



THE EQUALITY BILL:
Submission by British Naturism to
the Government Equalities Office
January 2009

Introduction

1. British Naturism is the representative organisation for naturists in the UK.
2. About 1.5 million people in the United Kingdom describe themselves as being a naturist¹ and there are about ten times that number who practise naturism to at least some extent. There is a surprisingly high level of acceptance by the public though there are also some who are deeply prejudiced against nudity. Few people realise how numerous we are.²
3. The levels of prejudice and discrimination that naturists encounter is significant, it does result in appreciable harm to individuals, groups and to society as a whole and it does cause unnecessary curtailment of individual freedom.
4. The currently available protection against discrimination is inadequate but we believe that comparatively minor changes to legislation and policy could remedy that deficit.

Present provision

5. There are over a hundred naturist clubs in the U.K. They range from those with little more than a patch of grass to those covering tens of acres and with permanent residents and substantial facilities.
6. There are also about seventy clubs without grounds that in the main use local authority swimming pools.
7. There are no naturist only beaches in the UK. There are about a dozen beaches that have been designated as clothes optional but out of over 7,000 miles of English and Welsh coastline only a little over a mile has been so designated. There are just two such beaches on the West Coast, one in Wales and the other a remote beach on a Scottish Island. On the east coast there are similarly only two designated beaches lying north of The Thames. There is one in Norfolk and one near Lowestoft that Waveney District Council intend to close.³ There is a problem with national assets being administered by local government.

Legal background

8. Nudity in public places is not specifically prohibited and it is lawful in a much wider range of circumstances, including on most beaches, than most people realise. In practice, however, there is often harassment which creates problems for naturists and non-naturists alike.⁴ This is in stark contrast to many other European countries. For example in Denmark nudity has been legal on all beaches since the 1970s and a recent court ruling reinforced that principle. In Spain a police officer was recently prosecuted for harassing a naturist.⁵ In The Netherlands local authorities can not

1 NOP poll. 2001. "and would you describe yourself as being a naturist?"

2 When a naturist gets dressed the disguise is perfect.. The Statistics Briefing Note provides further information.

3 The beach to the north of the small naturist area has been depleted by erosion. WDC are not proposing any alternative provision. It is one of the busiest beaches in the area.

4 "Managing Coastal Activities (Naturism), A Guide for Local Authorities" considers these issues in more detail.

5 AFP News, 30 Jan 2007. Police officer ... faces a fine and having to pay damages ... telling ... to cover up ... riding a bicycle in his birthday suit through the city ... Europa Press news agency.

attempt to regulate nudity unless they make adequate provision.⁶ Unfortunately in the U.K. we enjoy no such protection.

9. Parliament discussed naturism at some length during the passage of the Sexual Offences Bill and has done so more briefly at other times. Overwhelmingly opinion was for naturism being allowed to continue in suitable places and that it should be regulated using a common sense approach based on s.5 Public Order Act 1986.⁷ In practice that has resulted in the legality of naturism being largely determined by the whim of individual police officers. For example one area commander was adamant that nudity in public was illegal under all circumstances whilst another influential officer considered it to be lawful under circumstances that even we find surprising.
10. We are aware of prosecutions which have been a travesty of justice. Unfortunately the victims are usually too fearful of repercussions, expense and publicity to be willing to fight a case.⁸

General principles

11. We believe that legislation outlawing particular forms of discrimination has the effect of making other types of discrimination seem more acceptable. Consequently additional protection against unjustified discrimination in general is called for.
12. We believe that the only justification for discrimination against any group or activity would be to prevent harm that clearly outweighs benefit. There are many myths about what is harmful or beneficial so any judgement must be based on evidence. A popularly held prejudice is not any less a prejudice because it is popularly held. Much of the discrimination that we encounter is due to a misconception that there is a popular prejudice against naturists.
13. We are not aware of any evidence that nudity can cause harm to anyone, of any age⁹. We do, on the other hand, know of research showing that the attitudes which cause people to object to nudity result in substantially worse¹⁰ outcomes for indicators such as STIs, teenage pregnancy and abortion.

