

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

SOUTH AFRICA 2013



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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 home-grown 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-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four 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 1½ days they discuss the national media environment according to 39 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 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-Stiftung (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.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 30 AMB Countries (2005-2013)

African Media Barometer

South Africa 2013

Summary

Freedom of expression and of the media are guaranteed in Section 16 of the South African Constitution.¹ Freedom of expression includes freedom to receive or impart information, freedom of artistic creativity, academic freedom and freedom of scientific research. However, these freedoms, including those relating to the media, are not enforced. Thus, there is no obligation by the State to actively promote and enforce these rights. In addition, the limitations to freedom of expression are not clearly defined. These two points make the freedom of expression environment vulnerable.

This vulnerability was exposed in May 2012 in the case of a painting titled the *Spear* by artist Brett Murray that depicted South African President Jacob Zuma's exposed genitals. Zuma filed an urgent court application to have the painting – and all versions of it – removed from the Goodman Gallery where it was mounted and from the website of *City Press*, the newspaper which first broke the story. Zuma claimed the artwork had overstepped the mark and acceptable levels of freedom of expression. In addition, the ruling African National Congress (ANC) called upon its members and sympathisers to boycott placing advertising in and buying the weekly paper. ANC supporters also staged marches on the gallery. There seems to be a growing backlash by the ANC to the rightful exercise of free expression by individuals in the country.

Although more progressive than other countries in the region, South Africa still has some repressive apartheid-era laws on its statute books. These laws, which include the National Key Points Act,² the Defence Act³ and the Prisons Act,⁴ have the potential to curtail freedom of expression in the country. For instance, the National Key Points Act was invoked in early 2013 by the Department of Public Works in an attempt to prevent an investigation of the upgrade of President Zuma's homestead Nkandla.

Since the last AMB in 2010, a Bill threatening freedom of expression in the country, the Protection of State Information Bill, has been passed by Parliament in April 2013 and is awaiting the signature of the President to become law. The Bill faced severe criticism from civil society organisations and after intense lobbying, some amendments were made, including the removal of section 49, which would have criminalised disclosure of information related to any national security

1 South Africa. Constitution of the Republic of South Africa, Act 108 of 1996.

2 South Africa. National Key Points Act 102 of 1980.

3 South Africa. Defence Act, Act 44 of 1957.

4 South Africa. Prisons, Act 8 of 1959.

matter. Despite this, the Bill is still problematic and if signed into law, it will have a chilling effect on the operations of the media, as it does not provide a 'public interest defence' for journalists in possession of classified documents. Journalists in possession of such documents could be heavily fined or face imprisonment. In addition, there is uncertainty on how the Bill will impact or restrict the existing Promotion of Access to Information Act.⁵

Despite the above negative developments impacting on freedom of expression, South Africa enjoys a diverse media and information environment with the existence of numerous newspapers, over a hundred radio stations, a growing number of community television stations, an almost 100% mobile phone penetration and an increase in Internet access. Talk-radio in particular remains a space for rich debates and discussions. However, these information outlets still remain an urban phenomenon. Most of the country's rural and peri-urban areas are deprived of media and information due to a mixture of the apartheid legacy of exclusion and the nature of the media in South Africa, which is highly commercialised and tends to serve narrow and elite interests. The majority of local languages are also not reflected in the newspapers, with the majority being published in English, Afrikaans and Zulu. Access to computers and Internet remains limited in most marginalised communities, and effective use of mobile phones is impeded by high tariff costs. Broadband, though getting cheaper due to the landing in May 2012 of the West African Cable System (WACS), the fifth undersea cable connecting South Africa to the rest of the world, is still reaching very few people. Government's lack of a clear and coherent ICT policy has been one of the reasons for slow growth of Internet uptake.

