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TREATY SERIES No. 1 (1926)

INTERNATIONAL CONVENTION
FOR THE
Suppression of the Circulation of and
Traffic in Obscene Publications

Geneva, September 12, 1923

PRESENTED BY THE SECRETARY OF STATE FOR FOREIGN
AFFAIRS TO PARLIAMENT BY COMMAND OF HIS MAJESTY

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1926

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International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications.

Geneva, September 12, 1923.

[*Ratification on behalf of Great Britain and Northern Ireland, New Zealand (including the mandated territory of Western Samoa), the Union of South Africa (including the mandated territory of South West Africa), and India, deposited December 11, 1925.*]

ALBANIA, Germany, Austria, Belgium, Brazil, the British Empire (with the Union of South Africa, New Zealand, India and the Irish Free State), Bulgaria, China, Colombia, Costa Rica, Cuba, Denmark, Spain, Finland, France, Greece, Haiti, Honduras, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Monaco, Panama, the Netherlands, Persia, Poland (with Danzig), Portugal, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Switzerland, Czechoslovakia, Turkey and Uruguay :

Being equally desirous of making as effective as possible the means of suppressing the circulation of and traffic in obscene publications,

Having accepted the invitation of the Government of the French Republic to take part in a conference, under the auspices of the League of Nations, convened in Geneva on the 31st August, 1923, for the examination of the Draft Convention drawn up in 1910, the examination of the observations presented by the various States and the elaboration and signature of the final text of a convention,

Have nominated as their plenipotentiaries for this purpose,

The President of the Supreme Council of Albania :

M. B. Blinishti, Director of the Albanian secretariat accredited to the League of Nations.

The President of the German Reich :

M. Gottfried Aschmann, Counsellor of Legation, in charge of the German Consulate at Geneva.

The President of the Austrian Republic :

M. Emeric Pfügl, Resident Minister, representative of the Federal Government accredited to the League of Nations.

His Majesty the King of the Belgians :

M. Maurice Dullaert, delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

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The President of the Republic of the United States of Brazil :

Dr. Afranio de Mello Franco, President of the Brazilian delegation at the Fourth Assembly of the League of Nations.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas; Emperor of India :

Sir Archibald Bodkin, Director of Public Prosecutions; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications;

Mr. S. W. Harris, C.B., C.V.O., Technical Adviser of the British delegation at the said conference;

and

for the Union of South Africa :

The Right Hon. Lord Parmoor, representative of the British Empire on the Council of the League of Nations;

for the Dominion of New Zealand :

The Hon. Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;

for India :

Sir Prabhashankar D. Pattani, K.C.I.E.;

for the Irish Free State :

Mr. Michael MacWhite, representative of the Free State accredited to the League of Nations.

His Majesty the King of the Bulgarians :

M. Ch. Kalfoff, Minister for Foreign Affairs, first delegate of Bulgaria at the Fourth Assembly of the League of Nations.

The President of the Chinese Republic :

Mr. Tcheng Loh, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Colombia :

M. Francisco José Urrutia, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Costa Rica :

M. Manuel M. de Peralta, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Cuba :

M. Cosme de la Torriente y Peraza, Senator; president of the Cuban delegation at the Fourth Assembly of the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Denmark :

M. A. Oldenburg, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; representative of Denmark accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Spain :

M. E. de Palacios, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Finland :

M. Urho Toivola, secretary at the Finnish Legation in Paris.

The President of the French Republic :

M. Gaston Deschamps, Deputy; president of the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

M. J. Hennequin, Honorary Director at the Ministry for Home Affairs; substitute delegate at the said Conference.

His Majesty the King of the Hellenes :

M. N. Politis, former Minister for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

M. D. E. Castorkis, former Director of Criminal Affairs at the Ministry of Justice; substitute delegate at the said conference.

The President of the Republic of Haiti :

M. Bonamy, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Honduras :

M. Carlos Gutierrez, Chargé d'Affaires in Paris; delegate at the Fourth Assembly of the League of Nations.

His Serene Highness the Governor of Hungary :

M. Zoltán Baranyai, head of the Royal Hungarian secretariat accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Italy :

M. Stefano Cavazzoni, Deputy; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the Emperor of Japan :

Mr. Y. Sugimura, assistant head of the Japanese League of Nations Office in Paris.

