

# THE VIEWER AND LISTENER

AUTUMN  
1998

## OPERATION CATHEDRAL

**A**t the beginning of September it was widely reported that an international ring of paedophiles, which had been using the Internet to distribute child pornography, had been smashed. Thankfully, there are still some standards of propriety left in the world, and obscene and indecent images of children remain illegal in most civilised countries.

In 1970's Britain, National VALA played a key role in securing effective measures to outlaw child pornography and this gave police the necessary means to launch a successful

investigation into a worldwide network. Simultaneous raids were made on 32 addresses in America, 16 in Italy, 18 in Germany, 14 in England, 8 in Norway, 4 in France and others in Portugal, Belgium, Finland, Australia, Austria and Sweden.

In July, Austria's Foreign Minister, Wolfgang Schuessel, called for urgent action to combat paedophile communications on the Internet. National VALA wrote to him agreeing that joint firm action at a European level is required and pledging the full support of this Association.

A most encouraging reply was received from the Austrian Ambassador in Vienna. Franz Cede said *"You are absolutely correct when you point to the extensive ethical, judicial and technical aspects and problems in connection with the fight against objectionable material on modern mass media in general and the Internet in particular.... Given the international nature of the Internet, however, this field presents an urgent need for coherent action by the international community. The department of the Legal Adviser is currently in the process of developing a strategy in order to better co-ordinate the various and dispersed efforts undertaken by different organisations to combat this terrible phenomenon at the international level. The Foreign Minister has thus taken the initiative to put this matter on the agenda of the current Austrian presidency of the European Union. Likewise, speaking on behalf of the European Union, he intends to address the United Nations at the upcoming session of the General Assembly calling for intensified action also within the UN framework"*.

The attitude of the Austrian Government contrasts sharply with our Government which ignored suggestions for such an initiative when Britain held the EU Presidency earlier this year.

It is essential that pressure to repeal The Protection of Children Act is resisted and that the legal definition of 'indecent' in the Act is made much more restrictive

Please try to support police action by writing letters to local newspapers and leave MPs in no doubt that their seats will be in jeopardy if this law is weakened! We surely owe this to the children who should be protected from predatory pornographers who exploit ever younger children.

### NEWS AT WHEN?

**ITV has announced that it has again submitted proposals to the Independent Television Commission for a change to its weekday evening schedule, which affects the timing of ITV's peak-time news programmes. In the UK, ITN produces customised news programmes for ITV, Channel 4 and Channel 5. The times at which news programmes are transmitted are decided by the broadcasters and regulated by the ITC.**

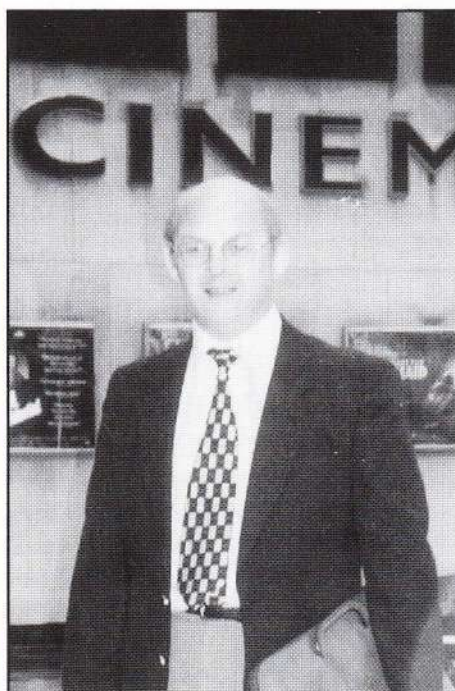
It has been proposed to reschedule the early evening news to 6.30pm with a later news programme at 11.00pm. This would allow, for example, films and other programmes to be broadcast uninterrupted and, it is hoped, lead to an improved audience share.

Advertisers are concerned that promotions about their products and services are not reaching audiences sufficiently large to warrant the high financial outlay which advertising on television requires.

Critics of the proposals assert that such a move would not be in the public interest. Politicians, however, who refuse to intervene concerning offensive programme content, were quick to oppose the change. The fact is that ITV, as a whole, is facing ever-increasing competition for viewers and for advertising revenue. The modern broadcasting environment is now very different from 30 years ago, when 'News at Ten' started. These days news is available in bulletins and updates on radio with news

services on terrestrial, cable and satellite channels, as well as the Internet, which operate 24 hours a day.

The Independent Television Commission will announce its decision after holding a public consultation.



♦ John Beyer, National VALA's Director, at the Pictureville Cinema, Bradford, to take part in BBC Radio 4's *Inside Out*, on the Digital Revolution

*We wish all our  
readers a very  
Happy Christmas*



# THE VIEWER AND LISTENER

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## SILENCE MEANS CONSENT?

