



AFRICAN MEDIA BAROMETER

**The first home grown analysis of the
media landscape in Africa**



SOUTH AFRICA 2010

Published by:

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ISBN

No. 978-99916-863-9-4

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MAGAZINES DEGREE DOCUMENTS DEGREE DOCU- REPORT

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The African Media Barometer (AMB)

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on homegrown criteria derived from African Protocols and Declarations like the “*Declaration of Principles on Freedom of Expression in Africa*” (2002) by the “African Commission for Human and Peoples’ Rights”. The instrument was jointly developed by *fesmedia Africa*, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Foundation (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organizations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every two to three years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1 1/2 days they discuss the national media environment according to 45 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB- report. After the discussion of one indicator panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

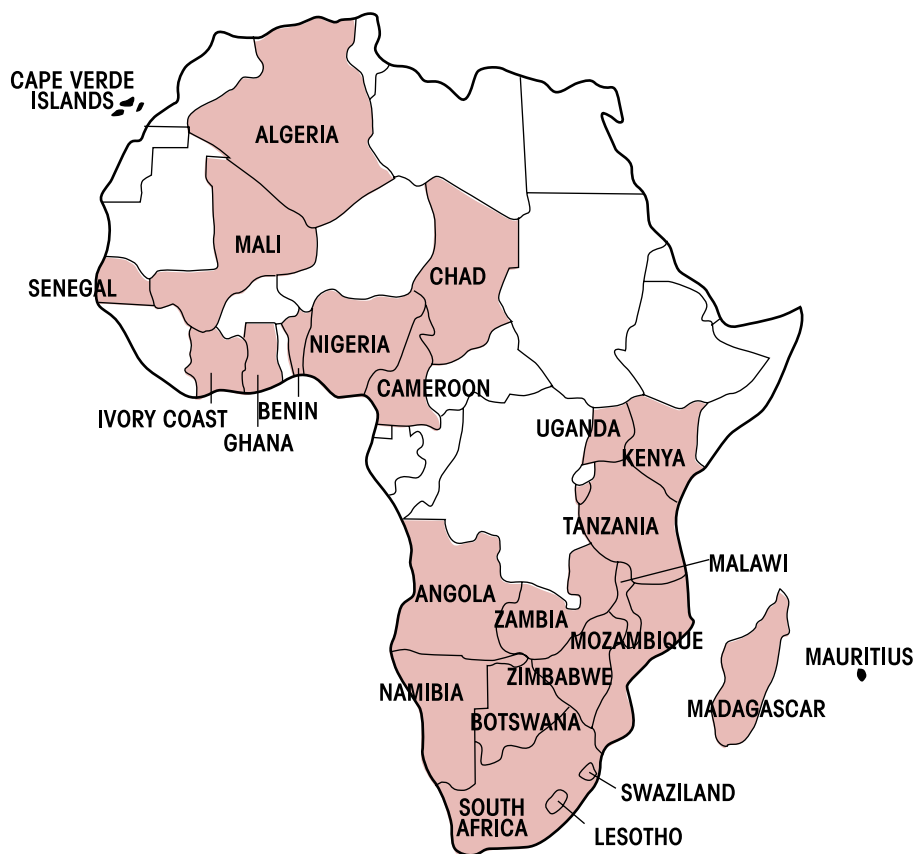
Implementing the African Media Barometer the offices of the Friedrich-Ebert-Foundation (FES) and - in SADC countries the Media Institute of Southern Africa (MISA) - only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology.

By the end of 2009 the African Media Barometer had been held 46 times in 25 African countries, in some of them already for the third time.

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See above 25 AMB Countries (2005-2009)

AFRICAN MEDIA BAROMETER

SOUTH AFRICA 2010

Executive Summary

South Africa is governed by a constitution, adopted in 1996, which is widely respected as one of the most progressive in the world. It guarantees and protects the right to freedom of expression, including media freedom, the right to access to information and the independence of broadcasting regulation.

In recent years, though, these protections are being increasingly challenged in practice, or by proposals for new legislation. The tone of the political discourse in South Africa is becoming sharper, with frequent community protests against poor government services and harsh criticism of corruption and greed in government circles from a broad spectrum of society. Government at all levels, as well as sections of the African National Congress, react defensively.

Critics are labelled “unpatriotic”, “enemies” or “counter-revolutionaries”. Police often over-react against citizens expressing critical views. Whistleblowers feel increasingly insecure: there are reports of people who revealed, or were about to reveal, instances of corruption to the press being threatened or even killed. There is suspicion that “spooks are everywhere”.

The right of access to information is under threat by a Protection of Information Bill presently under consideration in parliament. The Bill, if enacted, would allow state officials at all levels of government to classify documents or information as secret to protect the “national interest” or “national security”, both concepts being defined very broadly.

There are dozens of dailies and weeklies on the market, potentially giving readers a wide choice of sources of information. However, the print media are largely confined to a readership in urban and peri-urban areas and reach about 20 per cent of the population only. Newspaper prices are unaffordable for many, given the large numbers of unemployed and people living exclusively on meagre social grants. The majority of newspapers are published in English or Afrikaans, and thus inaccessible for the majority.

Four major companies dominate the newspaper and magazine industry: between them they own the majority of mainstream titles and control 90 percent of the print media sector.

The Media Development and Diversity Agency, established by law to help create a more diverse landscape by assisting community radios and small newspapers with

funding and other assistance, has achieved some progress, but the overall picture remains that of a highly concentrated media industry.

All media houses have cut costs, especially by reducing staff numbers. This streamlining of operations has resulted in a noticeable adverse effect on the quality of their output. There are many examples of inaccurate, poor quality and unfair reporting, pointing to a systemic problem.

Media houses are increasingly aware of these shortcomings and have begun with attempts to address them through training, and also beefing up their self-regulatory mechanisms. The industry has an agreed code of conduct in place, as well as a voluntary Press Council and a Press Ombudsman to ensure compliance with the code. The council consists of six public and six media representatives. Members of the public can take their complaint to the ombudsman as a first resort and, if they are not satisfied with his decision, to an Appeals Panel of three. The panel consists of one representative each of the public and the press, and is chaired by a retired judge. The findings of these bodies have to be published prominently by the newspaper concerned. The number of cases brought and adjudicated in this manner is increasing steadily.

The ruling party (African National Congress), on the other hand, argues that self-regulation of the media is not “sufficient” and that it should be possible to take “punitive measures” against “offending” media and journalists. The party therefore proposes that a statutory body at parliamentary level – a Media Appeals Tribunal (MAT) – be set up. The media, prominent individuals and many civil society groups – while acknowledging that the self-regulatory mechanism can, and should, be strengthened – have voiced their protest against these plans.

Most people rely on radio and, to a lesser extent, television for their information needs. Despite a competitive commercial broadcasting sector and a large number of community radios, this market is dominated by the public broadcaster, the South African Broadcasting Corporation (SABC).

The SABC is accountable to the public through parliament, to government (as the corporation’s legal owner) and to the broadcasting regulator, the Independent Communications Authority of South Africa (ICASA). Developments over the past few years suggest that the government is attempting to extend its influence over the public broadcaster. One of the clearest indications of this intention to date was the publication of a Draft Public Service Broadcasting Bill in October 2009. If enacted it would give the Minister of Communications considerable control over the SABC.

Over the last five years the SABC has been experiencing ongoing problems of governance and funding, with matters reaching a crisis point in 2009 when government had to guarantee a substantial bank loan in order for the broadcaster to continue honouring its obligations. One immediate consequence is that many

programmes which the broadcaster should be offering to fulfil its public mandate are no longer being produced and the quality of journalism at the corporation has deteriorated.

This applies in particular to television, where cheap entertainment dominates schedules. While the TV news department does have a number of capable reporters, there is less and less hard news and an apparent ever-increasing emphasis on “developmental news” that celebrates achievements in the fight against poverty. Stories on government corruption are rare and “bad news” is the exception rather than the rule.

Community broadcasting is another important source of information and 96 community radio and three community television stations have been licensed. However, because of perpetual and severe shortage of funds many of these stations survive and operate solely on “sheer willpower” of their management and through volunteerism. Volunteers are often exploited and their turnover is high.

The broadcasting sector is regulated by ICASA, whose council is selected by an open and transparent parliamentary process. During the last round of nominations in 2010 civil society groups were able to play a meaningful role when vacant seats had to be filled. The authority seems to be dangerously underfunded and therefore cannot fulfill its oversight responsibilities, for example regarding the enforcement of licence conditions. The communications minister constantly tries to interfere in the independence of ICASA. A bill published by the minister in 2010 – the draft is still under discussion – would increase government’s control over the authority.

In the past, the media fraternity seldom really linked up with broader civil society over media issues, but there has been increasing cooperation between the two sectors, particularly with trade unions, in recent months. Many civil society groups, however, still perceive freedom of expression and the media as a kind of “elite bourgeois luxury”. Many are dissatisfied with the performance of the media because they do not see themselves properly reflected in them and so they are reluctant to engage in media freedom issues.

Media freedom in the ‘new’ South Africa has largely been taken for granted, both by the media fraternity itself and by society as a whole. Now, with more and more threatening noises made and action taken by the authorities, media lobby groups are finding that the hearts and minds of the people are not really on their side. Many still fail to understand that freedom of expression is something worth fighting for because it concerns each and every citizen and allows people to access their other rights including socio-economic rights like those to housing and education.



SECTOR 1:

**Freedom of expression, including
freedom of the media, is effectively
protected and promoted.**

Freedom of expression, including freedom of the media, is effectively protected and promoted

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

South Africa is governed by a constitution, passed in 1996, which is widely respected as one of the most progressive in the world.

Section 16 of the South African Constitution guarantees and protects the right to freedom of expression, including media freedom:

- (1) Everyone has the right to freedom of expression, which includes –
 - (a) freedom of the press and other media
 - (b) freedom to receive or impart information or ideas
 - (c) freedom of artistic creativity, and
 - (d) academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to –
 - (a) propaganda for war
 - (b) incitement of imminent violence, or
 - (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The Constitution in its section 32 also protects the right to access information:

- (1) Everyone has the right of access to –
 - (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden of the state.

Such legislation has been put in place with the Promotion of Access to Information Act 2000.

Section 36 (1) of the Constitution stipulates that

[T]he rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom ...

In line with this provision the Promotion of Equality and Prevention of Unfair Discrimination Act 2000 codifies “advocacy of hatred” in more detail. Its section 10 (1) says:

Subject to the proviso in section 12, no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to-

- a) be hurtful;
- b) be harmful to or incite harm;
- c) promote or propagate hatred.

“Prohibited grounds” are defined by the act as “race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth”. The ‘proviso in section 12’ referred to here says that “bona fide engagement in artistic creativity, academic and scientific inquiry, fair and accurate reporting in the public interest or publication of any information, advertisement or notice in accordance with section 16 of the Constitution [which guarantees freedom of expression], is not precluded by this section”.

