



Film and Publication Board

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The **Film and Publication Board**, often shortened to **FPB**, is a content-classification and censorship authority in South Africa, operating under the Minister of Communications. The FPB was established in 1998^[1] under the Films and Publications Act, ostensibly to tackle issues of child pornography and child abuse, as well as to provide ratings to publicly consumed media such as movies, music and television programs. Under these directives, its mandate can be considered one of state censorship.

The FPB came under intense criticism of its handling of The Spear debacle, in which it issued a painting in gallery that depicted President Jacob Zuma with his genitals exposed, with an "16N" rating. This was widely considered to be a move that was beyond its statutory remit. On appeal, the FPB revoked the rating.

Overview

History

The Film and Publication Board was established directly under the directive set out in the Films and Publications Act of 1996, shortly after South Africa achieved independence from apartheid rule. The Board's function would be to receive complaints - or applications to evaluate - a film or publication, to classify it according to its suitability for different audiences. These publications could include movies, television programs, computer games, and music.

The classification of a film or publication would trigger various prohibitions on possessing, exhibiting, distributing or advertising the film or publication. Different ratings were devised, the most serious of which was "X18", which prohibited anyone without a specific license from distributing the content, which had to be conducted within "adult premises".

Certain key exemptions from prohibitions were made to the scientific community (in regard to *bona fide* scientific, documentary, dramatic, artistic, literary or religious films and publications), and the media (in that those holding a broadcasting license were exempt from the duty to apply for classification).

Film and Publication Board

File:FPB Logo.jpg <div>FPB logo</div>	
Formation	1996
Type	Film ratings, censorship, online regulation
Headquarters	Centurion, Gauteng South Africa
Chairperson	Thoko Mpumlwana
Website	www.fpb.org.za (http://www.fpb.org.za)

An appeals process was also defined under the Act, allowing rulings made by the FPB to be contested and challenged.

Ratings

The FPB has the following ratings guideline:

Rating	Description
A	All Ages
PG	All Ages allowed, but some parental guidance is recommended for younger or sensitive viewers.
7-9 PG	Material may not be suitable for children under 7, but a caregiver or parent may decide if children between 7 and 9 years old may access the material.
10-12 PG	Material may not be suitable for children under 10, but a caregiver or parent may decide if children between 10 and 12 years old may access the material.
13	Not suitable for persons under the age of 13.
16	Not suitable for persons under the age of 16.
18	Not suitable for persons under the age of 18.
X18	Adults only. Only licensed, adults-only designated businesses may distribute this content, and never to minors. X18 content may not be broadcast on public media such as television or radio.
XX	Banned. Cannot be legally sold, rented or exhibited anywhere in South Africa. The FPB has the authority to classify any content as XX if it contains bestiality, necrophilia, extreme violence and/or cruelty, extreme sexual violence or the glorification of crime or child pornography.

Additionally, the FPB provides the following content classifications:

Rating	Description
S	Sex
N	Nudity
L	Language
H	Horror
V	Violence
P	Prejudice
SV	Sexual Violence
D	Drug/Substance Abuse
B	Blasphemy

Criticism

The Spear

In 2012, the Goodman Gallery in Cape Town, showcased a painting by artist Brett Murray. It depicted President Jacob Zuma in a pose reminiscent of Lenin, but with fully exposed genitalia. The painting drew swift condemnation from the ANC ruling party, who condemned the artist, the artwork, and all media outlets who had published images of the painting.^{[2][3]}



Image of *The Spear* painting before it was defaced

Shortly after, the Film and Publication board sent five assessors to provide a rating for the artwork^[4] - a move that was harshly criticised for being well outside its mandate, and beyond the remit of the purpose of the FPB. Despite this, the FPB issued an "16N" rating, which meant that the Gallery could no longer publicly show the painting if there were children in the building.

During the classification proceedings, there were allegations that the FPB was acting outside its statutory remit, and that specific members had made statements or asked questions implying that it was entitled to censor political opinions and restrict freedom of the press.^[5]

This decision was later appealed following a public backlash, and amidst accusations of state-led censorship. Upon appeal in October 2012, the FPB set aside its original rating, thereby effectively declassifying the painting. This had taken place *after* the painting was famously defaced and sold, which rendered the ruling moot on practical terms.^{[6][7][8]}

Censorship Bill

In March 2015, the FPB gazetted a notice inviting public comment on a Draft Online Regulation policy, which sought sweeping new powers to police and regulate all aspects of content on the internet.^[9] In this draft policy, the FPB sought to classify all manner of content, including, for instance, user-submitted videos to sites such as YouTube, which would require all such content to first be classified by the FPB at a charge, and labelled as FPB-approved before it would be allowed to be legally published online.^[10]

Specifically, the following sections from the draft detail the broadness of the powers FPB seek:

- **5.1.1** Any person who intends to distribute any film, game, or certain publication in the Republic of South Africa shall first comply with section 18(1) of the Act by applying, in the prescribed manner, for registration as film or game and publications distributor.
- **5.1.2** In the event that such film, game or publication is in a digital form or format intended for distribution online using the internet or other mobile platforms, the distributor may bring an application to the Board for the conclusion of an online distribution agreement, in terms of which the distributor, upon payment of the fee prescribed from time to time by the Minister of DOC as the Executive Authority, may classify its online content on behalf of the Board, using the Board's classification Guidelines and the Act

The Electronic Frontier Foundation described the proposed legislation as:

Only once in a while does an Internet censorship law or regulation come along that is so audacious in its scope, so misguided in its premises, and so poorly thought out in its

execution, that you have to check your calendar to make sure April 1 hasn't come around again. The Draft Online Regulation Policy recently issued by the Film and Publication Board (FPB) of South Africa is such a regulation. It's as if the fabled prude Mrs. Grundy had been brought forward from the 18th century, stumbled across hustler.com on her first excursion online, and promptly cobbled together a law to shut the Internet down. Yes, it's that bad.

—Electronic Frontier
Foundation

The EFF also went on to point out that the FPB had effectively put the burden on South African ISP's to remove offending content, or replace said content with FPB-approved (and labelled) content, even on platforms such as YouTube, [Vimeo](http://vimeo.com) and [Vine](http://vine.co).^[11]

In the response to what is understood to be one of the most draconian pieces of internet legislation seen in the world, the FPB has been on the receiving end of a growing online backlash, proliferated through social media such as [Facebook](https://www.facebook.com) and [Twitter](https://twitter.com). In particular, the Right2Know coalition - who advocate open government and whistleblowing - have championed the cause against FPB's draft proposal.^[12]

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