Writing in 'The Sunday Times' in June, scriptwriter Andrew Davies asserted that "nobody seems to be bothered" by the growth of sexual conduct portrayed on British television. The Broadcasting Standards Commission in their Code of Practice, revised in June, asserts that "*audiences in Britain have generally become more liberal and relaxed about the portrayal of sex*".

More recently, James Ferman the retiring Director of the British Board of Film Classification called for the law on obscenity to be relaxed, in line with what people want, to enable illegal pornographic videos to be classified and marketed through licenced sex shops. The Board's Annual Report states "*it is pleasant to note that non-violent sex between adults is now relatively uncontentious ... the Board receives very few complaints about the frank depiction of normal sexual relations provided the sex is consensual and the pleasure mutual*".

**We believe that these statements, far from reflecting public opinion, are part of a broad media campaign to bring about a rapid change of public attitude so that the sexually explicit films and other programmes currently flooding the European market, will be acceptable viewing in the future.**

**Pornography and indecency in programmes will certainly prevail if the public does not loudly protest and if those politicians who enjoy our trust in these matters continue to let us down. In the years since National VALA was founded it is plain that the film and television industries have favoured and promoted relentlessly a view of life and society where an objective code of behaviour and morality has been absent. The challenge set by Mrs Whitehouse back in 1964 is perhaps more valid now than then and it is ever more urgent.**

Those who continue to take the trouble to protest have their heartfelt complaints dismissed by a secretive system that seems remote and uncaring. Of course the broadcasting authorities would prefer us to "switch off and shut up".

In the Digital Age, in the Information Society, new ways must be devised to provide an effective means through which genuine public feeling, rather than that processed by "focus groups" and lengthy "consultations", can be expressed with some meaning.

**The Broadcasting Authorities could do far more to elicit public opinion about programmes than they do currently. This Association welcomed the limited opinion-seeking questionnaires that were circulated with TV licence renewals some years ago. This was a short-lived exercise aimed at discovering which programmes were viewed rather than what people thought of them. With new, imaginative procedures in place the public would surely be far from silent!**

## SATELLITE

The fight against 'Eurotica Rendez-Vous', the satellite TV porn channel grinds on and on.

In October last year the Independent Television Commission said it was recommending that a Proscription Order be made against this channel by the Secretary of State, the Rt Hon Chris Smith MP, because programmes were "*almost exclusively unacceptable pornography*". A spokesman for the channel claimed "*The European Convention on Human Rights guarantees free speech and that is what we are relying on in our objections*."

**Article 10 of the European Convention on Human Rights, which is currently being made part of British Law, does guarantee the right to freedom of expression but it also states "*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, ... for the protection of health or morals...*"**

In a letter to National VALA written on behalf of the Department of Culture Media and Sport, Janet Anderson MP said: "*Mr Smith made a proscription order in respect of the Eurotica Rendez-Vous service on 3 July. On 19 August, the High Court made an order staying the coming into force of the order pending its hearing of Eurotica's challenge. Those proceedings took place on 9 and 10 September and the stay was lifted. The order proscribing Eurotica Rendez-Vous therefore came into force on 11 September*".

## REGUL

**In a new Report, National VALA states that the present regulatory system, so far as programme content is concerned, is run by an autocratic elite which has its power inflated by Government policy of non-intervention in these matters. As such the system works against the public interest and the common good.**

The Report is a response to a Government consultation paper entitled 'Regulating Communications' issued by the Department of Culture, Media and Sport. We express support for the general observation that "*The regulatory process starts with Government. Regulators must have a legislative framework within which to operate. With great clarity of duties and objectives comes improved accountability for their delivery to Parliament, to Ministers and to consumers*".

This Association welcomes the importance attached to the regulation of broadcast content and we agree with the observation that broadcasting "*is a powerful means of communication with a potential to influence which goes beyond that of any other medium*". (2.12)

We agree that there is public concern about the content of broadcast services and that there is public support for content regulation. (2.12)

'Regulating Communications' assumes that content regulation, which has always been a feature of British broadcasting, will continue. There are two types of regulation described: "*positive regulation*" and "*negative regulation*". Negative regulation is described as "*that which seeks to prevent the transmission of material, which may harm or offend viewers (e.g. by portraying violence, sexual activity or containing bad language) and of material that is misleading*". (2.14)

We agree with the Government that "*these factors*" demand the formulation of "*policies to ensure that broadcasting makes a positive contribution to its cultural, social and educational goals*". (2.13)

The document continues: "*These objectives are secured at present by the*



## DRN UPDATE

11 September and it is now proscribed. The broadcaster was, however, granted leave by the Court to seek a Judicial Review of the Secretary of State's decision. We are confident that any review will uphold his action to protect the public interest in the development of minors by proscription of the Eurotica Rendez-Vous service."