6 It is not coincidence that all of those countries have much better outcomes for many body image and body knowledge related problems such as teenage pregnancy.

7 s.5 Public Order Act 1986 is a complex but inherently vague statute that is difficult to summarise adequately. "Unreasonable public behaviour likely to cause offence to reasonable person."

8 For example one naturist decided to contest a fixed penalty notice and eventually the case was dropped. He was able to reclaim about £9,000 of his costs but he was still over a thousand pounds out of pocket and there was no compensation for the considerable stress and wasted time. It is difficult to understand how that can be considered justice.

9 The research on the effects of flashing cited in "Setting the Boundaries" is not relevant to naturism and furthermore it was quoted out of context and provides little or no incite into the putative subject. We can provide further information if required.

10 The differences are enormous. Typically the outcomes for the most prudish countries are ten to twenty times worse than for the most liberal. We can provide further information on request.

Prejudice and discrimination

14. There are a number of causes for the discrimination that we encounter. Some of the principle ones are:
 1. Individual prejudice and reluctance by others to prevent it.
 2. Misconceptions concerning public attitudes.
 3. Misconceptions concerning the law.
 4. Unintended consequences of legislation.
15. People working in sensitive professions such as teaching or the health service are increasingly reluctant to practice naturism for fear that it could harm or even destroy their career.
16. Their apprehension is not unfounded. A few months ago a head mistress was told to stay away from school and threatened with disciplinary action when the chairman of governors discovered that she was a naturist. He reconsidered his actions only when lawyers became involved. We have also heard of a school governor who was forced to resign when it became known that he was a naturist.
17. We have encountered serious difficulties in dealing with both councils and swimming pool management companies. It is near impossible to persuade them to run naturist swimming sessions¹¹ and it can be a mammoth task to find a pool to hire oneself. Even when one can be found they often seek to impose conditions that are unacceptable, offensive or ridiculous.¹²
18. The most common cause for closure of a naturist swim to is a change of pool management¹³ and the next most common is the hire charges demanded. Admission prices are often well above the going rate and double is not uncommon.
19. It is difficult to persuade pool management that they should provide publicity for naturist sessions as they do for other groups.
20. Statutory bodies should be required to treat minority groups according to the evidence but many are reluctant to do so. Accordingly we believe it essential that there is a duty to make reasonable provision for naturists. Naturists need to be explicitly included because it is often assumed that they could not possibly have any rights. It is difficult to see how there could be objection to a requirement to be reasonable.
21. When a statutory body contracts out services all human rights requirements and other protections that would have applied in house must continue to apply. That is what should happen but practice suggests otherwise. There must be a duty for a statutory body to ensure that discrimination does not take place and to provide an accessible, advertised and above all impartial complaints process. The Freedom of Information Act, which is invaluable in tracing the causes of discrimination, should also be applicable..
22. On a number of occasions in recent months FedEx failed to deliver packages to residents of Spielplatz¹⁴, a long established naturist complex near St. Albans. Parcels

11 There is only one at present and it is nearly unique in being adults only.

12 One council, about a week before a new hire was due to start, imposed a condition that meant only one person would have been able to attend. They did relent but it illustrates the problem.

13 Briefing note – Prejudice (Local Authority Pool).

14 Spielplatz is one of the oldest naturist complexes in the world. Permanent homes, holiday homes, camping and extensive facilities. Some people visited for the day and stayed for 50 years. It was

were abandoned or the driver falsely filled in the delivery card to say that the householder was out. This continued despite complaints. In contrast when a Royal Mail manager decided that he should take precautionary steps on the off chance that one of his staff might one day take offence he was overruled by Postcomm. It was thus established that residents at Spielplatz have valid postal addresses.¹⁵

23. The license conditions of many councils fail to distinguish between the sex industry and naturism. This has caused serious problems for some organisers of events. It seems that many naturist events¹⁶ are only able to go ahead because that licence condition has been overlooked or ignored. Regrettably legislation intended to regulate the sex industry is being used to control how people dress.
24. We far too often encounter statements in official documents or on signs that are offensive. They are often particularly offensive to naturist families.

