

CHAPTER VIII
OBSCENE PUBLICATIONS

**1. PROTOCOL TO AMEND THE CONVENTION FOR THE SUPPRESSION OF THE
CIRCULATION OF, AND TRAFFIC IN, OBSCENE PUBLICATIONS, CONCLUDED AT
GENEVA ON 12 SEPTEMBER 1923**

Lake Success, New York, 12 November 1947

ENTRY INTO FORCE: 12 November 1947, in accordance with article V.¹

REGISTRATION: 2 February 1950, No. 709.

STATUS: Signatories: 6. Parties: 34.

TEXT: United Nations, *Treaty Series* , [vol. 46, p. 169](#).

Note: The Protocol was approved by the General Assembly of the United Nations in resolution [126 \(II\)](#)² of 20 October 1947.

<i>Participant³</i>	<i>Signature</i>	<i>Definitive signature(s), Acceptance(A), Succession(d)</i>	<i>Participant³</i>	<i>Signature</i>	<i>Definitive signature(s), Acceptance(A), Succession(d)</i>
Afghanistan.....		12 Nov 1947 s	Ireland.....		28 Feb 1952 A
Albania.....		25 Jul 1949 A	Italy.....		16 Jun 1949 s
Australia.....		13 Nov 1947 s	Luxembourg.....	12 Nov 1947	14 Mar 1955 A
Austria.....		4 Aug 1950 s	Mexico.....		4 Feb 1948 A
Belgium.....		12 Nov 1947 s	Myanmar.....		13 May 1949 s
Brazil.....	17 Mar 1948	3 Apr 1950 A	Netherlands (Kingdom of the) ⁸	[12 Nov 1947]	[7 Mar 1949 A]
Canada.....		24 Nov 1947 s	New Zealand ⁹		28 Oct 1948 s
China ^{4,5}		12 Nov 1947 s	Norway.....	12 Nov 1947	28 Nov 1947 A
Cuba.....		2 Dec 1983 A	Pakistan.....		12 Nov 1947 s
Czech Republic ⁶		30 Dec 1993 d	Poland.....		21 Dec 1950 A
Denmark ⁷	[12 Nov 1947]	[21 Nov 1949 A]	Romania.....		2 Nov 1950 s
Egypt.....		12 Nov 1947 s	Russian Federation.....		18 Dec 1947 s
Fiji.....		1 Nov 1971 d	Serbia ¹⁰		12 Mar 2001 d
Finland.....		6 Jan 1949 A	Slovakia ⁶		28 May 1993 d
Greece.....	9 Mar 1951	5 Apr 1960 A	Solomon Islands.....		3 Sep 1981 d
Guatemala.....	9 Jul 1948	26 Aug 1949 A	South Africa.....		12 Nov 1947 s
Hungary.....		2 Feb 1950 s	Türkiye.....		12 Nov 1947 s
India.....		12 Nov 1947 s	United Kingdom of Great Britain and Northern Ireland.....		16 May 1949 s
Iran (Islamic Republic of).....	16 Jul 1953				

Declarations and Reservations
***(Unless otherwise indicated, the declarations and reservations were made
upon definitive signature, acceptance or succession.)***

CUBA

The Government of the Republic of Cuba considers that the content of article 9 of the Convention of 1923, as amended by the Protocol, is discriminatory in character in that it denies a number of States the right of accession, thus violating the principle of the sovereign equality of States.

The Government of the Republic of Cuba considers, with respect to the provisions contained in article 15 of the Convention of 1923, as amended by the Protocol, that differences in interpretation or implementation of that article must be resolved by direct negotiations through the diplomatic channel.

Notes:

¹ The amendments set forth in the annex to the Protocol entered into force on 2 February 1950, in accordance with paragraph 2 of article V of the Protocol.

² *Official Records of the General Assembly, Second Session, Resolutions (A/519)*, p. 32.

³ An instrument of acceptance of the Protocol was deposited on 2 December 1975 with the Secretary-General on behalf of the Government of the German Democratic Republic. A "notification of reapplication" of the Convention of 1923 by the German Democratic Republic had been deposited with the Secretary-General on 21 February 1974. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

⁴ On 6 June 1997, Secretary-General received a communication regarding the status of Hong Kong from China (see also note 2 under "China" in the "Historical Information" section in the front matter of this volume. Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Protocol will also apply to the Hong Kong Special Administrative Region.

⁵ See note concerning signatures, ratifications, accessions, etc., on behalf of China (note 1 under "China" in the "Historical Information" section in the front matter of this volume).

⁶ Czechoslovakia had signed the Protocol definitively on 12 November 1947. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁷ A notification of denunciation was received on 16 August 1967. In communicating this notification, the Government of Denmark has informed the Secretary-General that the denunciation was intended to apply also in relation to the States parties to the 1923 Convention (chapter VIII.3) which had not yet become parties to the Protocol of 12 November 1947 amending the said Convention (chapter VIII.1). The denunciation took effect on 16 August 1968.

⁸ On 30 July 1985, the Secretary-General received from the Government of the Netherlands a notification of denunciation of the said Protocol and Convention. The notification specifies that the denunciation shall apply in respect of the Kingdom in Europe only and that the Protocol and the Convention will therefore remain in force in the Netherlands Antilles. The notification also indicated that the reason for the denunciation is the following:

". . . under the Act of 3 July 1985 (Bulletin of Acts, Orders and Decrees No. 385) the provisions of the Dutch Criminal

Code were amended in such a way that it is no longer possible for the Netherlands to comply fully with the international obligations it assumed under the Convention. Article I of the Convention contains - *inter alia* - the obligation to make it a punishable offence to make, produce or have in possession, to import, convey or export obscene publications or any other obscene objects for the purposes of distribution or public exhibition.

The new provisions of the Dutch Criminal Code fulfill this requirement only with regard to the portrayal of - or to any medium of information which portrays - sexual activity involving persons under the age of sixteen (i.e. child pornography). As regards the other forms of pornography, the shop windows, to send such images or objects unsolicited through the mail or to supply, offer or show them to children. Since the Convention does not contain any provision which would allow the Netherlands to make punishable only those offences included in the amended Criminal Code, the Government of the Kingdom of the Netherlands has no other choice than to denounce the Convention for the Netherlands."

⁹ See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

¹⁰ The former Yugoslavia had signed Protocol definitively on 12 November 1947. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

