

Dissemination workshop on the Films and Publications Amendment Bill

Venue	Diakonia Council Of churches
Date	07 July 2008
Time	8:00am - 15:00pm
Stakeholders	The Democracy Development Program (DDP) and the South African Human Rights Commission

Presenters/ speakers

- **Professor K. Govender : Commissioner of SAHRC and Chairperson of the Films and Publications Review Board**
- **Mr. Iyavar Chetty : CEO of the Films and Publication Board**
- **Joan Van Niekerk : National Coordinator of *Childline SA***
- **Robin Sewlal : SANEF representative**

This workshop was the third of a series of dissemination workshops on various pieces of legislation that DDP and the SAHRC are currently co-hosting. The purpose of the workshop was to dissect elements of the Films and Publications Amendment Bill.

The Films and Publications Amendment Bill aims to ensure that all publications, films and computer games distributed in the Republic of South Africa comply with a universal set of principles and guidelines. The primary objective is to protect children from obscene, harmful and sexually explicit content. Professor Karthy Govender stated: *“protecting children from inappropriate content is important and the government should take steps to protect them”*. The Amendment Bill seeks to bring broadcasters of films within the scope of the Bill in order to stem the tide of child pornography and child exploitation. The Bill not only applies to content distributed in South Africa, but also content that is made available to South Africans on the Internet, including video sharing sites, i.e., “YouTube”, “Revver”, etc .

The distribution of child pornography is a multibillionaire industry. According to Mr. Ayavar Chetty, profits generated through child pornography in the United States (alone) averaged between \$8 billion and \$20 billion annually. He indicated that while reports of child pornography are disturbing, it is important to study them in order to appreciate the devastating impact of pornography and sexual exploitation on children.

New forms of media fuel the high prevalence of child pornography by offering perpetrators easy tools with which to commit this depraved crime. For example, pedophiles and perverts use the

internet to source for children, and most incidents of child abduction are also being planned on the internet, which put sexual offenders in touch with children. Mr. Chetty said that pornography exists wherever there is a computer and a modem. However, instead of prohibiting children from using the internet, they need to be taught how to use it responsibly.

Child pornography is not an innocuous crime. Children are sexually abused, tortured and even murdered in the production of child pornography. Meanwhile, victims of child pornography continues to suffer psychological trauma, long after they reached adolescents, knowing that their nude pictures/photos are being distributed and viewed by pedophiles. Joan Van Niekerk said that child pornography is extremely difficult to monitor and South African courts are battling to comprehend the magnitude of child pornography even though the country now has specific legislation to combat it.

Meanwhile, the Bill came in for a fair amount of criticism. The most important critique pertains to sections 16 and 22 of the Act. Critics argued that these two sections threaten the media freedom that South Africans are currently enjoying. They pointed out that the pervious Bill exempted the media from submitting their content to the Films and Publications Board for vetting. This exemption was on the basis that the conduct of the media are already policed or monitored by two codes of conduct and two complaints mechanisms, namely, the press Ombudsman and the Broadcasting Complaints Committee. The present Bill has removed this exemption and therefore could open a door for the erosion of media freedom.

Critics argued that the present Bill could stifle open debate as it seeks to prescribe to the media what can and cannot be said on certain matters, undermining the autonomy of the media. Furthermore, limiting media freedom would be costly to manage, they argued. For example, section 18 of the Bill requires that the content of all films/movies to be screened or distributed in the Republic needs to be submitted for scrutiny. This could be costly to manage, especially in certain cases of self-produced content, i.e., a movie on a person's cell phone.