Television broadcast media, though diverse in terms of providing public, commercial and community-broadcasting services, is poorly regulated by the country's regulatory board, the Independent Communications Authority of South Africa (ICASA). The regulator has failed to ensure diversity in the sector. For instance, eTV remains the only commercial free-to-air television station and satellite subscription services are dominated by DSTv. In terms of fulfilling its role as a monitor of local content on public, commercial or community broadcast stations to assess whether the stations are adhering to their licence conditions, ICASA has mainly failed. The regulator is underfunded and generally lacks capacity and, as a result, is not in a position to ensure that broadcasters disseminate a diversity of views that broadly represent the public at large. Regulatory oversight over the public broadcaster, the SABC, has also been very weak. As a result, political interference at the national broadcaster has continued. In March 2013, yet another board resigned en masse, the second board to have collapsed within five years.

South Africa continues to adhere to high journalistic professionalism, with very few cases of unethical or shoddy journalism. Self-censorship and cases of corruption are also very rare. The recent threat by the ANC to introduce a statutory

5 South Africa. Promotion of Access to Information, Act 2 of 2000.

media appeals tribunal re-opened the debate on the standard of journalism and reporting in the country. The print media sector took it upon itself to introspect and came up with a revised and easy to access Press Code in 2012⁶.

Despite notable professionalism and high levels of investigative journalism, there is very little diversity in the media's coverage of issues. The mainstream media in South Africa, dominated by four print media oligopolies, one dominant public broadcaster, one commercial free-to-air television and two satellite television companies, provide very little space for various marginalised groups like women, social movements, community-based organisations and rural people. Women in particular are under-reported and under sourced by the mainstream media, despite a rise in the number of women in senior editorial and management positions. According to the 2011 *Global Report on the Status of Women in the Newsroom* by the International Women's Media Foundation,⁷ substantial numbers of women are found in the upper-level occupations in the media in South Africa.

The passing by the ANC-dominated parliament of the Protection of State Information Bill indicates that the government is increasingly becoming nervous around the media. There is concern that lobbying efforts by civic groups are left to very few urban groups – mainly the Right2Know Campaign, the Freedom of Expression Institute and the "SOS: Support Public Broadcasting" Coalition. There is therefore need to upscale advocacy campaigns to enhance public awareness and buy-in at the grassroots level.

6 South African Press Council. 2012. South African Press Code. Available at: <http://www.presscouncil.org.za/ContentPage?code=PRESSCODE>

7 Available at: <http://wvmf.org/pdfs/IWMF-Global-Report.pdf>

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.

The South African Constitution does support freedom of expression under Section 16.⁸ This right is guaranteed and protected, and includes media freedom, but these rights are not enforced. One panellist stated:

“The Constitution makes space for these rights to be protected but it does not make it an obligation for the State to actively promote and enforce it. Freedom of expression may not be infringed upon, but it is also not actively promoted, and this makes South Africa vulnerable.”

Another panellist felt that Section 36 of the Constitution, which states that the State must promote the spirit of the Constitution and the Bill of Rights, implies that the State must enforce these rights.

Section 16 of the Constitution reads:

- (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.

This right to freedom of expression is limited, however. A limitation clause reads as follows:

- (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.

At the time of the AMB, the Freedom of Expression Institute (FXI) was making a submission to Parliament to have the Constitution changed and for Section 16 to be amended, with a panellist noting that “internal limitation clauses are a danger sign for freedom of expression.” Panellists noted with concern that even the limitations are not clearly defined, for example what exactly qualifies as incitement.

⁸ South Africa. Constitution of the Republic of South Africa, Act 108 of 1996.

Following the killing of 44 striking miners by police at Marikana in August 2012, and the subsequent commission of investigation into the massacre, a number of journalists reporting on the subject received threatening phone calls.

The few brave journalists who are tackling government on certain promises it has made were noted by the panel, but they are definitely in the minority.

Journalists at the state broadcaster, the South African Broadcasting Corporation (SABC), seem particularly fearful to express themselves. They do not want to be seen to go against instructions from their bosses, but neither do they want to be branded as opposition supporters (i.e. the Democratic Alliance [DA]) and unpatriotic by their colleagues.

“It is becoming a culture now. Certain things are just not mentioned.”

A few civil society organisations also feel they cannot express their ideas freely without fear. This is especially true of smaller projects that depend on government funding.

“They fear that if they speak out and actively campaign for certain controversial ideals, they will suffer by being branded opposition supporters, and will thus lose out on funding, especially in the health and education sector.”