A much publicised case under these provisions was brought against the President of the Youth League of the African National Congress, Julius Malema, regarding his comments about rape survivors in January 2009. In March 2010 the Equality Court set up by the Promotion of Equality Act found him guilty of hate speech. Malema had suggested in a public address that a woman who accused ANC president Jacob Zuma of rape had had a “nice time” with him: “when a woman didn’t enjoy it, she leaves early in the morning. Those who had a nice time will wait until the sun comes out, request breakfast and ask for taxi money.” He was ordered to make a public apology and to pay R 50 000 (US\$ 6700) to a centre for abused women. His lawyers have announced their intention to appeal the verdict.

In another case the South African Human Rights Commission ruled on a 2008 cartoon by Jonathan Shapiro - aka Zapiro - that showed “Lady Justice” about to be raped by Jacob Zuma, with the help of his political allies. The Commission found that the cartoon expressed “free, open, robust and even unrestrained criticism of politicians by a journalist” and had stimulated “valuable political debate”. It said

that the cartoon was “probably offensive and distasteful” but “does not constitute hate speech” under the Equality Act.

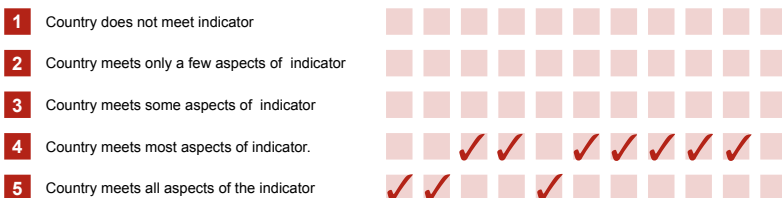
In its section 192, the Constitution requires that an independent body to regulate broadcasting be set up:

National legislation must establish an independent authority to regulate broadcasting in the national interest, and to ensure fairness and a diversity of views broadly representing South African society.

Such legislation has been put in place with the Independent Communications Authority Act 2000.

Scores:

Individual scores:



Average score:

4.3 (2008 = 4.3; 2006 = 5.0)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

The tone of the political discourse in South Africa is becoming more robust. Protests against a perceived lack of “service delivery” by government are intensifying all over the country, with the Congress of South African Trade Unions (COSATU) and its affiliates sharply and vocally critical of corruption and greed in government circles, chastising politicians of the ruling party for their alleged lavish lifestyles at the expense of the poor. The media also regularly publishes exposés of patronage and the awarding of tenders based on political connections, with the term “tenderpreneurs” being coined to describe this practice.

Government at all levels and sections of the African National Congress (ANC) react defensively. Critics are labelled “unpatriotic”, “enemies” or “counter-revolutionaries” and often asked whether they are “with the struggle or against

it". Impoverished communities that protest against their plight are said to have been instigated by agents provocateurs and often subjected to physical harm by the police.

Police often over-react. In 2009, for example, a student who was jogging along a highway in Cape Town was accused of showing the middle finger to a convoy transporting President Zuma ("Blue Light Brigade"). He was bundled into a police car, interrogated for hours, forced to sign an apology and only released after a public outcry. In a more ominous case of what the paper's editor termed "detention without trial", a journalist with the Sunday Times was arrested without a warrant by eight plain-clothes policemen in a heavy-handed manner in July 2010, for the possession of an allegedly forged letter from the Premier of the Mpumalanga province. The journalist was kept in police cells overnight and interrogated, and his notebooks and other papers were confiscated. This police action followed a wave of verbal attacks by the ANC against the media after newspapers had revealed a number of alleged incidents of corruption involving government officials, and came a day after the National Police Commissioner had called the arrested reporter "a shady journalist".

Whistleblowers feel increasingly insecure: there are reports of people who had revealed instances of corruption to the press being threatened or even killed. Cases in this regard are presently being investigated by police.

There is suspicion that "spooks are everywhere". Many citizens believe "that people are listening into phones and listening to conversations", as COSATU's General Secretary Zwelinzima Vavi put it in July 2010. The National Intelligence and other secret services are alleged to be involved in the interception communications, including SMSs and e-mails.

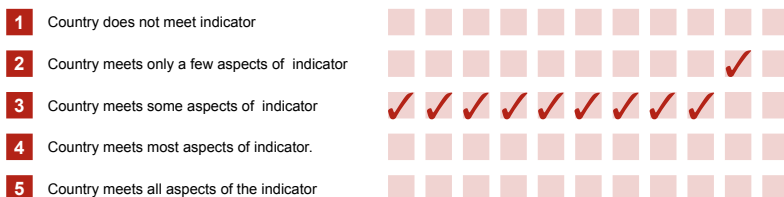
A lot of people do not make their voices heard, even if they have serious grievances. Often they can only complain and exercise their rights if they are able to do so in English which is a minority language. Citizens who run businesses are often silenced by patronage because in many regions their only potential customers or clients are government departments. Community radio stations, often the only readily available public space for ordinary citizens to voice their views and criticisms, are cautious because in many cases their revenue comes almost exclusively from government advertisements or programmes sponsored by government departments.

During the anti-apartheid struggle civil society in communities was well organised. Since the ANC came into in power, this kind of organisation has dissipated to a large degree and the former liberation movement has been attempting to centralise public opinion under its banner and represent itself as the 'voice of the people'. The majority of the population has un-learnt the habit of active participation and waits passively for service delivery in all aspects of their lives.

Of late, communities have been trying to re-organise themselves, but sometimes small groups of self-appointed “representatives” use violence and intimidation to impose their will. Women in rural areas still live within the confines of patriarchy and tribal authority.

Scores:

Individual scores:



Average score:

2.9 (2008 = 3.2; 2006 = 2.6)

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

There are no laws in place as yet which seriously impact on freedom of the media. Section 205 of the Criminal Procedures Act 1977, which could compel journalists to reveal their sources of confidential information, is still in place but not used in practice (see indicator 1.7). Defamation is largely a civil rather than a criminal matter.

There are, however, proposals currently on the table which threaten to curtail freedom of expression.

Parliament is debating a Protection of Information Bill. The Bill, if enacted, would allow state officials at all levels of government - from local authorities up to national government as well as state-owned companies - to classify documents or information as “top secret”, “secret” or “confidential” if they believe their publication could cause harm to the “national interest” or “national security”. National interest is defined as including “all matters relating to the advancement of the public good”, among other things. National security would be breached if the ability of South Africans “to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life” was put in danger.

The Bill also allows commercial information held by the state to be easily classified, which would make it difficult or even impossible to scrutinise tender processes or the activities of state-run enterprises.

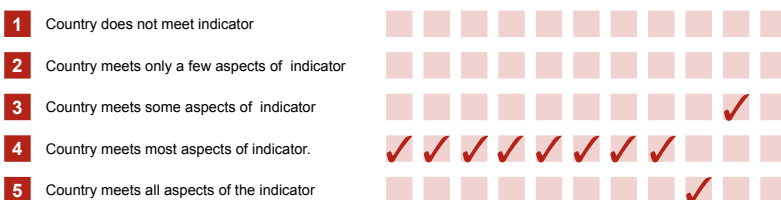
The bill does not provide for any independent monitoring or appeals process. Leaking or being in possession of classified documents could be sanctioned with jail terms of up to 25 years. Journalists would be unable to use a public interest defence.

Furthermore, the ANC has resurrected and is vigorously pushing the idea of creating a statutory Media Appeals Tribunal set up by Parliament which would enforce a code of conduct (see indicator 4.1).

Because both the bill and the tribunal are still under discussion and have not yet become law they were not taken into account in the scoring for this indicator.

Scores:

Individual scores:



Average score:

4.0 (2008 = 3.3; 2006 = 2.8)

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

The Constitution of South Africa was passed before many regional or continental instruments were developed and has often served as a model. The Declaration of Principles on Freedom of Expression, for example, adopted by the African Commission on Humans and Peoples Rights in 2002 was, in part, based on the South African Bill of Rights.

However, in practice the South African government seems to be in contravention of many of the AU and SADC protocols that it is party to.

The above mentioned Declaration, for example, states that “any authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature”. And a Declaration on Information and Communication Technology, adopted by SADC in 2001, provides expressly for “independent regulators”. Yet, a Bill drafted by the Department of Communications to amend the Independent Communications Authority of South Africa Act aims in effect to bring the regulator under the control of government.

The same goes for a Draft Public Service Broadcasting Bill which would give the Minister of Communications considerable control over the South African Broadcasting Corporation despite the clause in the Declaration that public broadcasters should be “accountable to the public through the legislature rather than the government”.

Scores:

Individual scores:

[illegible]

Average score:

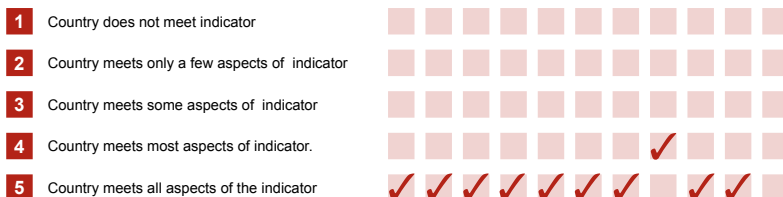
2.9 (2008 = n/a; 2006 = n/a)

1.5 Print publications are not required to obtain permission to publish from state authorities.

There are no state-imposed conditions or pre-requisites for print publications to publish. Newspapers can start up anywhere at any time.

Scores:

Individual scores:



Average score:

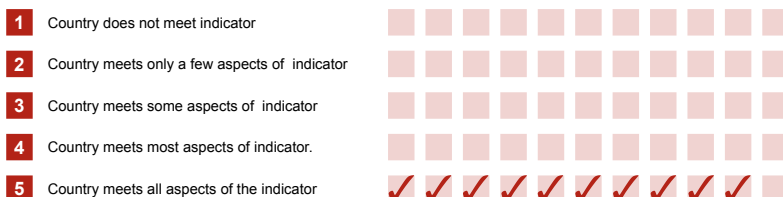
4.9 (2008 = n/a; 2006 = n/a)

1.6 Entry into and practice of the journalistic profession is legally unrestricted.

Journalists do not need to be registered or accredited to practise journalism.

Scores:

Individual scores:



Average score:

5.0 (2008 = 5.0; 2006 = 5.0)

1.7 Confidential sources of information are protected by law and/or the courts.

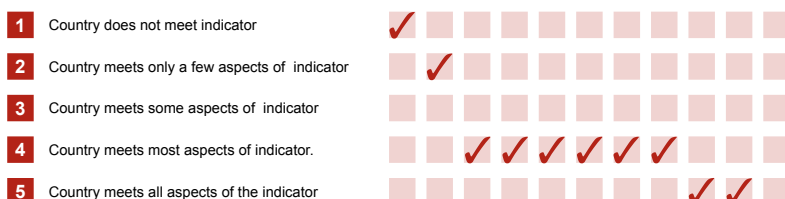
Section 205 of the Criminal Procedures Act 1977 empowers the courts to imprison any person who refuses to give information relating to a criminal investigation. After this section had been used to try to pressurise journalists to reveal their sources, the South African National Editors' Forum (SANEF) and the government agreed in 1999 to investigate the amending of this section. There

has been no such amendment but also no prosecution of journalists under this provision since then.

