are being asked and the timescales for responses.**

### *Consultation points*

5. The main points were summarised in an executive summary (pages 1 – 3) and the consultation questions were repeated in Annex A (page 17). The Partial Regulatory Impact Assessment in Annex C (pages 21-24) outlined the sectors and groups likely to be affected. The consultation document was sent to a wide range of organisations and interest groups.

### *Deadlines*

6. The consultation paper, and the Home Office website, included the closing date for responses and this was repeated in all correspondence. All requests for extensions were granted.

**Criterion 3 – Ensure that your consultation is clear, concise and widely accessible.**

7. The consultation paper included an executive summary of the proposals and a separate list of the consultation questions.

### *Accessibility*

8. The consultation paper was provided free of charge to anyone who requested a copy. On publication, it was circulated to approximately 600 organisations and individuals. Copies were placed in the libraries of both Houses of Parliament.

The paper and details of how to respond to the consultation were placed on the Home Office website.

9. It is acknowledged that, for some periods during the consultation, the full Home Office website was not accessible. Where this was brought to our attention, both electronic and hard copies of the paper were made available on request. Electronic copies of the paper were also given to particular interest groups for wider distribution.

**Criterion 4 – Give feedback regarding the responses received and how the consultation process influenced the policy.**

10. The consultation received 397 responses from individuals and organisations. All responses were recorded on a database and were analysed carefully. A petition was also received. A summary of the responses is included in Part Three of this document.
11. A number of changes to the proposals were made as a result of the consultation exercise.
12. The Government has taken account of the concerns expressed about the clarity of the definitions and threshold levels of the proposed new offence. They have sought to target more precisely the extreme material which is the subject of the consultation and to avoid drawing in material which would not be illegal to publish under the OPA.
13. In particular, they have responded to concerns about the categories of “serious violence in a sexual context” and “serious sexual violence” and the GBH threshold level.
14. They have also listened carefully to concerns expressed about defences and will ensure, in the process of drawing up legislation, that defences are included which meet the legitimate requirements set out in some consultation responses.

**Criterion 5 – Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**

15. A designated consultation co-ordinator was available to receive comments on complaints about the consultation process. His details were included in the consultation document in Annex D (page 25).

**Criterion 6 – Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.**

16. The consultation paper included a Partial Regulatory Impact Assessment (RIA) and a full RIA will be produced to consider cost implications to the public sector, the voluntary sector, businesses and charities, in connection with drawing up legislation.

## List of Respondees

1. Mr D by e-mail
2. Ms D by e-mail
3. Mr H of Lancashire
4. Mr B by e-mail
5. Mr B by e-mail
6. Mr A of Israel
7. Dee by e-mail
8. Mr B of USA
9. Mr C by e-mail
10. Mr H by e-mail
11. Mr C by e-mail
12. Mr S of Winchester
13. Mr C of Edgbaston
14. Mr M of Rome
15. Mr W of Hertfordshire
16. Mr N by e-mail
17. Mr G of Ayrshire
18. Mr V of London
19. Mr B by e-mail
20. Kidscape
21. Ms S of Middlesex
22. Mr H by e-mail
23. Mr M of Norwich
24. Mr B of Milngavie
25. Mr T of East Sussex
26. Ms K by e-mail
27. Mr M of Somerset
28. Mr R by e-mail
29. Mr P by e-mail
30. Mr R of Reading
31. Mr J of Derbyshire
32. Mr G of Bedfordshire
33. Mr D by e-mail
34. Mr T of Kent
35. Judge Ronald Moss
36. Judge H Bevan
37. Judge Heath
38. Ms K of West Sussex
39. Spanner Trust
40. Ms L of Reading
41. Mr H of Brighton
42. Ms H of Canada
43. Mr T by e-mail
44. Ms J of Hertfordshire
45. Mr W by e-mail
46. Mr M of Dorset
47. Ms K of USA
48. Mr T of Kent
49. Not Stated
50. Mr B of Loughborough
51. Mr S of Stoke-on-Trent
52. Mr D of Bristol
53. Mr S of Kent
54. Mr W of Wolverhampton
55. Ms W by e-mail
56. Mr S by e-mail
57. Mr T of Bristol
58. Mr C by e-mail
59. Mr M of Essex
60. Mr V of Essex
61. GCHQ
62. Mr R of Edinburgh
63. Sussex Police
64. Miss W of Berkshire
65. Mr K by e-mail
66. Mrs H of Hampshire
67. Mr S by e-mail
68. Mr W by e-mail
69. Ms W of Cambridgeshire
70. Ms M of Reading
71. Mrs J of Northwood
72. Mr M of Gloucestershire
73. Mr B of Essex
74. Mr S of Ulverston
75. Wiltshire Police
76. Mr L of Reading
77. Ms G by e-mail
78. Derbyshire Police
79. Mr P, no address stated
80. Ms A of London
81. Mr W by e-mail
82. Ms A of Wallsend
83. North Yorkshire Police
84. Mr F of Birmingham
85. Ms H of Leigh on Sea
86. Rev. G of Battersea
87. Mr G by e-mail
88. Mr S of South Gloucestershire
89. Mr F of Leicester
90. Merseyside Police
91. Hampshire Police
92. Mr H of Reading
93. Metropolitan Police
94. Mr H by e-mail
95. Ms W of Lytham St Annes
96. Mr T by e-mail
97. Mr C of London
98. Mr S of Isle of Wight
99. Mr T of Lincolnshire
100. Leicestershire Police
101. Newcastle City Council
102. Mr M of Surrey
103. Mr H by e-mail
104. Dyfed-Powys Police
105. Mr B of Surrey
106. Mr C of Brighton
107. Ms M of Reading
108. Ms S by e-mail
109. Mr M of Worcestershire
110. Mr A of London
111. Chief Supt A Helm, Leicestershire Police
112. Durham Police
113. Avon and Somerset Police
114. Mr T by e-mail
115. Mr H by e-mail