The President of the Republic of Latvia :

M. Julijs Feldmans, head of the League of Nations Section of the Ministry for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Lithuania :

M. Ignace Jonynas, Director of the Ministry for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

Her Royal Highness the Grand Duchess of Luxembourg :

M. Charles Vermaire, Consul of the Grand-Duchy at Geneva; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Serene Highness the Prince of Monaco :

M. Rodolphe Ellès-Privat, Vice-Consul of the Principality at Geneva; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Panamá :

M. R. A. Amador, Chargé d'Affaires in Paris; delegate at the Fourth Assembly of the League of Nations.

Her Majesty the Queen of the Netherlands :

M. A. de Graaf, president of the Netherlands Committee for the Suppression of the White Slave Traffic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Imperial Majesty the Shah of Persia :

His Highness Prince Mirza Riza Kahn Arfa-ed-Dovleh, representative of the Imperial Government accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Polish Republic :

M. F. Sokal, Inspector-General of Labour; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications; .

and for

the Free City of Danzig :

M. J. Modzelewski, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the Portuguese Republic :

Dr. Augusto C. d'Almeida Vasconcellos Correa, Minister Plenipotentiary; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Roumania :

M. N. P. Comnène, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the Republic of Salvador :

M. J. G. Guerrero, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic and to His Majesty the King of Italy; delegate at the Fourth Assembly of the League of Nations.

His Majesty the King of the Serbs, Croats and Slovenes :

Dr. Milutin Jovanovitch, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Siam :

His Serene Highness Prince Damras Damrong; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The Swiss Federal Council :

M. Ernest Béguin, Deputy to the States Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Czechoslovak Republic :

Dr. Robert Flieder, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Turkish Republic :

Ruchdy Bey, Chargé d'Affaires at Berne.

The President of the Republic of Uruguay :

M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

Who, having communicated their full powers, found in good and due form,

And having taken cognisance of the Final Act of this Conference and of the Agreement of the 4th May, 1910,

Have agreed upon the following provisions :—

ARTICLE 1.

The High Contracting Parties agree to take all measures to discover, prosecute and punish any person engaged in committing any of the following offences, and accordingly agree that :—

It shall be a punishable offence—

1. For purposes of or by way of trade or for distribution or public exhibition to make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects;
2. For the purposes above mentioned to import, convey or export or cause to be imported, conveyed or exported any of the said obscene matters or things, or in any manner whatsoever to put them into circulation;
3. To carry on or take part in a business, whether public or private, concerned with any of the said obscene matters or things, or to deal in the said matters or things in any manner whatsoever, or to distribute them or to exhibit them publicly or to make a business of lending them;
4. To advertise or make known by any means whatsoever, in view of assisting in the said punishable circulation or traffic, that a person is engaged in any of the above punishable acts, or to advertise or to make known how or from whom the said obscene matters or things can be procured either directly or indirectly.

ARTICLE 2.

Persons who have committed an offence falling under article 1 shall be amenable to the courts of the Contracting Party in whose territories the offence, or any of the constitutive elements of the offence, was committed. They shall also be amenable, when the laws of the country shall permit it, to the courts of the Contracting Party whose nationals they are, if they are found in its territories,

even if the constitutive elements of the offence were committed outside such territories.

Each Contracting Party shall, however, have the right to apply the maxim *non bis in idem* in accordance with the rules laid down in its legislation.

ARTICLE 3.

The transmission of rogatory commissions relating to offences falling under the present convention shall be effected either—

1. By direct communication between the judicial authorities; or
2. Through the diplomatic or the consular representative of the country making the request in the country to which the request is made; this representative shall send the rogatory commission direct to the competent judicial authority or to the authority appointed by the Government of the country to which the request is made, and shall receive direct from such authority the papers showing the execution of the rogatory commission.

In each of the above cases a copy of the rogatory commission shall always be sent to the supreme authority of the country to which application is made.

3. Or through diplomatic channels.

Each Contracting Party shall notify to each of the other Contracting Parties the method or methods of transmission mentioned above which it will recognise for rogatory commissions of such Party.

Any difficulties which may arise in connection with transmission by methods 1 and 2 of the present article shall be settled through diplomatic channels.

Unless otherwise agreed, the rogatory commission shall be drawn up in the language of the authority to which request is made, or in a language agreed upon by the two countries concerned, or shall be accompanied by a translation in one of these two languages certified by a diplomatic or consular agent of the country making the request or certified on his oath by a translator of the country to which request is made.

