

# Government moving to censor media?

It is the viewpoint of the South African National Editors' Forum (SANEF), the South African Chapter of Media Institute of Southern Africa (MISA) and Freedom of Expression Institute (FXI) - three of the country's media freedom organisations - that Government's proposed amendment to the Film and Publications Act is a move to censor print and broadcast media.

The Film and Publications Act, which regulates films and publications - other than the news media - by censorship and classification measures that determine the age groups precluded from viewing certain films and which publications should be prohibited or how they should be displayed in stores, is to be amended by the Film and Publications Amendment Bill 2006.

A clause in the Act has exempted the media from its provisions, thus enabling the print and broadcast news media to operate freely and without interference or pre-publication censorship. This exemption dates back for decades and was even honoured by the Nationalist apartheid government.

But the Home Affairs Ministry has now proposed - without any warning or consultation, say the three organisations - that the exemption will be removed in the amending legislation. If this proposal is accepted by parliament, the effect will be that the print and broadcast media will be subjected to the dictates of the Film and Publications board.

## Pre-publication censorship

According to SANEF, MISA-SA and FXI, the practical effects will be that the media will be subjected to pre-publication censorship and probably forced to expunge large amounts of their news coverage from their pages or broadcasts and submit to procedures which will prevent papers from being distributed on a daily or weekly basis, resulting in broadcasters having to delay news broadcasts.

The fact that the Bill makes provision for exemption matters little, as to impose this duty on the media amounts to seeking licence to publish.

It should also be borne in mind that the constitutionally guaranteed role of Independent Communications Authority of SA (ICASA) is to regulate broadcasting; no other institution is entitled to interfere with its ability to do so, as this would amount to a violation of ICASA's independence. Any attempt to second-guess the regulatory role of ICASA must not be allowed, which will be the case if the Bill goes through.

## Action condemned

In a statement issued to the media, SANEF, MISA-SA and FXI have condemned this action by Government:

The media industry is regulated by the Press Ombudsman, ICASA and the Broadcasting Complaints Commission which hold the media accountable for ethical and other breaches of their codes of conduct. As there is no need for the Film and Publications Board to usurp this function, the only reason that can be advanced for the government's move is that it wishes to censor the media. SANEF, MISA-SA and FXI are also extremely concerned about the re-classification of publications proposed in the Bill, aspects of which we consider to be unconstitutional as they will greatly increase the scope for censorship of content. Also, the Bill extends the scope of material restricted to adult shops in an overbroad manner, and smacks of a 'morality police' approach towards regulating publications.

The three organisations point out that the amendment conflicts with the freedom of expression clause in the Constitution.

SANEF, MISA-SA and FXI also note that the deadline for public representation was 10 August 2006 - far too soon to have made adequate representations - and put on record their intention to send a detailed protest to the Home Affairs parliamentary portfolio committee dealing with the Bill. They will also be requesting an opportunity of making verbal protest and objections before the committee.

For more, visit: <https://www.bizcommunity.com>