116. Mr C by e-mail
117. Mr F of London
118. Mr S by e-mail
119. Dr S of Stanmore
120. Mr M of East Sussex
121. Mr & Mrs F of Bristol
122. Mr O of Cornwall
123. Mr T of Lincolnshire
124. Cyber-Rights and Cyber-Liberties
125. Mr L of West Midlands
126. Child Protection Service Wales
127. Ms G of Isle of Wight
128. Mr C by e-mail
129. Ms K by e-mail
130. Mrs T by e-mail
131. Mr G by e-mail
132. Ms J of Northshield
133. Mr J of Northshield
134. Ms J of Liverpool
135. Mr H by e-mail
136. Ms T by e-mail
137. Mr B of Abergavenny
138. Miss H of Crosswell
139. Mr E of Isle of Sheppey
140. Ms F by e-mail
141. Mr C by e-mail
142. British Psychological Society
143. Mr T of Essex
144. Ms T by e-mail
145. Mr S of Bridgend
146. Mr S of Basingstoke
147. Mr M of Southsea
148. Ms S of Solihull
149. Mr C of Carlisle
150. Mr J of Wokingham
151. National Council of Hindu Temples
152. Mr D of East Yorkshire
153. Mr W of Warwick
154. Mr I of Cornwall
155. Mr B by e-mail
156. Mr F of London
157. Ms H of East Sussex
158. Ms P by e-mail
159. Mr C by e-mail
160. Mr R of Manchester
161. Mr U by e-mail
162. Ms F by e-mail
163. Ms P of Weston-super-Mare
164. Mr C by e-mail
165. Mr C by e-mail
166. Mr H of Warwickshire
167. Mr M by e-mail
168. Mr M by e-mail
169. Mr & Mrs P of Uckfield
170. Mr S of Cambridgeshire
171. Mr H by e-mail
172. Mr G of Wiltshire
173. Mr H of London
174. Mr C of Essex
175. West Midlands Police
176. Barnardo's
177. Anonymous
178. Miss P of Cornwall
179. Police Federation of England & Wales
180. Ms K of Nottinghamshire
181. Mr B of Leeds
182. Ms P of Leicester
183. Ms P of Lincoln
184. Mrs M of Hants
185. Mr T of Oxford
186. Mr G of Childnet
187. Ms W of London
188. Mr & Mrs W of Redditch
189. Mr T of London
190. Mr E of Bristol
191. Ms P of Bodmin
192. Cleveland Police
193. Ofwatch
194. BBFC
195. Mr S by e-mail
196. Ms L of Reading
197. Ms M by e-mail
198. Ms C by e-mail
199. Criminal Bar Association
200. Ms H of Cambridge
201. Nottinghamshire Police
202. Reading Borough Council
203. Mr P of Luton
204. Mr T of Hastings
205. Dr W of West Yorks
206. Mr M by e-mail
207. Mrs S by e-mail
208. Mr A by e-mail
209. Ms F of London
210. Internet Watch Foundation
211. Thus
212. Nottinghamshire Police
213. Mr F of London
214. Mr H of Milton Keynes
215. Mr R of Herts
216. Ms B of Leicestershire
217. Campaign Against Censorship
218. Mr B of Surrey
219. Justice for Women
220. Mr S of Bucks
221. Ms G of Torquay
222. Mr D by e-mail
223. London Fetish Scene
224. Gtr Manchester Police
225. Mr B and Dr M of Aberystwyth
226. Mr F of Derbyshire
227. Mr G by e-mail
228. Suffolk Police
229. Mr P of Manchester
230. Mr B of Essex
231. Mr D of Cheshire
232. Mr E of Suffolk
233. Mediamarch (1)
234. Care
235. Channel 4
236. Ms S of London
237. Mr F of London

