

Confab of global censors

They are the watchdogs who watch over the media watchdogs, but who are they really protecting? The Independent Broadcasting Authority's BRONWYN KEENE-YOUNG reports on the debates at a recent international conference.

THERE ARE FEW CONFERENCES in the world where tea-time conversation goes something like this: "What did you give Michael Collins?" says the Irish delegate to her New Zealand counterpart.

"We're still waiting for it to arrive", replies the New Zealand delegate, "but what did you give it?" "Aah, we gave it only a 12", replies the Irish delegate mischievously. "and the British are furious with us."

I overheard this conversation — referring to the liberal age restriction given by the Irish to the film about IRA guerilla Michael Collins — at the Fourth International Conference on Standards in Screen Entertainment in London in September. The conference is hosted by the British Board of Film Classification and aims to bring together film classifiers and broadcasting regulators from all over the world. It is, to put it candidly, an international gathering of censors, as the majority of its delegates come from state-appointed classification boards who vet

films according to the prevailing morals and values in their respective societies.

What would one expect from such a gathering of state-appointed moral guardians? I admit to feelings of trepidation before attending the conference. My interest in it was twofold: firstly to see how international classification bodies worked in the light of our new Films and Publications Bill in South Africa; and secondly, to see how film classification and television programming regulation were related in other countries, particularly with regard to screen violence — which was the theme of the conference.

As with many conferences, the working group sessions and informal discussions provided one with far greater insight into the thinking of the delegates, than the plenary sessions which were dominated by academics debating the behavioural effects of screen violence. To my surprise and relief, a strong freedom of expression ethos dominated these discussions, accompanied by soul-searching and self-reflection on the part of the delegates who continually raised the question: "Who are we protecting?"

There was general consensus among the European and North American delegates — who were in the majority at the conference — that deciding what adults could or could not watch was inconsistent with the principles of democracy and individual liberties that these countries are founded on. On the basis of this

consensus, the focus of the conference shifted very quickly away from censorship to the role of classifiers in the protection of children, the provision of adequate labelling and consumer information, and media literacy training.

Delegates from Africa, the Caribbean and Asia (with the notable exception of Japan), adopted a different view of their role as film classifiers. It was evident from the input of these delegates that in their countries a strict paternalism is still applied in the classification of films. While the Western delegates generally balked at the cutting of films, this appeared to be common practice in countries such as Barbados, India, Zimbabwe and Tanzania where the classification boards were expected to act as moral gatekeepers for adults and children alike.

The lack of representation from non-Western countries — both as speakers and as delegates — resulted in the conservative approaches adopted in these countries being overlooked or dismissed without any meaningful discussion. The emphasis on the socio-economic and cultural context of the West to the exclusion of other countries, resulted in the sidelining of what could have been significant debate around the application of the principles of freedom of expression in different social and cultural contexts. For example, input by an Indian delegate to the effect that in oriental cultures freedom of expression comes with social responsibility, was immediately dismissed by other delegates without any attempt to interrogate the thinking behind this approach.

In the context of the more liberal approach towards film classification by most countries represented at the conference, some interesting policy proposals were put forward, which were aimed at alleviating the potentially harmful effects of violent screen material on children.

Emphasis was placed on the provision of information — in the form of labels or on-screen announcements — about the content of films. The limitations of this approach were widely appreciated — like the V-chip and other parental control devices, consumer warnings only work if parents are controlling what their children are watching. In the United States, for example, most children watched television alone in their bedrooms and were therefore not subject to any parental control over their viewing habits.

SOUTH AFRICA'S NEW FILM AND PUBLICATIONS ACT AT A GLANCE

■ How censorship happens:

All films must be classified.
Publications are dealt with upon complaint.

■ Degrees of censorship:

XX - no distribution
X18 - distribution only through licensed outlets (Any visual presentation of sex with explicit presentation of genitals is X18).
R18 - distribution with consumer advice (Sex, Nudity, Violence, Language) and age restrictions, in a sealed wrapper for publications.

■ Reasons for XX censorship:

Material, judged within context, that contains visuals of:

- A child (under 18) in sex or lewd nudity.
- Degradation: "a particular form of the advocacy of hatred based on gender". This therefore bans "explicit sexual conduct which

degrades a person and which constitutes incitement to cause harm".

- Bestiality
- Sexual violence: violent conduct concurrent with sexual conduct.
- Extreme violence: "explicit infliction of extreme violence or the explicit effects of extreme violence which constitutes incitement to cause harm."

Media that contains:

- Propaganda for war
- Incitement to imminent violence
- Advocacy of hatred based on race, ethnicity, gender or religion and which constitutes incitement to cause harm.

Media that, judged within context, advocates hatred based on religion and which constitutes incitement to cause harm.

■ Reasons for X18 censorship:

Visuals of sex with explicit presentation of genitals.

■ Reasons for R18 censorship:

Harmful or disturbing to children.

■ The Censors:

A Board and a Review Board.

■ Exemptions:

Newspapers in the Newspaper Press Union.
Bona fide scientific, documentary, dramatic, artistic, literary or religious work.
Bona fide discussion on religious belief or a matter of public interest.



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It was generally agreed that, given the advance of multi-media technologies — the Internet, computer and arcade games, multi-channel television, etc. — the application of age restrictions as a means of protecting children was becoming increasingly ineffective. The discussion turned to experimental media literacy projects which had been conducted in the Netherlands and in Britain.