**Mr Smith said "We are determined to protect children from satellite pornography and my message to pornographers is clear. We will not tolerate material such as this and the Government will not hesitate to take this action in future."**

John Beyer, National VALA's Director, welcomed Mr Smith's resolve but warned "If the Judicial Review shows that Mr Smith acted incorrectly, the grounds on which such material can be excluded from Britain will, in practice, disappear. It is essential that Article 22 of the European Union Directive be reformulated with proper definitions of 'pornography and gratuitous violence' that will enable national governments to take swift action rather than be involved in lengthy and expensive legal wrangling as in this case."

"However, I also believe that if the present Obscene Publications Act were as effective in outlawing pornography as Parliament intended in 1959, hard core pornography in all its forms would be illegal and the Government would not have been dragged through the British High Court by foreign pornographers."

## When you write your letter...

The need for public reaction to programme content has never been greater both to praise the good and worthwhile productions as well as to complain or protest about bad taste and indecency. The degree to which the Broadcasting Authorities defend and justify their programmes that include violence, sexual conduct and obscene and profane language defies understanding. The number of letters about programmes sent by the public does count.

If members of National VALA do not bother who else will?

When writing about a programme which has caused you to be offended ALWAYS state the name of the programme, the channel on which you saw or heard it, the time and date of transmission. Above all, state precisely what you saw or heard that caused offence. It is not best practice to rely on hearsay or to use proforma letters that only need a signature.

Remember that the Broadcasting Standards Commission will not entertain complaints sent on behalf of another but it does provide Complaints Forms on request.

### BY E-MAIL

If you are connected to the Internet, why not write to the Broadcasting Authorities by e-mail? Here are a few e-mail addresses:

**BBC** [vlc@bbc.co.uk](mailto:vlc@bbc.co.uk)

**ITC** [publicaffairs@itc.org.uk](mailto:publicaffairs@itc.org.uk)

**BBC TV** ('Points of View') [pov@bbc.co.uk](mailto:pov@bbc.co.uk)

**BSC** Curiously the BSC will not accept programme complaints by e-mail because a signature is required!

## REGULATION : THE KEY ISSUE

*ITC and Radio Authority licence obligations and codes of practice". (2.15)*

'Regulating Communications' asks what else can be done to make current structures work better and which will be the key regulatory issues in the digital future.

National VALA argues that content regulation is the key regulatory issue in the digital future. It is not being "secured" quite so well as the DCMS and the DTI suppose. This Association has consistently maintained that the present edifice of regulation is not working adequately, principally because there is an overall lack of definition in the statutory requirements on good taste and decency in the Broadcasting Act 1990 (Clause 6(1) (a)) and in the BBC's Royal Charter (Clause 5(1)(d)) and an overall lack of will to interpret and apply them for the common good.

This Association believes that content regulation will remain of critical importance as broadcasting moves into the Digital Age. Ways must be found to improve and maintain standards of programme content rather than simply surrender them to the vagaries of market forces.

The all embracing approach to content regulation established by Parliament in the Broadcasting Act and the BBC's Royal Charter should be made to prevail in the Digital Age even though audiences will be fragmented by the multiplicity of channels available and that consumers choose to use. Parliament must ensure, through legislation, that effective means of regulation for high quality wholesome entertainment are readily available and that the voice of the consumer is given due weight in the new broadcasting environment. A new framework of guidelines setting objective standards of good taste and decency must be devised.

We believe that content regulation must be coherent and we consider that a single regulatory authority, or "one-stop-shop", would have advantages in this regard. It is plainly not in the public interest to have different regulatory authorities reaching different conclusions and findings on complaints about programme content that offends public feeling. The

present regulatory regime, as we show in the report, does not serve the public very well at all.

**If the Government is persuaded to replace the existing system with a more efficient single regulatory authority it is essential that it be given a significant status and a high public profile. Its roles and functions should be regularly explained in order to provide the public with a high appreciation of its work. A prerequisite would be a well-defined code of practice with attendant sanctions. The code should not be filled with ambiguous phrases or escape clauses capable of meaning anything or nothing. Executive powers would be necessary rather than mere advisory status.**

National VALA's response to 'Regulating Communications' includes examples of correspondence with the Broadcasting Authorities as evidence that they are largely impervious to criticism of any kind about programme content.

This important response 'Regulation: The Key Issue' is available from HQ, price £3.00.

The closing date for comments on Regulating Communications is 30 November 1998.