Nevertheless, the fact that this section still remains on the statute book was a point of concern for some panellists

Scores:

Individual scores:



Average score:

3.7 (2008 = 1.6; 2006 = 1.1)

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

South Africa's constitution guarantees every person the right of access to information. The Promotion of Access to Information Act 2002 gives effect to this right. The act guarantees access to information held by the state and "by another person ... required for the exercise or protection of any rights" – with the legal term "another person" in effect applying mainly to commercial enterprises.

The provisions of the act look good on paper but are difficult to read and interpret for the ordinary person.

Many officials of government or other public institutions do not have a proper or, in some cases, no understanding of the act. Government departments' recording and filing systems are inefficient and their websites too often provide dated, incorrect or insufficient information. These shortcomings notwithstanding, South Africa can be proud of the fact that there is a great deal of information available on the internet, even though the majority of the population do not have internet access, and the information is often only available in English and sometimes in Afrikaans.

Applying for specific documents is cumbersome. Often requests for information are ignored. Many departments did not appoint Information Officers as required

under the act. If an application is rejected and an applicant wants to appeal he/she has to go the (expensive) court route. The South African Human Rights Commission is responsible for the implementation and oversight of the act. The Commission can issue opinions and subpoena people to give testimony but it does not have the power to force state bodies or private companies to release information.

There are some successes, though, with regard to access to information. For example, the Public Services Accountability Monitor (PSAM) – a unit based at Rhodes University in Grahamstown – has for years consistently and relentlessly pursued the Eastern Cape provincial government for information. Now the authorities themselves have approached PSAM, asking the unit to conduct training for their staff on how to provide state-held information, and they also voluntarily supply information that has not even been requested.

In June 2010, the weekly Mail & Guardian won a High Court order which obliges government to release a confidential cabinet report on the 2002 elections in Zimbabwe. The paper argued that these elections were marred by vote-rigging, intimidation, violence and fraud on the part of the Zimbabwean authorities, but that the South African government nevertheless declared them free and fair. The judge agreed with the argument that the release of the report was therefore in the public interest – but government is presently appealing the ruling.

The Protection of Information Bill outlined under indicator 1.3 now threatens to overturn the gains envisaged – and partly realised – as a result of the Promotion of Access to Information Act.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:






2.7 (2008 = 2.3; 2006 = 2.7)

1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

There is no requirement to register or get permissions for websites and blogs

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator	

Average score:

5.0 (2008 = n/a; 2006 = n/a)

1.10 The state does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Currently, there are no indications of the state seeking to block or filter internet content. The Department of Home Affairs, however, is working on a bill which supposedly aims to ban child pornography on the internet. The definition of “pornography” is said to be so broad that the bill, if indeed tabled and enacted, would seriously endanger the freedom of the internet. It is reported that the bill has been authored by a conservative family values lobby, which has support from fundamentalist right wing Christian groups in the USA. Should this law be passed, government could force Internet Service Providers (ISPs) to place filters on their servers to block certain information.

Nonetheless, as the bill has not become law yet, it was not taken into consideration for the scoring of this indicator.

- Southern African Freelancers Association of Freelancers (Safrea) – subdued, but operational;
- Communication Workers Union (CWU), Creative Workers Union of South Africa (CWUSA) and Broadcasting and Electronic Media Allied Workers Union (BEMAWU) – very vocal in regard to the SABC.

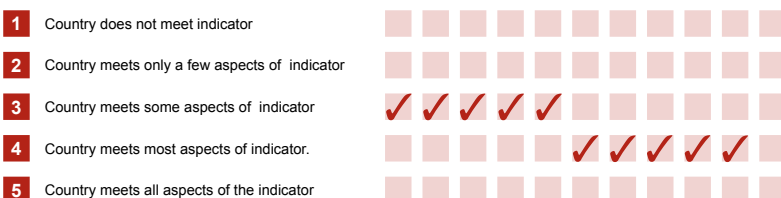
In the past the media fraternity had rarely linked up with civil society at large over media issues, but since 2009 there has been growing cooperation between the two sectors. This applies in particular to the trade unions, with umbrella bodies Congress of South African Trade Unions (Cosatu) and, to a lesser extent, the Federation of Unions of South Africa (FEDUSA) being highly critical of political and economic influences being exerted on the SABC, for example.

Many civil society groups, however, seem to have other priorities like housing, sanitation and health. They do not see the basic fact that freedom of expression is the pre-condition for their own existence, not just that of the media, and instead perceive this right and freedom as a kind of “elite bourgeois luxury”. Many are dissatisfied with the performance of the media because they do not see themselves properly reflected in it and so they will not engage in media freedom issues.

The main reason for this passivity seems to be that for 16 years since the first democratic elections in 1994, there has been no significant attempt to curtail media freedom in South Africa. As a result it has largely become taken for granted. Now with the threats of the Protection of Information legislation, the statutory media tribunal and regressive broadcasting bills on the table, media lobby groups are increasingly finding to their dismay that the hearts and minds of the people have not been won in terms of getting them to understand that freedom of expression is something worth fighting for because it concerns each and every citizen.

Scores:

Individual scores:



Average score:

3.5 (2008 = 3.9; 2006 = 2.7)

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Although public consultation in the preparation of new legislation is prescribed by law, such consultation has been haphazard and in many cases not meaningful.

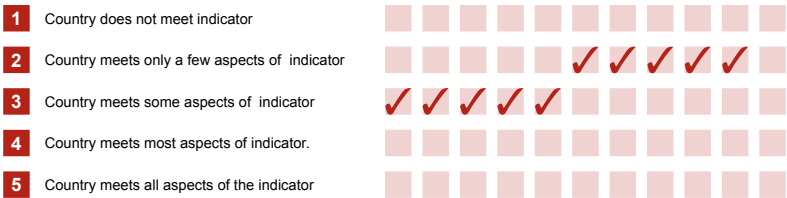
Parliament regularly places advertisements in newspapers inviting comments and/or participation in public hearings on certain bills (“Have Your Say”) but there seems to be a selective process as to which announcements make it into the media. There is no coordinated effort to publicise this information on a consistent basis and the Public Participation Unit of parliament seems to be dormant. Media practitioners generally do not rely on information from parliament when it comes to agendas for meetings and documents, but rather on the non-governmental Parliamentary Monitoring Group.

The Public Service Broadcasting Bill is a case in point. In mid-2009 the Department of Communications distributed a list of 67 questions to selected organisations and individuals asking them to give their thoughts on various issues regarding broadcasting – allowing them only a month to respond. At the end of October, the department presented a Draft Bill which did not reflect most of the responses received to the questionnaire. The public was given five weeks to comment, a deadline which was extended after pressure from lobby groups to early January 2010 – when most people are still on their main annual holiday breaks. The bill was still in the works at the department by early August 2010. The time lapsed since mid-2009 could have been used for meaningful and structured consultations (“a White Paper Process”), as suggested all along by media groups, and a proper policy framework based on research could have been drawn up over that period.

Another example is the public hearings held by an ad hoc committee of Parliament in July 2010 on the highly controversial Protection of Information Bill. Committee members seemed ill-informed or biased in favour of the bill in their line of questioning, and a number of senior members did not even attend the hearings, prompting civil society groups to write a letter to the Speaker of Parliament demanding a proper process, and to launch a vigorous public campaign outside of the confines of parliament.

Scores:

Individual scores:



Average score: 2.5 (2008 = n/a; 2006 = n/a)

Average score for sector 1: 3.8* (2008 = 3.9, 2006 = 2.7)

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.

Print media

There are 22 daily and 25 weekly major urban newspapers in South Africa and a number of regional and community newspapers.

The dailies are: *Beeld*, *Die Burger*, *Business Day*, *Business Report*, *Cape Argus*, *Cape Times*, *The Citizen*, *Daily Dispatch*, *Daily News*, *Daily Sun*, *Daily Voice*, *Diamonds Field Advertiser*, *The Herald*, *Isolezwe*, *Kaapse Son*, *The Mercury*, *Pretoria News*, *The Sowetan*, *The Star*, *The Times*, *Volksblad*, and *The Witness*. The largest dailies in terms of readership (All Media Product Survey 2009) are the tabloid *Daily Sun* (14 per cent penetration of adult population, mainly in Gauteng province), *The Sowetan* (4.7, distributed in Gauteng and KwaZulu-Natal provinces), *The Star* (2.5, primarily in Gauteng) and *Isolezwe* (2.4, in KwaZulu-Natal).

The weeklies include: *City Press*, *Independent on Saturday*, *Isolezwe nge Sonto*, *Mail & Guardian*, *Post*, *Rapport*, *Soccer Laduma*, *Son*, *Sunday Sun*, *Sunday Times*, *Sunday Independent*, *Sunday Tribune*, *Sunday World*, and *Weekend Post*. The largest weeklies, all of them national newspapers and distributed nationwide, are the *Sunday Times* (12.6), *Sunday Sun* (8.3), *City Press* (6.5), *Soccer Laduma* (8.7), *Sunday World* (5.9) and *Rapport* (4.5).

Online publications are: *Independent Online*, *News24*, *Mail & Guardian*, *Online Business Day*, *SABCnews.com*, *Die Burger*, *The Times*, *Business Report*, *Finance24*, *NetAssets*, *Moneyweb* (including *Politicsweb*), *Financial Mail*, *ITWeb*, *Biz-Community*, *PR Newswire* and *The Media Online*.

A new daily *New Age* is expected to be launched in September 2010. The paper was initiated by Essop Pahad, the former minister in the presidency of the Thabo Mbeki government. It is financed by the Gupta family, industry tycoons who made their fortune since their immigration from India in 1993 starting with the multi-million computer company Sahara. They are associates of members of the Zuma family in an increasing number of business ventures. According to reports the *New Age*, which will be printed in the Berliner format of a narrower than normal broadsheet, will have a print-run of 170 000 copies and be sold for R3.50 (US\$ 0.50) – compared to R 6.20 for a copy of the *Cape Times*, for example. It is difficult

to predict the likely impact and success of the *New Age* which is expressly setting out to “be supportive of government” and to offer “constructive criticism”. One of the media industry’s concerns is that government advertising could now shift to this new daily, particularly high income generating employment and tender adverts. Since there is a belief that the *New Age* is aligned to the ruling ANC party, it is also suspected that the paper will have direct access to government information and stories.

