

The battle for media freedom continues

May 3 was World Press Freedom Day and also the second day of hearings in South Africa's parliament on the Film and Publications Amendment Bill which sees the tenets of media freedom being pitted against the need to protect children. The Media Monitoring Project's director William Bird explains what all the fuss is about in his submission to parliament.

So what's the fuss about the Bill?

There are a number of concerning elements about the Bill which pose significant threats to media freedom. Perhaps the most significant though are Sections 16 and 22 of the Films and Publications Amendment Bill. Together the proposed amendments threaten to severely curb media freedom currently enjoyed in SA. This is because the Bill if passed in its current form would see the exemption enjoyed by news media being removed, with the result that prepublication review of news would take place.

Although the Bill does allow for exemptions to be granted, they would have to be applied for on a case by case basis and may be rescinded. In particular, content of a sexual nature potentially including messages about safe sex and those that includes stereotypes may be prohibited from being published. In addition to this material that may be viewed as inciting violence, or about propaganda for war, as well as the promotion of hatred against any clearly identifiable group characteristic, would need to be submitted to the Film and Publications board for classification before publication.

Limit on media freedoms

The question that arises is why has the Bill been tabled to include such draconian measures?

It would appear from the first day of hearings in Parliament that one of the greatest concerns for the Department of Home Affairs portfolio committee are the high levels of child pornography and pornography in the media. The Amendment Bill seeks to control the distribution and access to child pornography and adult pornography to children by providing a framework of classification across all media, including new technologies.

It is clear from the submissions presented to parliament on Wednesday, 2 May 2007, that the suggested methods will not meet the desired objectives of protecting children and will result in significant limitations on media freedom.

Another area that the Amendment Bill tries to address is the publication of harmful racist or other stereotypes in the media. It is clear that the perpetuation of negative stereotypes present significant challenges to media and hinder the realisation of the rights to dignity and equality.

Again while many would support the intentions, the current Amendment Bill will mean that, along with other content news

media will have to present their stories to the Films and Publications Board for review prior to publication.

Implementation near impossible

In addition to the system posing a significant threat to media freedom it would be almost impossible to implement. The sheer volumes of news that would need to be reviewed, and the resources required would make it impractical. In addition to this, while it seeks to include new technologies the notion of submitting all relevant material around sexual conduct, propaganda for war, imminent violence, as well as the promotion of hatred based on an identifiable group characteristics is simply not possible.

In addition to the problems with the limitations to media freedom which need to be opposed the Bill is also troubled by its expansive nature. In terms of section 18 of the Bill all films that are going to be distributed or exhibited in South Africa would need to be submitted in for classification. In theory with common large scale release films on cinema circuits and DVD distribution this sounds manageable.

The current definition of films provided however would include self-produced content. Thus any film made on a person's mobile phone would also constitute a film and would therefore have to be submitted if it is to be distributed, or exhibited even if only to a friend. In addition to this, failure to submit such a film would constitute an offence. Clearly the definition needs to be limited and tightened up.

Another example of the expansive nature of the Bill, (section 16) that would make it almost impossible to implement can be found in the inclusion that any publication that contains the advocacy of hatred based on any identifiable group characteristic would need to be submitted for classification. While the areas of race, racism and xenophobia and gender sexual orientation would seem quite reasonable the open-ended nature of the description would include all groups. Thus if a person expresses hatred of banks in a letter to a newspaper for poor service delivery the letter would need to be submitted for classification.

In mitigation...

There are clear problems with the manner in which some media represent children as well as perpetuating negative stereotypes, particularly xenophobic ones. It is also clear that these issues need to be addressed.

Submissions made by media show that these problems have been acknowledged, and that they need to be addressed. There are positive and constructive ways of addressing these challenges in the media as demonstrated by media's willingness to review the Press Ombudsman's process and self regulatory processes. It is also as a result of these processes that the MMP has set up a website www.getmad.co.za to address the representation of children in the media and MMP will also for the first time in South Africa be running an accredited course with Wits Journalism and assisted by the Institute for the Advancement of Journalism on representing children in the media.

Threat to press freedom

As a result of these and other concerns the Media Monitoring Project (MMP) has made a submission to the Bill and presented it to Parliament. This Bill represents a threat to press freedom, unmatched since the policies of the previous government.

The MMP as an organisation monitors and analyses media on an ongoing basis and has found that news media can and do infringe people's right to dignity, privacy and equality, particularly in relation to children. Two factors need to be considered:

- In spite of these rights violations the general media trend in South African media is toward respecting the rights of all people.
- Secondly while there is often a need to balance human rights, it is clear that severe limitations as outlined in the

current Bill will serve only to undermine all human rights. By curbing media freedom, the real risk is that more human rights abuses which no one will ever hear about will be encouraged.

The Amendment Bill should be opposed as it threatens to cause harm to the most disenfranchised in society, and to silence the voice that may serve to champion their cause.

[Read MMP's submission on the Films and Publications Amendment Bill.](#)

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