Censorship

25. There are innumerable censors whose effect on society is profound, often unrealised and sometimes unintended. They include distributors and delivery companies such as WHSmith's Wholesale and FedEx, telecommunications operators such as Vodafone, broadcasters such as the BBC¹⁷ and ITV, as well as every local authority and any police officer. All of those are known to censor naturist material.
26. We have taken some of these censors to task and we have had some success in procuring changes in their policies but there are far too many for us to achieve any substantial effect.
27. When the public is aware of censorship they are often indignant¹⁸ but most is hidden and greater accountability and transparency are needed. If a broadcaster adds costumes to a documentary on a nude culture then they must say so. If the children of an Amazonian tribe are all provided with shorts then the programme must say so.¹⁹ If cuts are made to a film then the broadcaster must inform the audience and associated websites should explain what has been cut and why.²⁰ At present the system seems to be entirely one sided.
28. There should likewise be a requirement that when a web site is blocked then the website proprietors must be informed and given opportunity to appeal against the decision. Many censors do not distinguish between naturist nudity and pornography and hence discriminate against us. There has even been the ludicrous situation where

founded in 1930 and the directors include some of the children and grandchildren of the founders.

- 15 Gas, electricity, water, AA, RAC, ... None seem to have any problem with providing a normal service.
- 16 For example Alton Towers holds an annual naturist weekend at the Splashlandings Hotel, The Eden Project hosted a naturist evening, Castle Howard hosts an annual naturist day, Abbey Gardens in Malmesbury holds several clothes optional days each year.
- 17 For a long time the BBC search engine claimed that it was unable to find any pages about naturism which was false. It was finding them but it wouldn't tell anyone about them. It took a prolonged correspondence but eventually the censoring was stopped. We regularly make complaints to broadcasters about censorship and especially when they falsify material. That happens in both fictional and factual programming.
- 18 For example the BBC decided to censor the song "Do they know its Christmas." by the Pogues. It was noticeable, they received over 3,000 complaints and they were forced to back down.
- 19 In one documentary on the Amazon, every child in a village was wearing identical and new looking shorts. We have little doubt as to why.
- 20 We heard of one parent who judged that a video would be suitable for a children's party. He did not know that the TV version he was familiar with had been significantly cut.

a police officer had to ask us to supply documents from our web site which the constabulary computer systems barred her from accessing. We suspect that such blocking is common and that it makes it impossible for many people in the public services to fulfil their responsibilities adequately. Undoubtedly part of the problem is due to American software importing American prejudices.

29. There needs to be much greater transparency so that people may know what is being done in their name and have opportunity to object. There needs to be a statutory body responsible for ensuring that censorship does not go too far and to provide an appeals process.

Summary

1. Naturists meet with significant discrimination due to prejudice against their lifestyle and beliefs.
2. Naturists, particularly those in sensitive occupations, are very wary of “coming out”.
3. People working in sensitive occupations increasingly do not feel free to be naturists.
4. Statutory bodies should be obliged to make reasonable provision for minority groups such as naturists.
5. Statutory bodies must not be able to avoid responsibility for discrimination by bodies to which they award contracts.
6. Discriminative decisions need to be based on evidence that is available for evaluation and possible challenge.
7. The activities of censors should be regulated to ensure that censorship is necessary and based on evidence. There should also be an appeals process. At present much censorship is based on prejudice which leads to unjustifiable discrimination and there is no reasonably accessible means of appeal.
8. There should be much greater transparency and accountability of censorship so that people may be aware of when and why it takes place and may be able to challenge it.

British Naturism

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