Very worrying is the comment that even members of parliamentary monitoring groups are forewarned not to raise certain issues “because parliament can make your lives very difficult”.

Fears are particularly strong in rural areas where patriarchy plays a very dominant role. This was evident during hearings about the Traditional Courts Bill, where people did not feel free to express themselves in what is a supposed “participative democracy”.

However, the growth in social media appears to be the “game changer” for freedom of expression, with citizens commonly speaking their minds. Sometimes, however, this happens to an extreme degree and in a thoughtless way, leading to possible retribution. Hawks¹⁰ spokesman, McIntosh Polela, for example, was fired in May 2013 for recklessly publishing on Twitter the previous year: “I trust Jub Jub’s supporters gave him a jar of Vaseline to take to prison.” Molemo ‘Jub Jub’ Maarohanye, a famous musician, was sentenced to 25 years in prison for murdering four schoolchildren while drag racing.

¹⁰ The Hawks is a Unit within the Police’s Directorate for Priority Crime Investigations.

The biggest threat to South African freedom of expression at the moment, however, is the Protection of State Information Bill, which has been passed by parliament and at the time of the AMB was awaiting the signature of President Zuma.¹⁵

Although significant amendments have been made to an earlier bill, following lengthy public consultation, there are still significant areas of concern, and state interests are still prioritised over transparency and freedom of expression.

If passed, this bill will have a chilling effect on the operations of the media. Journalists intentionally accessing classified information or simply being in possession of classified documentation can face severe jail terms. There is currently no ‘public interest defence’ that would exempt people in possession of such documents from being fined or jailed, meaning that using such documents for investigations into possible corruption by state officials would be a criminal offence.

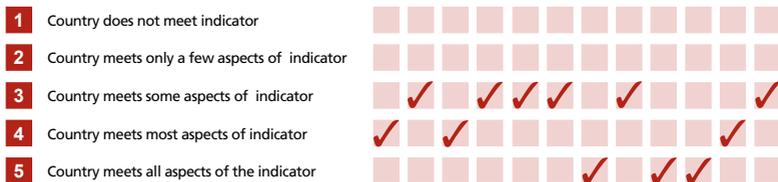
Had this bill been passed, it would not have been possible for the media to report on what has become known as the ‘Waterkloof saga’, in which a chartered aeroplane carrying wedding guests of the politically connected Gupta family was permitted to land at the Waterkloof Air Force Base, as such a report could be seen as jeopardising state security.

“If this atrocious bill is passed now, South Africa will be entering a very unhealthy state.”

“The discourse in the South African media is polarised between ‘us’ and ‘them’, the media and the politicians, and the reactions are based on extreme defences, with politicians being extremely sensitive to the media being ‘out to get them’... The trend in South Africa is to restrict freedom of expression, rather than growing it.”

Scores:

Individual scores:



Average score:

2.8 (2010: 4.0; 2008: n/a; 2006: n/a)

¹⁵ Just before the publication of this report (12.09.2013) President Zuma made the decision to send the Protection of State Information Bill back to Parliament for amendments. The results of this decision are yet to be seen.

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

The South African government has signed and ratified all regional and international instruments of freedom of expression and freedom of the media, but some of the provisions contained in these instruments have not been incorporated into domestic law and the country falls short in practice.

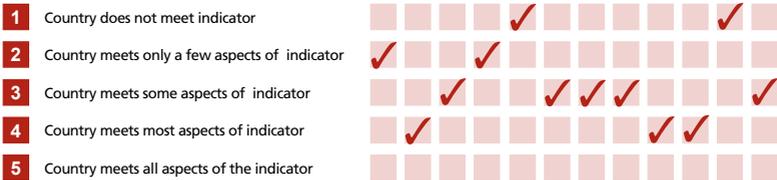
This includes the Declaration of Principles on Freedom of Expression, adopted by the African Commission on Human and People’s Rights in 2002.¹⁶ The above declaration makes it clear that state broadcasters must be transformed into public broadcasters, but the SABC is clearly still a tool of the state, with a politically appointed board. The government signs these declarations because as one panellist noted,

“The South African government is highly concerned with being seen to be doing the right thing.”