Execution of rogatory commissions shall not be subject to payment of taxes or expenses of any nature whatsoever.

Nothing in this article shall be construed as an undertaking on the part of the Contracting Parties to adopt in their courts of law any form or methods of proof contrary to their laws.

ARTICLE 4.

Those of the Contracting Parties whose legislation is not at present adequate to give effect to the present convention, undertake to take, or to propose to their respective legislatures, the measures necessary for this purpose.

ARTICLE 5.

The Contracting Parties whose legislation is not at present sufficient for the purpose, agree to make provision for the searching of any premises where there is reason to believe that the obscene matters or things mentioned in article 1 or any thereof are being made or deposited for any of the purposes specified in the said article, or in violation of its provisions, and for their seizure, detention and destruction.

ARTICLE 6.

The Contracting Parties agree that, in case of any violation of the provisions of article 1 on the territory of one of the Contracting Parties where it appears that the matter or thing in respect of which the violation of such article has occurred was produced in or imported from the territory of any other of the Contracting Parties, the authority designated in pursuance of the agreement of the 4th May, 1910, of such Contracting Party shall immediately render to the corresponding authority of the other Contracting Party, from whose country such matter or thing is believed to have come or in which it is believed to have been produced, full information so as to enable such authority to adopt such measures as shall appear to be suitable.

ARTICLE 7.

The present convention, of which the French and English texts are authoritative, shall bear this day's date, and shall be open for signature until the 31st March, 1924, by any State represented at the conference, by any member of the League of Nations, and by any State to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

ARTICLE 8.

The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify the receipt of them to members of the League who are signatories of the convention and to other signatory States.

The Secretary-General of the League of Nations shall immediately communicate a certified copy of each of the instruments deposited, with reference to this convention, to the Government of the French Republic.

In compliance with the provisions of article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

ARTICLE 9.

After the 31st March, 1924, the present convention may be adhered to by any State represented at the conference which has not signed the convention, by any member of the League of Nations,

or by any State to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Adhesion shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the secretariat. The Secretary-General shall at once notify such deposit to all members of the League of Nations signatories of the convention and to other signatory States.

ARTICLE 10.

Ratification of or adhesion to the present convention shall *ipso facto*, and without special notification, involve concomitant and full acceptance of the agreement of the 4th May, 1910, which shall come into force on the same date as the convention itself in the whole of the territory of the ratifying or adhering member of the League or State.

Article 4 of the above-mentioned agreement of the 4th May, 1910, shall not, however, be invalidated by the preceding provision, but shall remain applicable should any State prefer to adhere to that agreement only.

ARTICLE 11.

The present convention shall come into force on the thirtieth day after the deposit of two ratifications with the Secretary-General of the League of Nations.

ARTICLE 12.

The present convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the members of the League of Nations or State which makes it.

The Secretary-General of the League of Nations shall notify the receipt of any such denunciation to all members of the League of Nations signatories of or adherents to the convention and to other signatory or adherent States.

Denunciation of the present convention shall not, *ipso facto*, involve the concomitant denunciation of the agreement of the 4th May, 1910, unless this is expressly stated in the instrument of notification.

ARTICLE 13.

Any member of the League of Nations or State signing or adhering to the present convention may declare that its signature or adhesion does not include any or all of its colonies, overseas possessions, protectorates or territories under its sovereignty or authority, and may subsequently adhere separately on behalf of any such colony, overseas possession, protectorate or territory so excluded in its declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory under its sovereignty or authority, and the provisions of article 12 shall apply to any such denunciation.

ARTICLE 14.

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, adhered to or denounced the present convention. This record shall be open at all times to any of the members of the League of Nations or any State which has signed or adhered to the convention. It shall be published as often as possible.

ARTICLE 15.

Disputes between the parties relating to the interpretation or application of this convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the parties to such a dispute should not be parties to the protocol of signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties, either to the Permanent Court of International Justice or to arbitration.

ARTICLE 16.

Upon a request for a revision of the present convention by five of the signatory or adherent parties to the convention, the Council of the League of Nations shall call a conference for that purpose. In any event, the Council will consider the desirability of calling a conference at the end of each period of five years.

In faith whereof the above-named Plenipotentiaries have agreed the present convention.

Done at Geneva the 12th day of September, 1923, in two originals, of which one shall remain deposited in the archives of the League of Nations and the other shall remain deposited in the archives of the Government of the French Republic.