The print media are largely confined to urban and peri-urban populations, with a total readership of 7 to 9 million out of a population of almost 50 million people. There are several reasons for these relatively low numbers: Newspaper prices are fairly high (between around R6.00 for a local quality daily and R15.00 for the *Sunday Times* – the price of a basic loaf of bread in June 2010 stood at around R7.00 and R8.00); 25 per cent of the population live on social grants; the majority of newspapers are in English or Afrikaans with a few papers in Zulu (*iLanga*, *Xoliswe* and *isiZulu*), and the distribution in rural areas is inadequate.

Over the past few years, however, a whole new market segment has been opened up by tabloids which – at a price of between R2.00 and R3.00 – are more affordable and attract more and different buyers and readers. The content of these tabloids seems to resonate with people: they take up everyday issues in the communities, often publishing stories that were never reported on before. They are also accessing a range of new information sources. Many of their journalists live in the areas they report on and thus have good contacts in their communities. If something happens community members usually won’t contact the mainstream newspapers but rather call *The Voice*, *Die Son* or *Daily Sun*. “They’ll make the link with the community that are in the story. They’re going to have articles about a neighbour or a child that is well known in the area – things that communities can relate to about themselves. If something mirrors your life you can relate to it. So it is about costing, accessibility and it is also about my story.”

The downside to this new development is that stories often feed into stereotypes and perpetuate prejudices. As one panellist pointed out: “There is always the argument for more diversity and more community voices, but you should not be asking for news to be reduced to the lowest common denominator. That’s what the tabloids do.” Another said: “There’s no problem with tabloids in general and of course you want a society that is reading more, but in a search for alternatives anything can’t be okay and tabloids tend to have wide circulation in the absence of alternatives.”

Four major companies dominate the newspaper and magazine industry: Independent Newspapers, Avusa Ltd, CTP Pty (Ltd) (Caxton), and Nasionale Pers (Naspers) which owns Media 24. Together these companies own the majority of mainstream titles and many so-called “community” papers, and control 90 percent of the print media sector.

“There has to be a distinction between what makes a business good and what makes public sense. From a democracy and governance perspective it would be better if there were 20 different newspapers, but from a business point of view it does not make sense. What may be needed is legislation to promote diversity, or even government provision of subsidies for newspapers – not with the intention to control but with the aim of assisting an integral component of the democratic process,” explained one panellist.

The Media Development and Diversity Agency (MDDA), established by law in 2002, had precisely this objective: “To help create an enabling environment for media development and diversity ... (and) redress exclusion and marginalisation of historically disadvantaged communities and persons from access to the media”. The Agency is a public-private partnership, funded jointly by government and the big media players, both broadcast and print. Since its formation, the MDDA has awarded grants of around R80 million (US\$ 11 million) to community radio stations and small newspapers. .

Quite a number of the newspapers funded by the MDDA collapsed and were forced to close down, while others that made it to some kind of sustainability were bought out by the media conglomerates. One or two of the local staff members usually survive the transformation and so the front part of the paper will still have local news, while the rest has a more national flavour. “It seems that the MMDA was funded more as a greenhouse type facility for the industry to see where markets are located to support the production of a newspaper,” pointed out one of the panellists.

In recent years the most significant transformation in community media has been effected by Media 24 whose method of takeover is slightly different. They will only acquire 51 per cent of the business while the outstanding 49 percent remains in the hands of the owner. Media 24 will leave the people who run the paper in place and instead assist with the professionalisation of management and administration structures. The organisation will end up with local staff running the paper, while outside staff will assist with accounting, administration and advertising. The success rate of this formula has differed from publication to publication, depending on the editor and the area.

Access to printing presses is a big concern for small independent publishers. Since the majority of presses are owned by a few large companies, the MDDA is currently undertaking a feasibility study on whether it should buy a press that will be available to independent print media owners. This is a costly option as the MDDA will have to employ staff, hire premises and pay for maintenance of equipment. An alternative and perhaps more cost-effective, efficient and high impact solution for the MDDA would be to make arrangements with people who own presses. The agency would pay the owners directly and buy time on

the presses for the various publications. It could also assist financially with the maintenance of printing presses.

Broadcasting

Radio has the widest reach of any media in the country. According to All Media Products Survey (AMPS) 90 per cent of South Africans listen to radio. The broadcasting regulator ICASA says that as of March 2009, 96 community as well as 13 commercial and 18 South African Broadcasting Corporation (SABC) radio stations were licensed – with the SABC running stations in each of the official languages. Commercial radio stations are centred in the major metropolitan areas and broadcast primarily in English. Community radio stations are targeting both geographic communities and/or special interest groups (e.g. faith communities) and broadcast in a range of official and other local languages.

For their news services community radios too often rely on centralised sources such as Newsflash, Media Online, SABC and the print media, while sometimes all international news comes exclusively from Reuters. One panellist witnessed a news reader logging on to the website of the Cape Times for the hourly news service in a village in Limpopo province which is situated some 2000 km away from Cape Town.

With a few exceptions, community radio stations cannot afford trained, professional and experienced news teams. Instead they rely on young volunteers who work at the station for short periods of time only, with each newcomer having to be trained afresh. University and Technicon students doing a brief stint in the newsrooms do not see the necessity of verifying information that is picked up in other media.

According to Stats SA's 2007 Community Service 65.6 per cent of households owned a working television set. There are three national public television channels (SABC), one national private free-to-air channel (e.tv), three community TV stations and three subscription services.

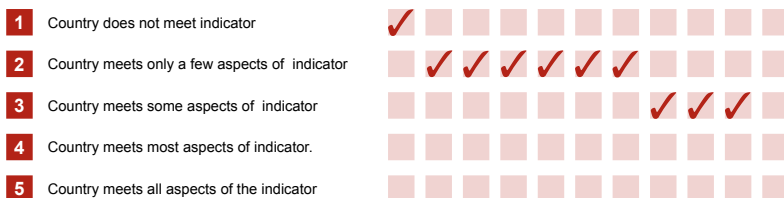
Internet

Stats SA figures show that only 7.3 per cent of households had access to the internet in 2007. Most newspapers and weeklies have online editions.

Access to the internet will increase substantially over the next few years with more and more cell phones being capable to log into websites. Mobile phones are very popular with 73 per cent of households owning such a device. Research conducted in Grahamstown looked at household incomes and the amount spent on cellphone airtime on a monthly basis. This was alarmingly high and often on par with the monthly allocation for food.

Scores:

Individual scores:



Average score:

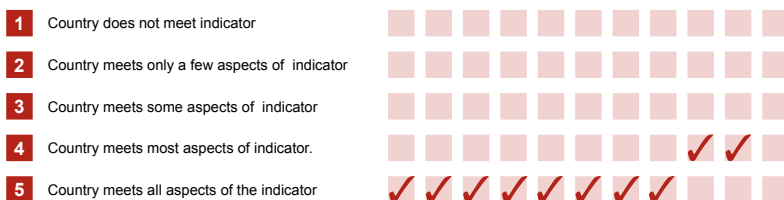
2.2 (2008 = 3.4; 2006 = 2.8)

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

There are no restrictions placed by the state on access to domestic or international media sources. Price is the only inhibiting factor.

Scores:

Individual scores:



Average score:

4.8 (2008 = 5.0; 2006 = 4.8)

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

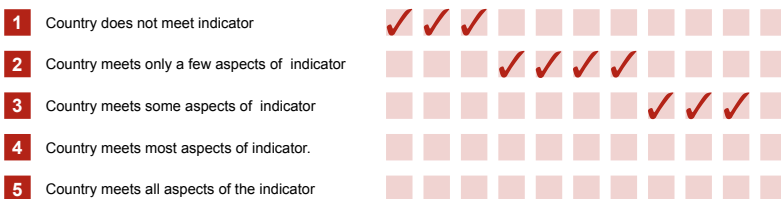
Distribution patterns for print media are market-driven – they are only sold where a sizeable number of readers live and the number of returns is as low as possible because most publishers are cutting down on print runs as a cost saving measure.

In small towns in the Western Cape, for example, it is difficult to get the *Cape Times* and it often arrives late. In contrast the *Daily Dispatch*, published in the Eastern Cape coastal town East London, is striving to grow its market and has ventured beyond its base into villages many hours away.

Some tabloids have attempted - but failed - to set up their own distribution networks. Papers such as *The Sun* seem to be trying to increase their readership by delivering their product to each and every shop, café and other outlets in target areas - but also fail to reach outlying rural villages.

Scores:

Individual scores:



Average score:

2.0 (2008 = 3.8; 2006 = 3.0)

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.






There are no major state-financed and state-controlled print media in South Africa.

At the local level, though, there is a growing number of print media published by municipalities and distributed for free, which contain information relating to that particular municipality and the activities of the town or city council. There is a trend for municipalities to place the advertising they have budgeted for in their own publications, thus depriving other operators of revenue. In Durban, for example, the municipality is producing a glossy publication called *Freedom Net*, a lifestyle magazine which is selling advertising space to mainstream advertisers like shopping centres. As a result the paper is in direct competition with mainstream media and small community publications.

Overall the number of such publications is not significant yet and therefore this indicator does not apply in South Africa.

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator	

Average score:

n/a (2008 = not scored; 2006 = not scored)

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

There are effective competition laws in place and a competition commission which is regarded as a strong and independent body.

Although there are obvious tendencies towards monopolies, especially in the print sector, no challenges in this regard have been brought before the commission yet. One exception was a case against the publishing house Caxton which tried to undercut another local publication with its cheap advertising rates, made possible – it was argued – by the parent company cross subsidising the new local Caxton publication. As soon as the competitor was forced to close down, Caxton would immediately increase its advertising rate to a more realistic, profitable level. In this specific case, however, the market itself resolved the issue: the Caxton paper did not survive and the commission therefore did not have to rule in this case.

In the broadcasting sector the Electronic Communications Act prescribes that no person may control more than one commercial television or more than two FM or two AM commercial radio stations. Such stations should not have similar licence areas. Furthermore, no person who controls a newspaper may have financial control of any broadcasting licensee.

In May 2010, ICASA published a discussion paper which proposes a relaxation of regulations limiting multiple ownership of broadcasting stations. These are now regarded as potentially stifling growth in the sector.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.6 (2008 = 4.7; 2006 = 3.0)

2.6 Government promotes a diverse media landscape with economically viable and independent media outlets.

The Media Development and Diversity Agency (MDDA) mentioned under indicator 2.1 is tasked with promoting diversity in the media sector. It has nine board members – six appointed by the President on the recommendation of Parliament after a public nomination process, and the other three selected by the funders (one each representing broadcasting, print media and government).

The MDDA Act specifies that the recipients of funding are community and small commercial media. According to the act funding is provided through grants as well as loans, but up to now the MDDA has not developed a loan mechanism. There are discussions currently under way on how MDDA funds can be made more accessible. As the act allows for a certain percentage of the funding to be allocated to training, the agency will now provide a mentor if applicants need help with developing their project proposals according to the regulations.

