

No. 710

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**AFGHANISTAN, ALBANIA, AUSTRALIA, BELGIUM,  
BURMA, etc.**

**Convention for the suppression of the circulation of and traffic  
in obscene publications, concluded at Geneva on 12 September  
1923, as amended by the Protocol signed at Lake Success,  
New York, on 12 November 1947**

*Official texts : English and French.*

*Registered ex officio on 2 February 1950.*

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**AFGHANISTAN, ALBANIE, AUSTRALIE, BELGIQUE,  
BIRMANIE, etc.**

**Convention pour la répression de la circulation du trafic des  
publications obscènes, conclue à Genève le 10 septembre 1923,  
sous sa forme amendée par le Protocole signé à Lake Success  
(New-York) le 12 novembre 1947**

*Textes officiels anglais et français.*

*Enregistrée d'office le 2 février 1950.*

No. 710. INTERNATIONAL CONVENTION<sup>1</sup> FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN OBSCENE PUBLICATIONS, CONCLUDED AT GENEVA ON 12 SEPTEMBER 1923,<sup>2</sup> AS AMENDED BY THE PROTOCOL SIGNED AT LAKE SUCCESS, NEW YORK, ON 12 NOVEMBER 1947<sup>3</sup>

*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 ;

<sup>1</sup> Came into force on 2 February 1950, the date on which the amendments to the Convention, as set forth in the annex to the Protocol of 12 November 1947, entered into force in accordance with paragraph 2 of Article V of the said Protocol.

*States Parties to the Convention as amended by the said Protocol :*

Afghanistan	Egypt	Norway
Albania	Finland	Pakistan
Australia	Guatemala	Turkey
Belgium	Hungary	Union of South Africa
Burma	India	Union of Soviet Socialist
Canada	Italy	Republics
China	Mexico	United Kingdom
Czechoslovakia	Netherlands	Yugoslavia
Denmark	New Zealand	

<sup>2</sup> League of Nations, *Treaty Series*, Volume XXVII, page 213 ; Volume XXXI, page 260 ; Volume XXXV, page 314 ; Volume XXXIX, page 190 ; Volume XLV, page 122 ; Volume LIV, page 391 ; Volume LIX, page 357 ; Volume LXXXIII, page 394 ; Volume LXXXVIII, page 313 ; Volume XCII, page 368 ; Volume XCVI, page 191 ; Volume C, page 211 ; Volume CXI, page 403 ; Volume CXXVI, page 433 ; Volume CXLII, page 341 ; Volume CLII, page 294 ; Volume CLVI, page 186 ; Volume CLX, page 335 ; Volume CLXIV, page 361 ; Volume CLXXII, page 398 ; Volume CLXXXI, page 357 ; Volume CXCVII, page 295 and Volume CC, page 501.

<sup>3</sup> See page 169 of this volume.

(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 I 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 May 4th, 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 March 31st, 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 United Nations, who shall notify the receipt of them to the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

The Secretary-General of the United 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*

Members of the United Nations may accede to the present Convention. The same applies to non-member States to which the Economic and Social Council of the United Nations may decide officially to communicate the present Convention.

Accession shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

*Article 10*

Ratification of or accession to the present Convention shall *ipso facto*, and without special notification, involve concomitant and full acceptance of

the Agreement of May 4th, 1910, which shall come into force on the same date as the Convention itself in the whole of the territory of the ratifying or acceding Member of the United Nations or State.

Article 4 of the above-mentioned Agreement of May 4th, 1910, shall not, however, be invalidated by the preceding provision, but shall remain applicable should any State prefer to accede 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 United 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 Member of the United Nations or State which makes it.

The Secretary-General of the United Nations shall notify the receipt of any such denunciation to all Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.

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

*Article 13*

(Deleted.)

*Article 14*

A special record shall be kept by the Secretary-General of the United Nations, showing which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open at all times to any of the Members of the United Nations or any non-member State to which the Secretary-General has communicated a copy of 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 International Court of Justice. In case either or both of the Parties to such a dispute should not be Parties to the Statute of the International Court of Justice, the dispute shall be referred, at the choice of the Parties, either to the International Court of Justice or to arbitration.

*Article 16*

Upon a request for a revision of the present Convention by five of the signatory or acceding Parties to the Convention, the Economic and Social Council of the United 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.