238. Mr C by e-mail  
239. A by e-mail  
240. Ms P by e-mail  
241. Mr M by e-mail  
242. Mr G by e-mail  
243. Mr W by e-mail  
244. Newspaper Society  
245. Mr U of Manchester  
246. Mr J of London  
247. Ms D by e-mail  
248. Mr A of Herts  
249. BBC  
250. Mr M of Bristol  
251. Mud UK Ltd  
252. Mr G of Milton Keynes  
253. Mr J of London  
254. UKERNA  
255. Mediawatch (2)  
256. Bar Council  
257. D by e-mail  
258. Dr B of London  
259. Mr S by e-mail  
260. Mr H by e-mail  
261. Mediamarch  
262. Conservative Party  
263. Ms H by e-mail  
264. Ms Q of Exeter  
265. Mr V of London  
266. Ms C by e-mail  
267. Mr S of Wrexham  
268. Ms P by e-mail  
269. Ms F by e-mail  
270. Ms L of Falkirk  
271. Ms L of Hove  
272. Mr H by e-mail  
273. Mr W of Watford  
274. Mr C of London  
275. Mr F by e-mail  
276. Mr T of Manchester  
277. Mr C of Mitcham  
278. Ms V of London  
279. Mr S by e-mail  
280. Mr E of Bridgwater  
281. Mr S by e-mail  
282. Mr W of Peterhead  
283. Miss S by e-mail  
284. Kent Police  
285. British Computer Society  
286. Mr E by e-mail  
287. Mr R by e-mail  
288. ISPA  
289. Mr W by e-mail  
290. Mr M of Wetherby  
291. Ms K of London  
292. Mr S of London  
293. Ms M of London  
294. Ms R of Birmingham  
295. Lawyers' Christian Fellowship  
296. Mr B of Somerset  
297. Mr C of Reading  
298. Mr H of Essex  
299. Mr D of Leicester  
300. Mrs B of Bideford  
301. Sexual Freedom Coalition  
302. Mr R of St Helens  
303. Wearside Women in Need  
304. Mr H of Liverpool  
305. Unfettered  
306. Ms A by e-mail  
307. London Metropolitan University  
308. Ms G of Staffordshire  
309. Mr S of Scarborough  
310. Mr P of Bristol  
311. Anonymous  
312. Mr C of London  
313. Mr C of Cornwall  
314. Mr A London  
315. Ms C of Cambridge  
316. Dr W of Cambridge  
317. Mr H of Birmingham  
318. Feminists Against Censorship  
319. Mr A of Warwickshire  
320. Major H of Wolverhampton  
321. Anonymous  
322. Mr N of Harwich  
323. Church of Jesus Christ of Latter-Day Saints  
324. Mr S of Sussex  
325. Mr E of Camden  
326. Rights of Women  
327. Mr W of Croydon  
328. Mr W of Bedford  
329. Mr M of Reading  
330. Mr D of Newcastle  
331. Mr M of London  
332. Mrs P of Bedford  
333. Police Superintendents' Association (Eng/Wales)  
334. Ms G of York  
335. Ms B by e-mail  
336. Mr D of North Yorkshire  
337. Mr C of London  
338. Ms R of London  
339. Mr O of Middlesex  
340. Mr J of Norwich  
341. Mr D of Stockport  
342. Mr. S of London  
343. Ms C of Manchester  
344. Mrs V of Northern Ireland  
345. Mr B of Norwich  
346. Mr B of London  
347. Mr M of London  
348. Ms M by e-mail  
349. Ms W of Cornwall  
350. Mr O of Lincolnshire  
351. Salvation Army  
352. Ms H of London  
353. Mr K of London  
354. Mr S of Cambridge  
355. Julian Petley, Brunel University  
356. Mr P of Preston  
357. Object  
358. Attorney General  
359. Telewest

360. Ms D of Leeds
361. Ms M by e-mail
362. Dr A Elliman, Brunel University
363. Ms T by e-mail
364. Mr T by e-mail
365. British Association of Social Workers
366. Mr D of Birmingham
367. P Catley, University of West of England
368. Mr S by e-mail
369. Mr C of Hereford
370. Mr G of Northumberland
371. NTL
372. Mr G of Southampton
373. Yahoo UK & Ireland
374. Liberty
375. Women's National Commission
376. Dr H of London
377. Mr B by e-mail
378. Mr B of Essex
379. Mr C of Cambridge
380. Mr R of Leicester
381. Ms J by e-mail
382. Mr L of Guildford
383. Ms P of Herefordshire
384. Mr P by e-mail
385. Ms W by e-mail
386. Melon Farmers
387. Mr M by e-mail
388. Mr G of Essex
389. Ms B of Derbyshire
390. Mobile Broadband Group
391. Mr S of Gloucestershire
392. Mrs S of Gloucestershire
393. Mr W of London
394. CHIS
395. BT
396. Crown Prosecution Service
397. Lucy Faithfull Foundation