The MDDA broadly supports the government's developmental thrust. When the president declared a number of towns "developmental nodes" where all government services should be concentrated, the agency decided that in the absence of proposals from those towns, they would go and stimulate projects themselves – creating the perception that the MDDA approves proposals on the basis of "presidential nodal patronage".

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2 (2008 = n/a; 2006 = n/a)

2.7 All media fairly reflect the voices of both women and men.

Although more women are rising to elevated positions in government and business in South Africa, men seem to continue dominating the news as sources of information and comment.

One of the reasons is “lazy journalism” with journalists selecting the “usual” sources and experts they have approached all along without looking for new ones. Comments on economic issues, for example, will be sought from mainstream economists who are usually men – a reflection of the gender balances in society as a whole: “if the society is conservative the media will also be conservative”.

It was argued that this should not be an excuse for the continuing imbalance in gender representation: “Where the media shape opinion they must be responsible so they don’t advance sexism. It’s not going to happen simply on the basis that there are other sources of information. You find the source of information based on what value you want to challenge. Media are powerful and so they can begin to include voices that challenge those values.”

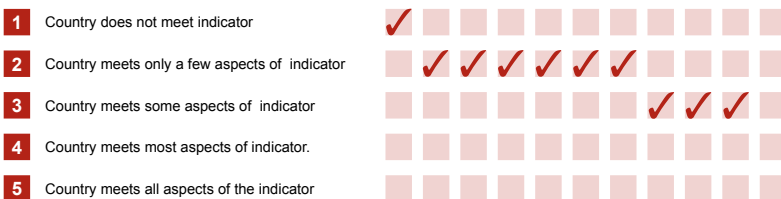
Several years ago the Cape Times ran a campaign “One City – Many Cultures” which tried to portray the rich diversity of cultures in Cape Town. The effort petered out because of the cost of hiring good writers and allowing them the space they needed to tell their stories.

City Press is aiming at a black readership which is politically aware: “If readers are interested in following the intrigues of the ruling party and the different fights within the ANC factions they will rush to buy the City Press”. It is currently trying to change its ethnic profile and increasingly white readers are starting to buy the paper.

The SABC with its 11 public radio stations, each dedicated to one of the official languages, ironically finds itself in something of a catch-22 situation. While all these languages do indeed have to be catered for, doing so on different stations serves to perpetuate the language and ethnic divides in the country.

Scores:

Individual scores:



Average score:

2.2 (2008 = n/a; 2006 = n/a)

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

There are various pieces of legislation which touch on areas of ICT but there is no consolidated or coherent ICT policy or vision provided by the Department of Communications.

South Africa desperately needs a proper policy process with wide public participation, starting with a green paper and moving on to a white paper. This

process will also have to include an examination of laws that are already on the statute books so that government can identify where changes have to be made and what new pieces of legislation are needed.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓										
2	Country meets only a few aspects of indicator					✓	✓	✓	✓	✓	✓				
3	Country meets some aspects of indicator														
4	Country meets most aspects of indicator.														
5	Country meets all aspects of the indicator														

Average score:

1.6 (2008 = n/a; 2006 = n/a)

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

At present there have been no cases of withdrawal of advertising from critical or mainstream media by government.

There are concerns within the media industry, however, that government may in future place its advertising in the new daily New Age to be launched in September (see above under indicator 2.1).

In some towns and cities municipality advertising is being channelled away from mainstream media and placed in local authority publications instead.

Amongst community radio station managers there is a sense that they can not afford to offend government, given that many stations rely solely on government advertising.

As all these observations are based on perceptions rather than on hard evidence, the panel was divided in its assessment.

Scores:

Individual scores:

[illegible]

Average score: 3.2 (2008 = 2.7; 2006 = 1.4)

2.11 The advertising market is large enough to support a diversity of media outlets.

According to figures for 2008 provided by AdDynamix, R24.5 billion (US\$4.6 billion) were spent on advertisements in that year.

This substantial amount maintains the existing media landscape and provides sizeable profits, but is not helping to increase the diversity of media outlets in the country. New, creative and innovative products find it difficult to enter and make it in the market because the advertising industry is controlled by a few executives making fundamental decisions that have far-reaching consequences for all media. Attempts to sustain new high quality papers such as the daily *ThisDay* or the weekly *Weekender* – started with the backing of substantial seed funding – failed because advertising agencies did not invest in such new products.

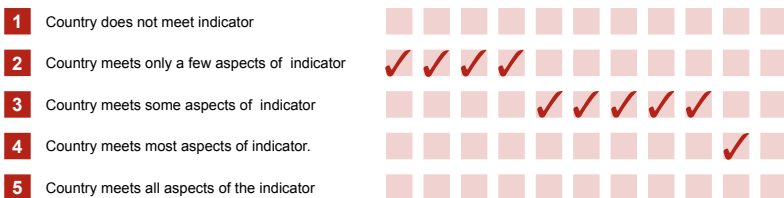
Advertisers are also hesitant to do business with media that serve “the lower end of the market”, i.e. the poor. When placing spots in community radios, for example, they will mostly concentrate on student radios and big urban stations. Small rural or struggling stations are being ignored.

Radio advertising is mostly sold on stations that have the widest appeal - in Cape Town this is KFM and in Johannesburg it is Highveld. At one stage Highveld alone attracted 15 percent of all radio adspend in South Africa.

“If meeting the information needs of rural and poor people is part of media diversity then the advertising market is not large enough. Advertisers target consumers and so it will never be large enough to support media diversity,” a panellist pointed out.

Scores:

Individual scores:



Average score: 2.7 (2008 = 3.9; 2006 = 2.5)

Average score for sector 2: 2.6 (2008 = 3.9; 2006 = 2.5)

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

The Electronic Communications Act (ECA) 2006 and the earlier Broadcasting Act of 1999 provide for a three-tier broadcasting system – public, commercial and community. Both emphasise the importance of diversity of content and ownership and stipulate that all broadcasting services must be “responsive to the needs of the public” (EC Act).

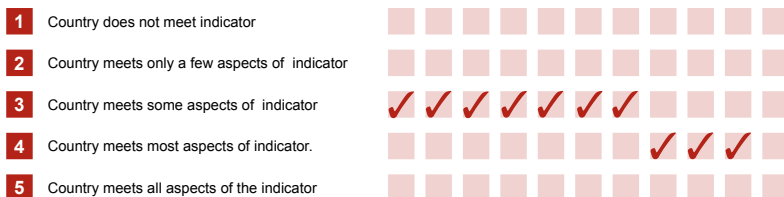
There are a number of issues, however, that the current legislation did not consider.

Community broadcasting was still in its fledgling state when the Broadcasting Act came into force and the definition of community broadcasting seems to be inadequate today. Similarly the Electronic Communications Act is not clear or specific enough on community ownership structures or control and does not set out mechanisms for community stations to be accountable to their communities. There are also many issues around governance, funding, community access, involvement and participation in programming which need to be addressed.

Besides the three SABC television stations e.tv is still the only commercial free-to-air television station. The two major subscription services available – MNet and DSTV – shared the market and enjoyed a quasi-monopoly until early 2010 when TopTV began to provide a limited cheaper bouquet aimed at lower income groups.

Scores:

Individual scores:



Average score:

3.3 (2008 = 5.0; 2006 = 4.6)

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way - involving civil society and not dominated by any particular political party.

Section 192 of the Constitution of South Africa provides for “an independent authority to regulate broadcasting in the public interest ... to ensure fairness and a diversity of views broadly representing South African society”.

The Independent Communications Authority of South Africa (ICASA) was established in terms of the ICASA Act 2000 (amended in 2006) and is in charge of the regulation of telecommunications, broadcasting and postal services. It is an independent body whose Council is selected through a parliamentary process: the parliamentary committee on communications calls for nominations from the public; after public interviews of short-listed candidates the committee submits a list of names numbering at least one and a half times the amount of seats to be filled to the minister of communications; the minister then selects his/her proposed appointees from the list and submits their names to Parliament for final approval. Parliament can request the minister to review his/her decision if it is not satisfied with the proposed list or any names on the list. Public officials or party political office bearers as well as persons with a financial interest in broadcasting are not allowed to become members of the Council.

Although the parliamentary process laid down in the original act of 2000 was watered down by the amendment in 2006 (under the previous law the minister was not involved in the selection process) and despite the fact that parliament's choices are obviously dominated by the ruling party which enjoys an almost two thirds majority in the House and thus the committee, experience shows that the

selection procedure is still open and transparent. In the last round of nominations in 2010, for example, civil society groups were able to play a meaningful role when three places fell vacant and the broadcasting campaign SOS put forward its nominations. One of the persons they suggested was indeed appointed a councillor.

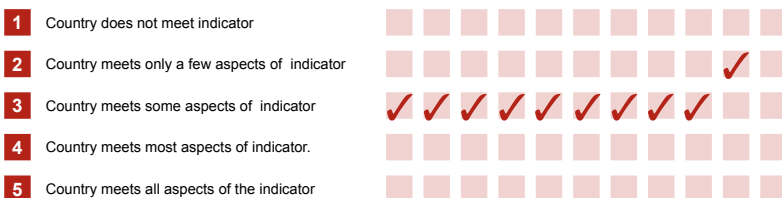
Legislation allows the minister to issue directives to ICASA but there is a specific process that needs to be followed. The directive has to be published and comments are invited from stakeholders. These comments must be considered before a final directive is issued. In 2009, for example, when ICASA was hesitant to demand that cell phone companies reduce their much-criticised high interconnection fees, the minister intervened without such public process and decided to determine a new fee structure himself. ICASA then stood up against him and asked him to withdraw from the process.

Since 2006 ICASA is being state funded through the budget allocation for the Department of Communications. The regulator has suggested on many occasions that it be enabled to keep the licence fees it raises rather than having to hand these over to treasury. This, it has argued, would also reinforce its independence from the executive. As it stands, the authority seems to be dangerously underfunded and this is causing capacity problems: powerful companies, for example, can hire legal bigwigs to protect their interests while the regulator has to make do with legal advice and assistance from its in-house staff. As a result ICASA is constantly being taken to the courts by the industry. A lack of funds has also made it impossible for ICASA to set up in-house research capacity.

An ICASA Amendment Bill published by the minister in 2010 would further increase government's control over the authority – the draft is still under discussion.

Scores:

Individual scores:



Average score:

2.9 (2008 = n/a; 2006 = n/a)

3.3 The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

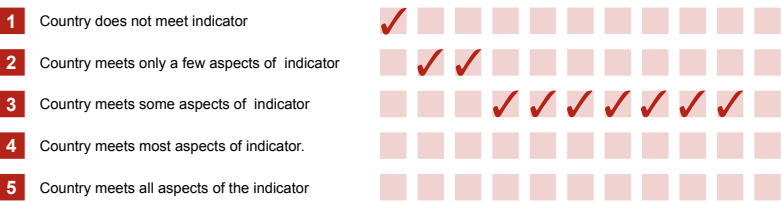
ICASA has often been criticised for not licensing more radio stations. The regulator claims there is not enough space on the FM spectrum to allow for additional services but technical experts say the spectrum is not properly managed: SABC radio stations – their flagship station SAFM in particular – occupy a broad band within this spectrum.