Albania :

B. BLINISHTI.

Germany :

Subject to ratification. (Translation.)

GOTTFRIED ASCHMANN

Austria :

E. PFLÜGL (*ad referendum*).

✓ Belgium :

MAURICE DULLAERT.

✓ Brazil :

AFRANIO DE MELLO FRANCO.

✓ British Empire :

I declare that my signature does not include any of the colonies, overseas possessions, protectorates or territories under His Britannic Majesty's sovereignty or authority.—A. H. B.

A. H. BODKIN.

S. W. HARRIS.

✓ Union of South Africa :

PARMOOR.*

✓ New Zealand :

My signature includes the mandated territory of Western Samoa.—J. A.

J. ALLEN.

✓ India :

PRABHASHANKAR D. PATTANI.

✓ Irish Free State :

MICHAEL MACWHITE.

✓ Bulgaria :

CH. KALFOFF.

✓ China :

TCHENG LOH.

✓ Colombia :

Subject to the subsequent approval of Parliament. (Translation.)

FRANCISCO JOSÉ URRUTIA.

✓ Costa Rica :

MANUEL M. DE PERALTA

(*ad referendum*).

✓ Cuba :

COSME DE LA TORRIENTE.

* Lord Parmoor's signature includes the Territory under His Britannic Majesty's mandate of South-West Africa.

✓ Denmark :

In signing the convention drawn up by the International Conference on Obscene Publications, I, the undersigned delegate of the Danish Government, make with regard to Article 4 (see also Article 1) the following declaration : " The acts mentioned in Article 1 are punishable under the rules of Danish law only if they fall within the provisions of Article 184 of the Danish Penal Code, which inflicts penalties upon any person publishing obscene writings, or placing on sale, distributing, or otherwise circulating or publicly exposing obscene images. Further, it is to be observed that the Danish legislation relating to the press contains special provisions on the subject of the persons who may be prosecuted for press offences. The latter provisions apply to the acts covered by Article 184 in so far as these acts can be considered as press offences. Application of Danish legislation on these points must await the revision of the Danish Penal Code, which is likely to be effected in the near future."—
A. O. (Translation.)

A. OLDENBURG.

✓ Spain :

EMILIO DE PALACIOS.

Finland :

URHO TOIVOLA.

France :

GASTON DESCHAMPS.
J. HENNEQUIN.

✓ Greece :

N. POLITIS.
D. E. CASTORKIS.

✓ Haiti :

M. BONAMY.

✓ Honduras :

CARLOS GUTIERREZ
(*ad referendum*)

✓ Hungary :

DR. ZOLTAN BARANYAI.

✓ Italy :

CAVAZZONI STEFANO.

✓ Japan :

In signing the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, I, the undersigned, declare that my signature is not binding in respect of Taiwan, Chosen, the leased territory of Kwantung, Karafuto or the territories under Japanese mandate, and that the provisions of Article 15 of the present convention are not in any way derogatory to the acts of the Japanese judicial authorities in the application of Japanese laws and decrees. (Translation.)

✓ Y. SUGIMURA.

✓ Latvia :

✓ J. FELDMANS.

✓ Lithuania :

✓ IG. JONYNAS.

✓ Luxemburg :

✓ CH. G. VERMAIRE.

✓ Monaco :

✓ R. ELLES-PRIVAT.

✓ Panamá :

✓ R. A. AMADOR.

✓ Netherlands :

✓ A. DE GRAAF.

✓ Persia :

✓ PRINCE ARFA-ED-DOVLEH
(*ad referendum*).

✓ Poland :

✓ F. SOKAL.

✓ Free City of Danzig :

✓ J. MODZELEWSKI.

✓ Portugal :

✓ AUGUSTO DE VASCONCELLOS.

✓ Roumania :

✓ N. P. COMNENE.

✓ Salvador :

✓ J. GUSTAVO GUERRERO.

✓ Kingdom of the Serbs, Croats and Slovenes :

✓ M. JOVANOVITCH.

Siam :

The Siamese Government reserve full right to enforce the provisions of the present convention against foreigners in Siam in accordance with the principles prevailing for applying Siamese legislation to such foreigners.

DAMRAS.

✓ Switzerland :

E. BÉGUIN.

✓ Czechoslovakia :

Dr. ROBERT FLIEDER.

✓ Turkey :

RUCHDY.

✓ Uruguay :

B. FERNANDEZ Y MEDINA.