### STOP PRESS

At 11.00pm on 10th September, Channel 4 TV screened a programme entitled 'Fetishes'. This programme contained images throughout of unspeakable sado-masochistic practices. National VALA sent a complaint to the Broadcasting Standards Commission as well as to all members of the Independent Television Commission. We also referred the programme to the Crown Prosecution Service and sent a video recording of it to Tony Blair to keep him informed of programme trends.



# LETTER TO AMERICA

**M**uch of the pornography that is currently flooding the world originates in the United States of America. Contrary to popular belief, obscenity in the United States is not protected speech under the First Amendment. The Supreme Court, as well as Congress and every state by legislature, has rejected the absolutist point of view that it should be so protected.

Following the call from James Ferman, retiring Director of the British Board of Film Classification, to relax the UK law on obscenity and permit greater sexual explicitness on videos, National VALA's Director, John Beyer, sent a letter to the White House saying, *"we believe that pornography is very harmful to our society in that it attacks human dignity, exploits human sexuality in an unnatural and unhealthy manner and, above all, turns people into nothing more than sex objects without love, emotion or feeling. I understand that US legislation exists to outlaw the exportation of obscene material and we would ask you to instruct the authorities to enforce this law more vigorously than in the past."*

**The September 1998 issue of The American Family Association Journal reports that a memorandum has been issued by US Deputy Attorney General, Eric H. Holder Jr, indicating a newfound willingness on the part of the Clinton administration to prosecute obscenity cases. Under Attorney General Janet**

Reno, prosecutions have fallen sharply since the Reagan-Bush administration. The memo, sent to all US attorneys, was meant as a reminder of the Department of Justice policies and priorities in the prosecution of federal obscenity cases. Noting the "unprecedented growth" of both traditional and Internet related sources of obscene materials, the US attorneys were encouraged to re-familiarise themselves with federal laws regarding production and distribution of obscenity and child porn. Attorneys were also told to focus on "major producers and interstate distributors".

Reports in the British press suggest that America has become addicted to porn. Encouraged by the liberal atmosphere of the Clinton era, "adult" entertainment has grown into a \$10 billion a year business - up from \$10 million 25 years ago. The so-called "Free Speech Coalition" which is backed by \$300,000 in sponsorship from the industry is trying to convince legislators that porn is not just a matter of free speech but an economic powerhouse generating thousands of jobs and millions of tax dollars.

Since the White House has not responded to the substance of our letter, National VALA is actively establishing contacts in America which we believe can press Congress into action on behalf of the citizens of Europe.

## ONLY 11% AGREE!

In their report 'Violence and the Viewer' a Working Party set up by the BBC, the ITC and the Broadcasting Standards Commission recently recommended that "British broadcasters should provide additional sources of information and clearer warnings to offer extra safeguards for viewers from portrayals of violence on television".

Speaking on Anglia TV's programme 'On The Box' in July, John Beyer gave these proposals short shrift. *"What really offends people is the portrayal of violence, obscene and profane language and explicit sexual conduct. Warnings and better information don't really deal with this problem and indeed warnings have only become necessary as programme content has worsened over the years"*.

He also said when interviewed that it would be far better for the broadcasters to transmit programmes that comply with the codes and producers guidelines. *"This would obviate the need for 'warnings' altogether!"*

Viewers were invited to take part in a telephone opinion poll. A massive 88% agreed with "the campaigners" that there is too much violence on television and that it should be curtailed. Only 11% agreed with the Working Group!

Mr Beyer said *"The overarching principles, set out in the Broadcasting Act and the BBC's Royal Charter requiring that programmes do not offend good taste or decency, are not mentioned in the Working Group Report. It is also surprising that in the Digital Age of 24-hour broadcasting the Working Group should be recommending a renewed effort to reinforce the public's understanding of the 9 o'clock watershed. This was a concept introduced in the 1950's when there were only two channels"*.

The main proposals in 'Violence and the Viewer' are that there should be more frequent information and clearer warnings about programme content; that a statement of common principles, already agreed with existing UK broadcasters on the portrayal of violence on television, should be published and adhered to; that the existing strong contract with viewers developed around the principle of the 9 o'clock

watershed should be vigorously defended; that there should be a continuing programme of research into viewers reactions to the portrayal of violence; that a national strategy for media education be developed.

Copies of the report 'Violence and the Viewer' can be obtained from the ITC, 33 Foley Street, London, W1P 7LB.

## BOOKSHELF

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Quite Contrary by Mary Whitehouse (Hardback)	.....	£6.00	£.....
Quite Contrary (Paperback)	.....	£2.00	£.....
Television and the Family	.....	£1.50	£.....
Television and Violence	.....	£1.50	£.....
Television and Sex	.....	£1.50	£.....
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More Cruelty and Violence 3	.....	£3.50	£.....
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