There are certain parts of South Africa, like the Northern Cape province, where it does not make much business sense to start a commercial radio station because the area is sparsely populated and poor. ICASA therefore should develop and propose mechanisms on ownership and control structures which, for example, would allow bigger players to start radio stations in less resourced areas and cross-subsidise them via their more profitable operations.

One of ICASA’s major responsibilities is the enforcement of licence conditions for broadcasters, among them those regarding local content. SABC, for example, submits regular compliance reports but ICASA does not keep tabs on them. Similarly the authority is not playing a proactive role in monitoring the compliance of other – commercial and community – radio stations. Many of them might well lose their licence if there was a sudden check on their performance. The reason for this state of affairs is the lack of capacity at ICASA. By failing to ensure adherence to licence conditions the regulator is thus in effect failing to promote fairness and diversity.

Scores:

Individual scores:



Average score:

2.6 (2008 = 4.1; 2006 = 4.0)

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

The SABC is a Pty Ltd company with the government as the only shareholder. Its board is made up of twelve non-executive members as well as the Group Chief Executive Officer, the Chief Operations Officer and the Chief Financial Officer. According to section 13 of the Broadcasting Act, the non-executive members are appointed by the president of the state “on the advice of the National Assembly” as follows: The parliamentary committee on communications places adverts in newspapers to ask for nominations; the committee examines the nominations, having regard for representivity, requisite skills and commitment to freedom of expression, and then shortlists candidates for public interviews; the committee decides on the final list and submits it to parliament for ratification; parliament forwards the list of nominees to the president for appointment.

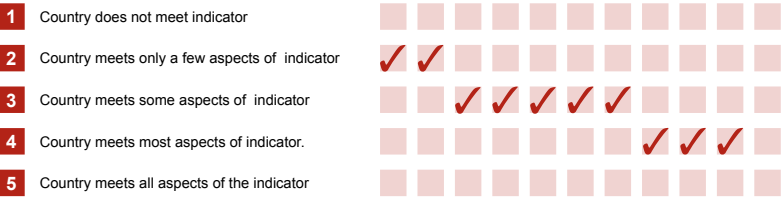
When parliament called for nominations for a new SABC board at the end of 2009, civil society – in the form of the SOS coalition – started a public campaign and made sure that the communications committee advertised its invitation not only in three newspapers, as it had done previously, but also on SABC radio stations. This time the committee received over 200 nominations and the people who submitted them spelt out in some detail what had motivated their choice and why they thought their nominee would make a good board member. The committee also complied with SOS’s request to publish the CVs of short-listed applicants before interviews took place in open hearings. These were attended by an unusually large number of reporters and other observers and the chair reminded his colleagues that they were indeed under public scrutiny: “Guys, we’re all being watched”. Thus, for the first time since the appointment of the inaugural board of the SABC shortly before the democratic elections in 1994, the selection process was truly transparent and the new board was lauded for being much more representative than its predecessors.

Nevertheless, representation is still a problem. The criteria set out in section 13 of the act refer mainly to technical and professional requirements. Applicants are “to be persons suited to serve on the board by virtue of their qualifications, expertise and experience in the fields of broadcasting policy and technology, broadcasting regulation, media law, business practice and finance, marketing, journalism, entertainment and education, social and labour issues.” This list rules out more than 75 per cent of the population. While rural women, for example, represent a large constituency they are not represented in any form on the board.

The board of the SABC – and thus the corporation - is accountable to the public through parliament (its appointment authority), government (SABC’s shareholder/owner) and ICASA (the regulator). While such a structure – if carefully balanced – could serve the purpose of proper checks and balances, events over the past few years suggest that the government is attempting to gain more and more influence over the public broadcaster. One of the clearest indications of this intention to date was the publication of a Draft Public Service Broadcasting Bill in October 2009. If enacted it would give the Minister of Communications considerable control over the South African Broadcasting Corporation by putting in place a new funding process and identifying a range of areas in which the minister is empowered to issue direct instructions to the board if – among others – the SABC “is unable to perform its functions effectively”.

Scores:

Individual scores:



Average score: 3.1 (2008 = 2.9; 2006 = 4.6)

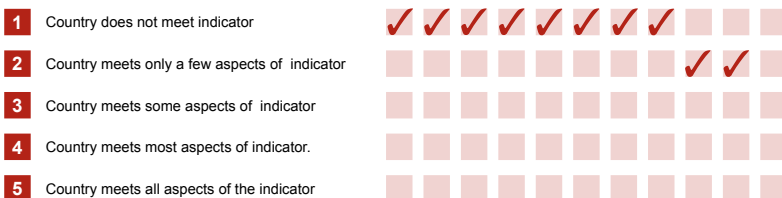
3.5 Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

Unlike the ICASA Act, the Broadcasting Act does not list any specific disqualifications for membership (other than not being a South African citizen or having a criminal record) such as public officials or political party office bearers not being allowed to sit on the SABC board. Some of the board members appointed in late 2009 have been or still are active party office bearers. Suzanne Vos was a

long-standing Inkatha Freedom Party member of parliament and gave up her party membership before taking office. Clifford Motsepe is a member of the executive of the ANC Youth League.

Scores:

Individual scores:



Average score:

1.2 (2008 = 3.8; 2006 = 3.1)

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

Section 6 of the Broadcasting Act stipulates that

... the Corporation, in pursuit of its objectives, and in the exercise of its powers, enjoys freedom of expression and journalistic, creative and programming independence as enshrined in the Constitution.

The SABC editorial policy was developed through a broad consultative process and is considered to be in full compliance with these legal and constitutional guarantees.

One problematic area are provisions on “upwards referral” which deal with the handling of difficult editorial decisions. The chief executive officer of the SABC is also the editor-in-chief and sensitive stories ultimately have to be referred to him or her for a final decision if those at the lower levels of management in the news departments can not or dare not make up their mind. This constitutes a two-pronged potential threat to the broadcaster’s constitutionally guaranteed “journalistic independence”: The CEO, who is also responsible for the business success of the corporation, could be faced with conflicts of interest (i.e. might be tempted to suppress a story if it damages the image of a big advertising client). The other threat is perhaps more indirect but no less real: A clause in the articles of association, regulating the relations between the SABC and its owner, the

government, says that the minister has to agree to the appointment of the CEO – thus giving the executive arm of government the final say on the person who will also be responsible for editorial decisions.

Journalists within SABC seem to enjoy a considerable degree of independence but there is the perception that many of them “have internalised what politicians think” and practise self-censorship: “There are journalists caught up in the problematic history of poor governance and poor management of the SABC. They had been caught in the crossfire of faction fighting within the ruling party [which led to the resignation of Thabo Mbeki as president in 2008]. They are still recovering from that period so the remnants of that has a knock-on effect,” pointed out a panellist.

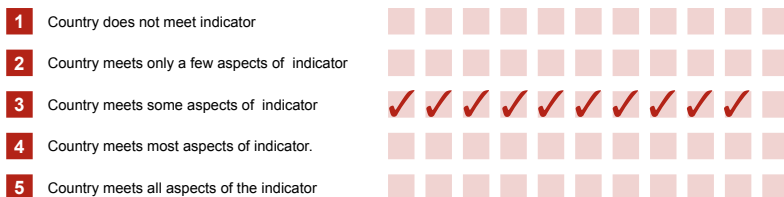
There seems to be a shared vision amongst decision makers in the management of the SABC that the mandate of the public broadcaster is nation building and that “bad news” always have to be balanced with “good news”. This feeds into the perception that the SABC is not a broadcaster serving the public at large but a corporation which is biased towards the government.

News bulletins and current affairs coverage on radio and on television are remarkably different. While the radio newsroom staff obviously seeks to follow professional standards of journalism, their television counterpart seems to be influenced by political considerations as well. There is a tendency to look for a positive spin on many stories especially when government is involved. The SABC’s news coverage is narrow in terms of topics and more so in terms of geographical location, with the majority of stories focused on issues and events in Johannesburg and Cape Town. The broadcaster’s poor performance in this area is aggravated by a lack of professionalism, skill and capacity.

There is a perception that English television news bulletins are more ‘critical’ while the same news in African languages is more ‘moderate’. Bulletins in African languages cover more community and labour topics while international news are accorded more (though still very little) airtime in English bulletins.

Scores:

Individual scores:



Average score:

3.0 (2008 = n/a; 2006 = n/a)

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

77 per cent of SABC resources come from commercial funding (advertising and sponsorships), 18 per cent from licence fees, 2 per cent from government allocations, and the balance from sale of merchandise, rental of studios and the like. The dominance of funding derived from commercial activities stands in stark contrast to the public mandate of the SABC. The public broadcaster is clearly susceptible to commercial pressure, evidenced by the fact that prime time television space is given over almost exclusively to formulaic and cheap entertainment programmes such as sitcoms and soaps that deliver large audiences to advertisers.

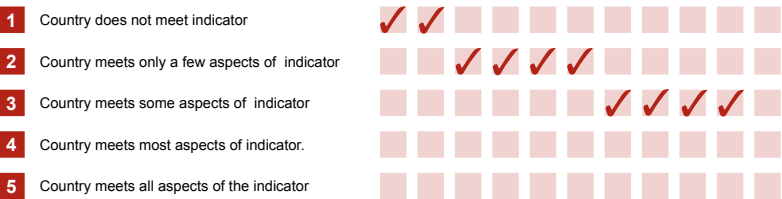
Government has to find a way to increase public funding of the national broadcaster either through some kind of parliamentary grant or through increased licence fees or both. The licence fee presently stands at R250 (US\$ 34) a year per household, with about 33 per cent of households not having a television licence. Half of those who do are either defaulting on their payment or only partially paid up: either because they are simply too poor or because they are not motivated and feel they are not getting value for money.

Over the last five years the SABC has been in constant financial trouble, leading to a crisis point in 2009 when government had to guarantee a substantial bank loan for the broadcaster to continue honouring its obligations. The National Treasury and the Department of Communications are now putting pressure on the SABC to develop and implement a “turn-around strategy” which would ensure that the corporation is managed in a cost-effective way. One immediate consequence is

that many programmes which the broadcaster should be offering to fulfil its public mandate, including educational programmes, are not being produced any more. To find a lasting solution to the public broadcaster’s financial woes, the Department of Communications in its Public Service Broadcasting Bill has proposed the establishment of a broadcasting fund fed mainly from an additional income tax up to one per cent of total income – a suggestion which was immediately rejected by the minister of finance. Civil society groups such as the SOS campaign are urging government to embark on a thorough policy review and to conduct extensive research before deciding on a new funding mechanism. Such research will have to look at the amount of funding the SABC actually needs, what the best funding model would be and where the necessary funding is to be sought.

