



Head Office:

Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za



PRESS RELEASE

IMMEDIATE RELEASE

PRIVATE SEXUAL FILM DISTRIBUTED ONLINE PURPORTED AS SPEAKER OF THE LEGISLATURE FOR THE FREE STATE PROVINCE, SOUTH AFRICA IS IN CONTRAVENTION OF THE FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED – FPB’S RESPONSE

10 November 2022, Centurion. The Film and Publications Board (FPB) has noted the video which has been trending, particularly on Twitter, of the Free State Legislature Speaker, Ms Ntobmbizanele Sifuba. It is reported the video is an explicit depiction of extreme nudity. From the FPB’s perspective, the material is not only harmful as defined in the Films & Publications Act. The free distribution of the material on a freely platform like Twitter, it further exposes children to age-inappropriate material which is prohibited by the Act.

Because of the risk the material or video poses to children in terms of age-inappropriate content, FPB has contacted Twitter to urgently take-down the video from its platform by the 10th of November 2022, failure to which the FPB will apply the remedies provided to it by the Act, including referring the matter to the recently appointed Enforcement Committee, chaired by Retired Judge Thokozile Masipa for penalties and or fines.

In the meantime, members of the public are requested to not share or re-post or distribute these images in any form whatsoever as they will equally be in contravention of the FP Act. We also call on caregivers to be vigilant to ensure all measures are taken to protect children in their care to access content that contains explicit sexual conduct or expose them to such.

According to the Interim Chief Executive Officer, Dr Mashilo Boloka, “The distribution of the material underlines the continuing unprecedented trend of online harms directed at children and other vulnerable groups, including women and people with disabilities. As the FPB, we are gearing ourselves up to aggressively deal with these online harms so that we have a safer online environment for the entire South African public. Being online is a human right issue which every South African should enjoy whether for social, economic, or educational purpose”.

The distribution of private sexual photographs and films is prohibited under section 18F (1) of the FP Act, that provides that: “No person may expose, through any medium, including the internet and social

media, a private sexual photograph or film without the consent of the individual or individuals who appear in the photograph or film, and with the intention of causing harm.

It is important to highlight that the prohibition referred to in section 18F (1) of the FP Act applies notwithstanding that the individual who appears in the photograph or film, may have initially consented to the original creation of such a photograph or film.

It is further important to know that under section 24E (2) of the FP Act, that “Any person who knowingly distributes private sexual photographs and films in any medium including the internet and social media, without prior consent of the individual or individuals and where the individual or individuals in the photographs and films is identified or identifiable in the said photographs and films shall be guilty of an offence.

Following investigation, perpetrators will be liable upon conviction, to a fine not exceeding R300 000 or to imprisonment for a period not exceeding four years or to both a fine and such imprisonment.

Members of the public, as well as victims of harmful or prohibited online content or behaviour, can submit the content to FPB at clientsupport@fpb.org.za for analysis, and if found to be prohibited, will be referred to the relevant authority for further handling.

ENDS

For media interviews contact:

Ms Manala Botolo, Assistant Manager: Communications and Marketing

Email: manala.botolo@fpb.org.za Cell: 082 860 6748

or

Ms Riana Botes, Acting Manager: Communications and Marketing

Email: riana.botes@fpb.org.za Cell: 076 448 4637

Notes to the editor

The objective of the FP Act is to regulate the creation, production, possession and distribution of films, games, and certain publications, and certain online content. This is done to provide consumer advice to enable adults to make informed viewing, reading, and gaming choices for themselves and children in their care; to protect children from exposure to disturbing and harmful material and from premature exposure to adult experiences, and to make the use of children in, and the exposure of children to pornography, punishable.

Paramount to the mandate of the FPB is the protection of children. Protecting children under the Act is a proportional balancing of the rights afforded in the South African Constitution against the right of the child. Children have the right to be protected from physical, mental, emotional, spiritual, or moral harm and to be protected from maltreatment, neglect, abuse, or degradation.

It further ensures that children's best interest is of paramount importance in every matter concerning a child.