



Centre for  
**CONSTITUTIONAL  
RIGHTS**

**Submission on the Film and  
Publications Amendment Bill [B37-  
2015]**

Ms Phephelaphi Dube  
Parliament, 31 August 2016, Cape Town

# Centre for Constitutional Rights

- A non-profit organisation dedicated to upholding the Constitution, the rule of law and constitutional democracy.
- Seeks to promote all values, rights and principles provided for in the Constitution on behalf of everyone.
- Monitors developments, including actions, policy and draft legislation, that might affect the Constitution and the values, rights or principles provided therein.
- Informs people and organisations of their constitutional rights and assists them in claiming those rights.



# Clause 4 read with Clause 5

- The Penalty Committee lacks a sufficient degree of independence
  - Committee is appointed by Minister in consultation with Cabinet
  - Advisory Panel appointed at sole prerogative of the Minister
  - Tribunal appointed by Minister alone

# Clause 15 read with Clause 19

- Requirement for application to register as a film, game, and publications distributor amounts to pre-publication classification and is a form of censorship
- Arbitrarily permits the State to infringe on right to privacy

# Clause 19

- Classification of all online content is impracticable
- Pre classification amounts to censure

# Recommendations

- 1) Open public participation process in vetting, nominating and appointing of members of Council, Appeal Tribunal and Penalty Committee.
- 2) Drop the pre-publication classification requirement.
- 3) Require that classifiers obtain a court order before entering premises to classify digital content.

# Thank you

Ms Phephelaphi Dube

*Director*

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*Promoting and upholding the Constitution*



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