Scores:

Individual scores:



Average score: 2.2 (2008 = n/a; 2006 = n/a)

3.8 The state/public broadcaster is technically accessible in the entire country.

SABC is working towards being technically accessible across the country. Presently 90 per cent of South Africans can receive SABC radio and television signals, with radio coming close to 100 per cent. This does not mean, however, that all South Africans can receive all SABC TV channels which broadcast nationwide or more than one SABC radio station. In certain areas of the country only one TV and/or one radio station can be accessed – and an estimated two to three million people are not receiving any broadcasting signals.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.8 (2008 = 4.7; 2006 = 4.0)

3.9 The state/public broadcaster offers diverse programming formats for all interests.

The quality of programming on television is mostly regarded as poor, with a high percentage of cheap foreign movies and sitcoms – which are not reflective of the South African population (“Where are the black people?”).

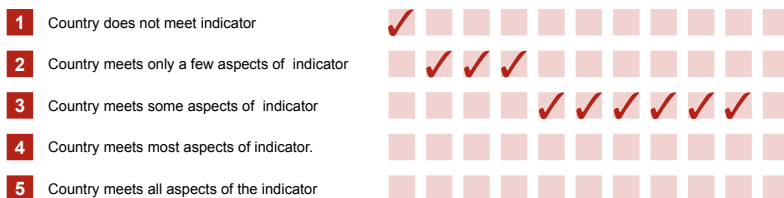
There are, however, some good programmes, among them locally produced sitcoms in all major languages spoken in the country. Examples are 7 de Laan and Generations which are representative of the ‘new South Africa’. Some of the sitcoms in African languages perpetuate stereotypes: Muvhango, for example, idolises tribalism and chieftainship, but is popular amongst local audiences because the communities it targets can relate to it. Many magazines are advertising revenue driven (“Top Billing is one huge ad”). There are not many children’s programmes in the early evenings, but when they are aired they include commercial breaks which are inappropriate for viewing by children.

Due to the financial crisis presently experienced by the corporation, the programme schedule includes many re-runs and hardly any new local productions are being commissioned.

There is more diversity on radio with more educational, drama and short story programmes produced for a variety of audiences.

Scores:

Individual scores:



Average score:

2.5 (2008 = 3.9; 2006 = 3.0)

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

Although SABC television news has capable reporters, they do not have the edge on hard news. Quality of news is inconsistent: sometimes bulletins can be brilliant, but more often they are poor. This indicates a lack of generally agreed standards and supervision to ensure that these are upheld. More and more the emphasis seems to be on “developmental news”, celebrating achievements in the fight against poverty. Stories on government corruption are rare and “bad news” is the exception rather than the rule. There is often insufficient context and background and not infrequently the angle taken is peculiar and misses the nub of a story. News judgement in terms of placement and relevance for a national bulletin is patchy. Stories on press conferences by government spokespeople in the capital are often placed more prominently than, say, a traffic accident in the provinces with a dozen casualties.

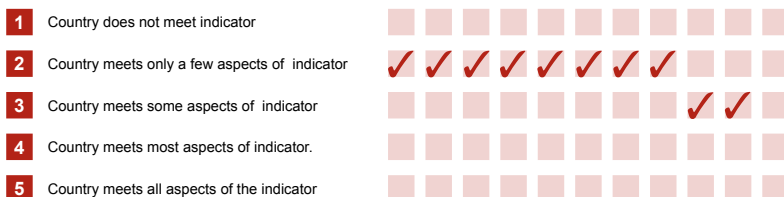
Despite clear managerial shortcomings, a surprisingly large number of journalists at SABC still seem to be trying their level best to produce news which is credible and fair. This goes especially for radio.

The coverage of international events on television is deplorable, in particular with regard to “fellow African” countries on the continent which are supposed to be given special attention. When Kenya, for example, celebrated a highly successful and peaceful referendum on a new constitution, the story did not even rate a mention in the main English SABC TV news of the day - viewers had to tune in to international stations to get information on this story.

Special Assignment on SABC TV 3 was long regarded as one of the best hard-hitting current affairs programmes and won international awards. Most producers and presenters of the weekly half-hour show have now left the corporation and the programme has become lacklustre.

Scores:

Individual scores:



Average score:

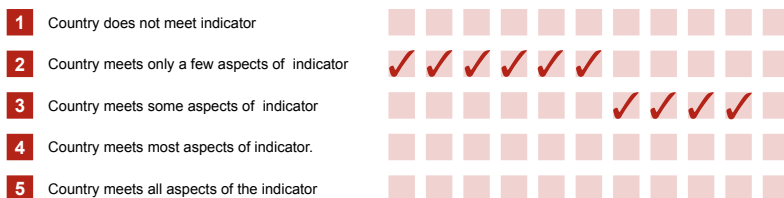
2.2 (2008 = 2.9; 2006 = 3.3)

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

Due to the ongoing financial crisis at the SABC – the corporation lost R1 billion as a result of mismanagement – not enough local content is being produced and offered. This does not only deprive viewers of much-loved programming, but has also brought the local production industry almost to its knees. A number of companies had to close down and others set up shop outside South Africa – meaning that some of the most skilled producers have now been lost to the home market. To make matters worse, the situation is not likely to improve any time soon: even though funds were made available thanks to a bank guarantee granted by government in late 2009, the SABC only put out briefs for producers and requests for tenders in June 2010. There was no guarantee, however, that these would go into actual production (the last time the corporation put out briefs was in September 2008 and at least half of those did not materialise).

Scores:

Individual scores:



Average score:

2.4 (2008 = 3.1; 2006 = 3.0)

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Somehow it seems a miracle that there should still be so many – 96 – community radios on air in South Africa, as well as three community television stations. Many “are starving at the fingertips of government” which is paying for the airing of government sponsored programmes and often trying to dictate content. Donor funding is drying up after 15 years of support. The only community radios that are doing well are those that serve religious communities because they are backed by faith organisations.

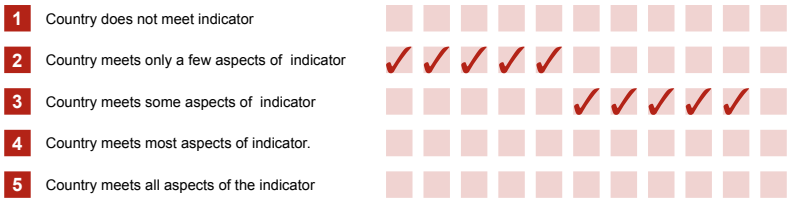
The only real resource community radios have is their frequency – but most non-governmental organisations refuse to pay for the airtime they get. They approach donors directly for funds to produce programmes and then demand that community radio stations air them for free. Often these programmes tackle subjects that are irrelevant to the communities they are produced for.

Many stations have to pay the signal distributor SENTECH transmission rates which are regarded as exorbitant – Cape Town-based Bush Radio (dubbed “the mother of all community radios, because it was the first to go on air in South Africa, in August 1994) is sitting with a huge bill which has accumulated over a long period.

Many community radio stations operate solely on “sheer willpower” of their management (which is admirable) and through volunteerism. Volunteers are usually younger than 25 years old, mostly with no (chance of) other employment and hoping for a job of a kind. In reality, though, apart from getting some work experience, they are being exploited – and leave after a few months.

Scores:

Individual scores:



Average score: 2.5 (2008 = 4.7; 2006 = 4.6)

Average score for sector 3: 2.6 (2008 = 3.1; 2006 = 3.0)

SECTOR 4:

The media practise high levels of professional standards.

The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Print

In August 2007 the media industry established a Press Council which adjudicates complaints from the public through the Ombudsman and the Press Appeals Panel. (Previously there had only been a Press Ombudsman). Rulings are based on a code of conduct developed through a consultative process by the media industry. Participation is voluntary but nearly 700 publications subscribe to this system, including all major newspapers and magazines.

The Press Council consists of six public and six media representatives. Media organisations nominate their representatives whilst an appointments panel comprising three council members and a judge chooses the public representatives from among nominations received in response to advertisements in the press.

Members of the public who take issue with an article or perceived unfair treatment by the media bring their complaint to the Press Ombudsman and have to sign a waiver forfeiting their right to civil litigation over the matter.

If the Ombudsman cannot resolve the case, he will hold a hearing with two members of the council (one journalist and one public representative). Any appeals against the Ombudsman's finding (either from the complainant or the defending newspaper) will go before an Appeals Panel of three members – a retired judge of the Supreme Court of Appeal as chair and one representative each of the public and the press.

The Ombudsman or the Appeals Panel can demand that the newspaper found to have violated of the code publish a correction and an apology prominently, as well as the findings of the Council. This is regarded as a severe sanction in the industry: having to make such a public apology, let alone repeated apologies, could bring the paper into disrepute and endanger its credibility with its readers.

Approaching the Press Ombudsman is considered a good, efficient and speedy method of resolving complaints especially for members of the public who cannot afford to pursue civil litigation. But the system does have shortcomings. It is questionable that complainants should have to waive their right to approach civil courts if they are not satisfied with a finding, because the right to litigation

is a constitutional right. Another concern is that the Ombudsman system does not accept complaints on articles published in online publications. At times it takes quite long for a case to be adjudicated – therefore the Council appointed a deputy ombudsman earlier in 2010 to assist with the increase in the number of complaints received. There is also criticism over the fact that a paper may have carried the story in question as headline news on page 1, but then buries the apology somewhere on the inside pages.

In addition to the Press Council, several media houses, such as Media 24, the Avusa Group and the *Mail & Guardian* weekly have appointed their own in-house ombudsman who deals with complaints from the public in a regular column.

In December 2007 the ruling party ANC mooted the idea of setting up a statutory body at parliamentary level – a Media Appeals Tribunal. The idea was taken up again in July 2010, the argument being that self-regulation of the media was not “sufficient” and that it should be possible to take “punitive measures” against “offending” media and journalists. The media, prominent individuals and many civil society groups – while acknowledging that the self-regulatory mechanism can and should be strengthened – have since voiced their protest against these plans. Constitutional experts argue that any statutory regulation of the media would limit freedom of expression and thus contravene the constitution.

Broadcasting

In broadcasting, there are two complaints bodies – one statutory and one voluntary – and broadcasters themselves decide which one they want to fall under.

The statutory Complaints and Compliance Committee (CCC) is a body set up by the regulator ICASA. The Broadcasting Complaints Commission of SA (BCCSA) is a self-regulatory body under the National Association of Broadcasters (NAB). The SABC and commercial operators who are members of the NAB have opted for self-regulation. Most community broadcasters – who cannot afford membership in the NAB – fall under the CCC.