Focussed specifically on screen violence, these school-based projects had attempted to educate children about the differences between screen and real-life violence. In one course, children were shown a clip of the TV detective series *Miami Vice* in which a policeman shoots dead a fleeing suspect, with no consequences for the policeman. The children were then shown a documentary about a real-life American policeman who had shot and killed a suspect and then been through four years of criminal and civil court cases, had suffered psychological and familial trauma, and who was having difficulty pursuing his career in the police force. Projects such as this had been found to be successful in educating children about the real consequences of violence.

A policy adopted by the Canadian film classification boards which was well-received at the conference was a system of ongoing consultation between board members and community groups. The Canadian boards also invited members of the public to join them in viewing and classifying films. In this way, the boards had managed to move away from the image of

remote, secretive and unrepresentative state-appointed bureaucrats, which often characterises film classification bodies.

It emerged from the conference with a greatly changed impression of the work of classification bodies and the manner in which they perceive their roles and functions. However, despite the freedom of expression ethos which prevailed at the conference, a repeated concern raised by the delegates was that the production and distribution of increasingly offensive material was resulting in a conservative reaction from governments and the public. Several speakers from European countries referred to instances where governments were putting pressure on classification bodies to impose stricter restrictions on films, and where parliaments were considering legislation to tighten up existing censorship laws.

For South Africa, given the context of the stormy passage of the Films and Publications Bill through Parliament, it will be up to our new film classification board to establish an enlightened approach to film regulation between the inevitable pressures of government, public pressure groups and the inherent right to freedom of expression. There is a lot our new board can learn from international experience — with, of course, a sensitivity to South African cultures, children and the street-wise media literacy of our free citizens.

Bronwyn Keene-Young is head of the IBA's Monitoring and Complaints department.

An industry keeping its own house in order...

BESIDES the new Film and Publications boards, and separate from the IBA's own Complaints Commission, the National Association of Broadcasters has established the Broadcasting Complaints Commission of South Africa. Its views?

"BCCSA has found that the *Mighty Morphin Power Rangers* series as well as a *Dracula* series were not suitable for children's time.

"True challenges have, however, not come its way: would a broadcast of *A Clockwork Orange*, or *Natural Born Killers*, for example, be acceptable even on the M-Net subscription channel which provides its subscribers with a parental control device that blocks out 18 material?

"The BCCSA has fortunately not had to address the question — which the UK Independent Television Commission had to deal with — whether *The Last Temptation of Christ* would be acceptable."

Prof Kobus van Rooyen, chair of the BCCSA, excerpts from speech to International Conference on Screen Entertainment, London.

FREEDOM OF EXPRESSION ARE YOU CONVINCED?

On-line!
FXI RESOURCES ON THE
INTERNET

Visit the Freedom of Expression Institute's Web site on the Internet. The site is a resource of documents on censorship and freedom of expression, and includes information on FXI campaigns, publications, and other activities of interest. The following can be found on the site:

- ✕ Information on FXI campaigns, including the Open Democracy Bill and the Film and Publications Bill
 - ✕ FXI publications
 - ✕ Information on the freedom of expression cases funded by the FXI's Media Defence Fund.
 - ✕ Archive of press releases from the FXI
 - ✕ A "What's New" section that provides up-to-date information on FXI activities and relevant information on freedom of expression.
 - ✕ Links to local and international sites of relevance.
 - ✕ The full site is keyword searchable.
- The URL or Internet address for the FXI's Website is <http://wn.apc.org/fxi/>

Southern African
MEDIA LAW
Briefing

The Southern African Media Law Briefing is a recently-launched newsletter published by the FXI, Article 19 (The International Centre against Censorship) and the Media Institute of Southern Africa (MISA). It is published on a quarterly basis.

The aim of the Southern African Media Law Briefing is to exchange examples of 'good law' from throughout the Southern African region. It reports on cases which provide positive precedents for the defence of free expression and the independence of the media, as well as looking at important developments in constitutional and statute law.

The newsletter is a response to a need expressed by media lawyers in the region at a Conference in October 1995, organised by the Media Institute of Southern Africa (MISA) and Article 19 to review the state of media law in Southern Africa.

Subscription rate: R98.00 per annum. Subscribers receive a package of three publications for this rate, the Media Law Briefing, the FXI's bulletin "Update" and MISA's publication "Free Press".

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Between Speech and Silence

Hate Speech, Pornography and the New South Africa

Edited by Jane Duncan

A book published by the FXI and the Institute for Democracy in South Africa

In South Africa, controversies surrounding hate speech and pornography have assumed a high public profile since the birth of democracy in 1994. On the one hand, there are those who argue forcefully for maximum freedom of expression to establish a complete break with the crippling censorship of the past. They also argue that all attempts must be made to resist incremental encroachments on this newly-won right. On the other hand, there are those who argue with great passion that forms of expression that spread hatred, degrade and even incite to violence should be restricted to protect the rights of their victims. What are appropriate responses given the turbulent history of our country? Can we allow these forms of speech if certain groups of people are silenced, and even hurt by such speech? Can we afford to restrict them?

These are critical questions for the new South Africa, and have become central to the debate on freedom of expression both in government and civil society in general.

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