Nkosazana Dlamini-Zuma’s appointment to the African Union chair was mentioned as potentially having a positive effect in this regard, but there is great cause for concern as she banned foreign diplomats and non-governmental organisations at the AU summit in December 2012.

Scores:

Individual scores:



Average score: 2.8 (2010: 2.9; 2008: n/a; 2006: n/a)

¹⁶ Available at: <http://www.refworld.org/docid/4753d3a40.html>

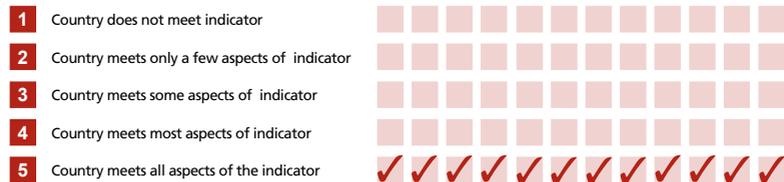
1.5 Print publications are not required to obtain permission to publish from state authorities.

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

“In this regard, we are world-class. We can set up a rag in any corner of town.”

Scores:

Individual scores:



Average score:

5.0 (2010: 4.9; 2008: n/a; 2006: n/a)

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

Although no law in South Africa guarantees journalists' confidentiality of sources, in practice journalistic sources are well-protected by the courts. This is despite the existence of Section 205 of the Criminal Procedure Act,¹⁷ which empowers courts to imprison anyone who refuses to give information relating to a criminal investigation. Anyone can be subpoenaed by a court to produce evidence, not just confidential sources, relating to a crime. Despite pressure from the South African National Editor's Forum and agreement by the state that it would amend this section, no such amendment has been made.

Panellists noted that although courts tend to protect journalists, there are other ways in which their confidential sources may be undermined, such as the practice of public officials confiscating equipment, including cameras, as happened in May 2013 when a Home Affairs official attempted to delete photographs from a journalist's camera.

¹⁷ South Africa. Criminal Procedure, Act 51 of 1977.

court rulings against the presidency about making certain information available. However he has refused to abide by all of these rulings, claiming these were opposition plots designed to destroy him.

In addition, once journalists or civilians have access even to non-controversial information, they are told it is proprietary information and is not to be used commercially, and may only be used in the form in which it has been given. Also, this raw data is often presented in an unusable way that cannot be properly analysed – i.e. it is in PDF form, not in Excel spreadsheet form - which limits how citizens or members of the public can use it. An example was made of the South African National Census of 2011, which was paid for with taxpayers' money, but which is not provided to people in a form in which they can use it for practical research purposes.

There are steps being taken to try to improve the situation of accessing publicly held data. A local version of the international organisation 'Hacks/Hackers', a forum for journalists and information technology developers, holds training sessions related to accessing data and learning how to 'torture' it for required information. The University of Cape Town's 'Datafirst' project enables people to search for data from various African socioeconomic surveys, and which is looking at improving access to the National Census. It is also involved in training African data managers to enable better data curation on the continent.

The South African History Archives, an independent human rights archive, offers a little-known free service to access publicly held information. This is done as a public service and requests can be made for various types of information, although it can take time for such information to become available.

Whistle-blowers are legally protected by the Protected Disclosures Act.²² However, if the Protection of State Information Bill is passed in its current form, whistle-blowers who disclose classified documents to reveal corruption, for example, could be prosecuted for espionage.

the tapes with the registrar of the court within five days. Lawyers representing the President have appealed the High Court decision.

22 South Africa. Protected Disclosures, Act 26 of 2000.

1.9 The state does not seek to block or filter internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

The State does not seek to filter or block internet content, although courts have been known to take action after the fact if such content amounts to hate speech, defamation, etc. The Department of Home Affairs is still working on a bill with the supposed aim of banning child pornography on the internet, but this has been criticised for being too broad and thus limiting internet freedom in general.

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 (2010: n/a; 2008: n/a; 2006: n/a)

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

There are numerous civil society and media lobby groups in South Africa, which have been doing good work in the area of promoting media freedom.