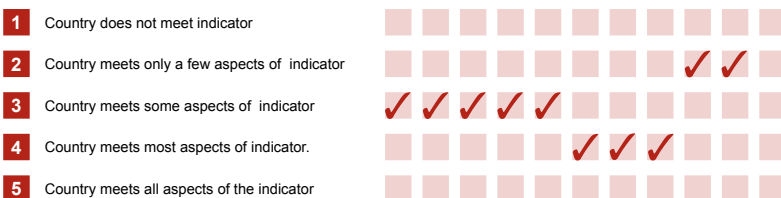
Both bodies have essentially the same code and similar sanctions. The BCCSA is very active and spots are broadcast regularly by radio and television stations to encourage the public to approach the commission whenever they are dissatisfied with news or programmes. Its rulings are not automatically made public by the media and there is no specific requirement to broadcast them (although prominent cases are reported on). The commission, however, does try to make sure that broadcasters abide by its rulings and keeps in touch with complainants to see if they are satisfied with the ruling and the subsequent behavior of the broadcaster.

The CCC comprises eight members appointed by ICASA after a public nominations process and is supposed to be independent from ICASA. With ICASA being in charge of regulating broadcasting and telecommunications, the

commission deals with complaints from both sectors. Critics say that the CCC defines its mandate too narrowly by not assessing the reasons for breaches of the codes of conduct.

Scores:

Individual scores:



Average score:

3.1 (2008 = 4.2; 2006 = 4.2)

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

By and large South African media do a professional job, but there are many examples of inaccurate and unfair reporting which point to a systemic problem. An entire generation of journalists were removed from (or left) the newsrooms in the 1990s and replaced by younger and less experienced staff. Those who quit either joined public relations companies or went into government service, usually for better pay than that offered by newspapers. There was no organised transition during which there would have been sufficient transfer of skills, mentoring and passing of knowledge. Young journalists often do not have the background and experience that would give their stories depth and context. Their history starts after South Africa achieved democracy in 1994.

The cost of print media production and the dependence on advertising means that the print media in general have to orientate their editorial policy towards consumers – and thus neglect the interests of the poor. Most mistakes made are not malicious but due to inexperience and – even more so – the reduction in staff numbers: “The media owners cut through the fat, through to the muscle and thus into bones”.

The Independent Newspapers group, for example, has set up a homogenous organisation called Independent Productions (IP) which brings many skills together under one roof and services the broad range of different publications all over the country that are part of the Independent Group. This central hub

houses subeditors, designers, proof-readers. There are also shared photographic departments that serve multiple titles.

This streamlining is having some noticeably adverse effects. Mentoring skills are lost: a subeditor who would previously have had a face-to-face chat with a reporter over flaws in an article submitted will not do this over the phone – and not have the time to do it anyway. The same sub in the centralised office will also not have sufficient local knowledge to check the facts, resulting in too many factual errors.

The group, like Avusa, used to have a very good library which was an excellent resource for journalists, enabling them to check facts and go far back on an issue to help contextualise it. As a result of the streamlining process these libraries were closed down and the intention to digitalise them never materialised. A rich history of information and context has thus been obliterated.

The concept behind IP may be sound when the motivation is to maximise profits through centralisation, as less people are employed to do more work. In practice, it certainly does not improve the content and thus does not benefit consumers.

To improve the situation, media houses are once again running cadet courses, but the supply is too small to really meet the demand. The cadet course at the Independent group, for example, can only take twelve participants at a time. These courses also do not address the deficiencies of journalists already working in newsrooms.

Scores:

Individual scores:

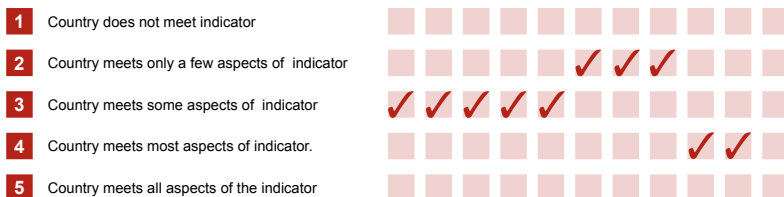
1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.0 (2008 = 2.9; 2006 = 2.8)

Scores:

Individual scores:



Average score:

2.9 (2008 = 2.2; 2006 = 2.3)

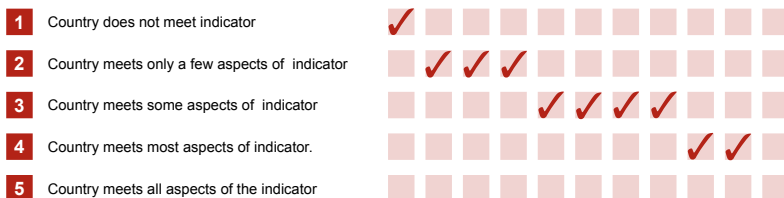
4.6 Owners of established mainstream private media do not interfere with editorial independence.

Cutting staff and resources could be interpreted as severe interference with editorial independence, but owners of established mainstream private media do not interfere directly in editorial decisions. There are no known cases of owners coming into newsrooms and throwing their weight around. They are merely interested in the bottom line.

Panellists placed different emphasis on the two types of interference – structural or direct.

Scores:

Individual scores:



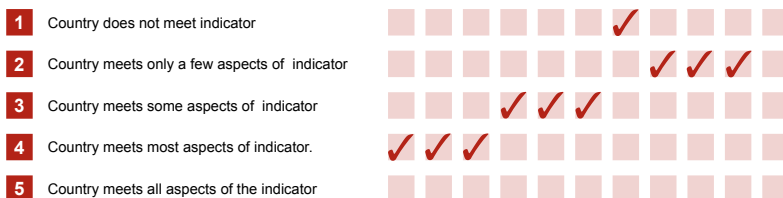
Average score:

2.7 (2008 = 2.1; 2006 = 2.5)

South Africa has a number of Sector Education and Training Authorities (Setas) in place, with the one responsible for media having been plagued by financial and administrative problems over the past few years. Setas are financed by a National Skills Levy obtained from the industry which in turn can claim expenses from this fund for skills programmes and training towards qualifications. These monies are also being used to fund short courses for working journalists at training institutions, such as the IAJ as well as a number of online courses.

Scores:

Individual scores:



Average score:

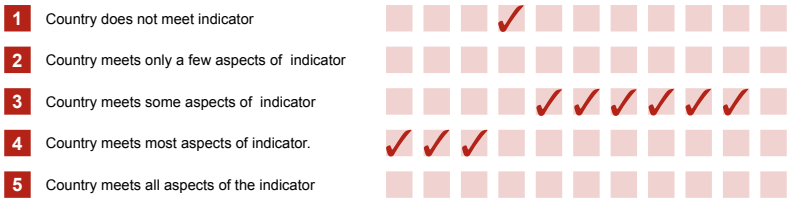
2.8 (2008 = 3.8; 2006 = 4.0)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

There are numerous media organisations such as the South African Editors Forum (Sanef), the Media Institute of Southern Africa (MISA) South Africa or the Association of Freelancers (see indicator 1.11). Trade unions such as the Communication Workers Union (CWU) and the Broadcasting and Electronic Media Allied Workers Union (BEMAWU) are open to broadcasters only. A Professional Journalists Association (ProJourn), launched in March 2010, defines itself as a pressure group for the interests of journalists but not as a trade union which would negotiate salaries or working conditions on behalf of its members.

Scores:

Individual scores:



Average score: 3.2 (2008 = 1.7; 2006 = 3.4)

Average score for sector 4: 3.2 (2008 = 3.0; 2006 = 3.0)

OVERALL COUNTRY SCORE: 3.0 (2008 = 3.5; 2006 = 3.2)

Developments since 2008 and the way forward

Positive developments in the media environment in the last two years:

- Issues of freedom of expression are high on the public agenda and constantly monitored by the media and civil society groups.
- Stronger links have been forged between trade unions, civil society, media lobby groups and industry bodies in pursuit of protection of freedom of expression through, among others, the emergence of the SOS – Support Public Broadcasting Campaign.
- Media have increased their investigative capacity and exposed corruption cases in government and other sectors of society which would otherwise not have become public knowledge.
- The media fraternity is becoming more critical of itself and consciously trying to improve its performance.
- The self-regulatory Press Council and Ombudsman are responding more efficiently to complaints from the public.
- The number of women in newsrooms and senior positions of media houses is increasing.
- The content of new media is improving and free online newspapers add to the number of sources of information.
- The lobby group Professional Journalists Association (ProJourn) has been launched and gives journalists a voice.

Negative developments in the media environment in the last two years:

- The tone of the political discourse is getting sharper, at times dangerously close to shutting down the space for rational and democratic debate.
- Exposure of government corruption has put journalists under pressure and working for the media is once again becoming a potentially dangerous job.
- Draft legislation such as the Protection of Information Bill, Public Service Broadcasting Bill and amendments to the Independent Communications Authority of South Africa Act, as well as the proposal to establish a statutory Media Tribunal, threaten the independence of media and thus freedom of expression as guaranteed in the constitution.
- The extended governance crisis at the South African Broadcasting Corporation (SABC) is ongoing despite the efforts of both an interim and a new board.

- Institutions such as the SABC and the Media Diversity and Development Agency are still not sufficiently funded.
- Media conglomerates continue cost-cutting measures at the expense of the quality of journalism.
- The concentration of ownership in the print media industry is left untackled and measures to increase diversity in the media landscape are not being discussed.
- The media, print media in particular, still cater predominantly for the minority of urban and middle class citizens and neglect the majority of the poor.

Activities needed over the next few years:

- Both freedom of expression activists and civil society as a whole should campaign to increase awareness among the general public that freedom of expression and the media is not a luxury, but a basic human right which underpins most other rights.
- The emerging broader cooperation of civil society groups seeking to defend and advance freedom of expression needs to be intensified and the different strategies should be coordinated with the ultimate goal of forming a broad coalition.
- A debate on ownership structures in the print media industry needs to be initiated, and ways to increase media diversity have to be explored.
- The organised sections of civil society that feel marginalised by the mainstream media need to fight for more space for their issues by, among others ways, professionalising their public relations work.
- The quality of journalism needs to be improved by, among many other things, more formalised strategic training interventions.
- Lobby groups such as the SOS campaign need to continue their efforts to push for the transformation of the SABC into a truly public broadcaster with adequate funding.
- The financial base for the Media Diversity and Development Agency needs to be broadened.

The panel meeting took place at the Auberge Rozendal in Stellenbosch/South Africa from 6 to 8 August 2010.

The Panel:

Tanja Bosch, media academic; Suraya Jawoodeen, trade unionist; Raymond Joseph, journalist; Zaid Kimmie, human rights activist; Adrian Louw, community radio manager; Kate Skinner, broadcasting consultant; Judith Smith-Vialva, gender activist; Keith Vermeulen, South African Council of Churches; Mark Weinberg, social movement activist; Juanita Williams, ICT specialist and journalist.

The Rapporteur:

Reyhana Masters

The Facilitator:

Hendrik Bussiek

Note:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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Supported by:



ISBN No. 978-99916-863-9-4