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## South Africa plans Internet Filter

**The South African Government** has recently been making a lot of noise about pornography on the Internet. The end result being that the Government is planning to pass an act - [Internet and Cell Phone Pornography Bill](#) - forcing Internet Service Providers (ISP's) to filter pornography both on the Internet and on mobile phones.

Most of the hardware required is probably already in place, as the [Film and Publication Act](#) bans pornography featuring children. However the South African Government is planning to expand this functionality by using the definition of pornography used in the [Sexual Offences Act](#).

The minister behind the proposed measures - **Malusi Gigaba** - has an unusual take on the situation;

*"Cars are already provided with brakes and seatbelts, it is not an extra that consumers have to pay for. There is no reason why the internet should be provided without the necessary restrictive mechanisms built into it."....."The Bill is aimed at the total ban of pornography on internet and mobile phones. United Arab Emirates and Yemen already have legislation in this regard. Australia and New Zealand are currently seeking to do so."*

We can only assume that the fact that seatbelts address a risk (death) not present when viewing pornography is lost on the Minister. The minister also seems to be unaware that South Africa has numerous *real issues that need to be dealt with* - *Serial Rape, High murder rate, high assault rate, [high crime rates in general](#)*.

Even if you ignore the many studies showing that pornography is not a serious contributory factor in rape, Pornography cannot account for all the crime in the

country.

**Any law, in any country, is only effective if enforced**, so in order to ensure compliance this bill sets some pretty stern punishments for any ISP failing to obey the law;

*“Any Internet service provider or Mobile phone service provider who distributes, or allows to be distributed through the Internet or through a mobile phone in the Republic of South Africa, any pornography, shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.”*

Presumably, its the Chief Executive of the company that could face imprisonment, but the bill isn't clear on this point.

Given that previous attempts to completely filter the Internet [have failed](#), no sane person is likely to want to be a South African ISP's CEO should this legislation pass!

It's simply not possible to completely prevent 'questionable' material from being accessed on the Internet. You can make it very difficult, but not impossible. The wording of the draft legislation would seem to imply that the ISP will be liable should any pornography slip through the net.

**So why is Freedom4All concerned about this?** Whichever side of the moral fence you sit on when it comes to pornography, *there's a very serious element* to this. We call it '**feature creep**' - **these systems are highly prone to abuse**.

The Chinese government are famous for restricting their citizens use of the Internet, and it is the same hardware that allows them to do so.

*Surely, though, this couldn't happen in a democratic country?* Unfortunately, **it can**. [Australia recently deployed filtering hardware](#) to protect the citizens from Extreme & Child Pornography. The Government operated their system on a blacklist basis (i.e. you can access anything so long as it's not on the list) and kept the list secret.

Inevitably the [blacklist was leaked](#). It then emerged that, *despite promises that the system would only be used to block access to illegal content*, **a large number of other sites were on the list**. There were gambling sites, even an Australian dentist as well as some mainstream pornography sites.

Clearly the list had been misused for political or personal reasons, what is particularly scary is that this abuse began within months of the system being deployed. The politicians couldn't even wait so much as a year before they began filtering other content without any oversight whatsoever!

As mentioned, China does this to a far greater extent, and probably to the greatest

extent in the world. But **Australia, China and South Africa are not the only countries to utilise this technology** - many Middle Eastern Countries also utilise similar filtering technology. Even the United Kingdom has this technology deployed, *ostensibly* to prevent accidental access to Child Pornography. The UK blacklist is maintained by the [Internet Watch Foundation](#), again, in secrecy with no oversight. Decisions made by the IWF in the past have led to [large swathes of British users being barred from Wikipedia](#).

As the minister said, both UAE and Yemen also have this technology in use, Bangladesh recently used this technology to bar access to [Facebook](#) (in response to 'everyone draw Mohammed day')

The problem with these systems is that they allow Governments to restrict or even take away the right to free speech - China blocks any web searches related to dissident topics ([Tiananmen Square](#) for example), thus preventing its citizens from developing an informed opinion on many aspects of their life (including their own Government).

In a totalitarian society, such as China, the presence of the hardware also helps to dissuade dissidents from attempting to use the Internet to achieve their ends. When a simple web search could be detected and lead to an enforced disappearance, debate around sensitive topics simply stops.

So whilst Minister Malusi Gigaba may claim that the system will only be used to block pornography, experience shows us that the system is likely to be abused. It's highly likely that the South African Government will maintain their blacklist in private, with no oversight.

Eventually however, it's likely that the system will be used in an effort to stifle free speech.

Of equal importance, is the effect that such technology has on privacy. It removes it completely, would you really want your Government knowing exactly what you do, and where you go on the Internet?

Supporters often say "*If you have nothing to hide, you have nothing to fear*", but the reality is that we all have things that we'd like to keep private. This technology works by examining every page you request, with the end result being that the Government will know exactly which pages you've visited.

There needs to be a concerted effort in South Africa to reject the Bill before it becomes law, which means that everyone needs to spread the word.

You may also find the title of one of the bills related documents somewhat interesting;

[A reasonable and justifiable limitation on Freedom of Expression and Right to Privacy.](#)

It quite adequately sums up the very issues we have with any plans of this nature.

Is your country planning to restrict your right to free speech? Are they following the lead of Australia and New Zealand and proposing measures to filter objectionable content? Please let us know!

Tags: [censorship](#), [filtering](#), [Internet and Cell Phone Pornography](#), [objectional Conent](#), [pornography](#), [South Africa](#), [ZA](#)

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