The Right2Know campaign has been especially active in challenging what it terms the unconstitutional aspects of the Protection to State Information Bill (the infamously dubbed 'Secrecy Bill'). It has campaigned vigorously for amendments to be made to it, some of which were enacted, but more needs to be done in this regard as the bill in its current form still threatens journalists' right to freedom of expression. At the time of the AMB, the bill was waiting for the decision of President Zuma either to sign it into law, or to return it to parliament for reconsideration and further amendments.²⁴

²⁴ Just before the publication of this report (12.09.2013) President Zuma made the decision to send the Protection of State Information Bill back to Parliament for amendments. The results of this decision are yet to be seen.

There are many civil society and media lobby groups in the country, although not all are very active, and most are based in urban areas. Very little vigorous campaigning is ever conducted in rural or remote areas, and as such a large section of the population is not aware of these issues and how such issues can impact them. Mention was made that, apart from the Right2Know campaign, there was virtually no activity around World Press Freedom Day on May 3, 2013. Many of the Right2Know campaigns are also centred solely in Cape Town in the Western Cape.

“On a policy and legislative level, various lobby groups are very active and effective in effecting changes, but the people on the ground still do not see media freedom as an issue relevant to them. There is a limited understanding in society of what the laws and issues are that undermine media freedom and freedom of expression.”

Positive mention was made of the Committee to Protect Journalists (CPJ), which is an independent, non-profit organisation that works to safeguard press freedom worldwide. Since April 2013, the international organisation has had a base in Cape Town, South Africa, with Sue Valentine appointed as CPJ's Africa programme co-ordinator.

Print and Digital Media South Africa (PDMSA), an umbrella body incorporating print and digital media in the country, which joined forces with the South African National Editors' Forum (Sanef) was vocal about resolutions made at the ANC's conference in Polokwane in 2007 to institute a statutory media appeals tribunal, which was seen as an attempt to muzzle the press. PDMSA and Sanef subsequently formed the Press Freedom Commission in 2012, showing the industry was prepared to regulate itself properly, and thus staving off the ANC proposal.

“The publicity around this was good as it got people talking. The final report also made tangible suggestions on how the media should be regulated.”

In 2010, the SOS (Save our SABC/Support Public Broadcasting Coalition), with support from a host of media lobbying groups and unions, joined forces to reject elements of the Public Service Broadcast Bill. If passed, this bill would have had serious implications for community media, while also undermining the independence of broadcasters and forcing them to serve the developmental goals of the Republic. It would also have undermined both ICASA's (Independent Communications Authority of South Africa) independence and its oversight role in relation to the SABC. As a result of this lobbying, the bill was withdrawn.

The SOS campaign is supported by the Alternative Information Development Centre (AIDC), the Broadcast, Electronic Media and Allied Workers Union (BEMAWU), the Congress of South African Trade Unions (COSATU), the Documentary Filmmakers Association, the Ecumenical Services for Social and Economic Transformation (ESSET), Idasa (an African Democracy Institute), the

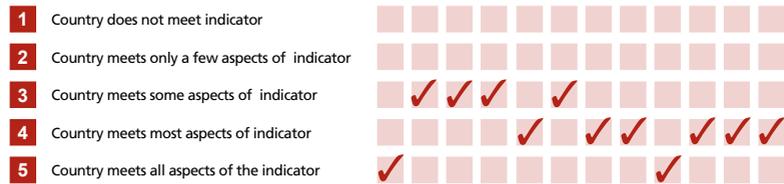
Freedom of Expression Institute (FXI), the Freedom of Expression Network (FXN), the Independent Producers Organisation(IPO), the Institute for the Advancement of Journalism (IAJ), Media Monitoring Africa (MMA), the South African Screen Federation (SASFED), MISA South Africa (the South African National Chapter of the Media Institute of Southern Africa), the National Community Radio Forum, the National Consumer Forum, the South African Non-Governmental Organisation Network (SANGONET), the South African History Archives (SAHA), the TAC (Treatment Action Campaign), Workers World Media Productions and the Writers Guild of South Africa.

Unfortunately, media houses are reluctant to work with the SOS campaign for fear of being seen to be adversary to the state, and thus losing out on state advertising or other support. Because local media houses won't fund such campaigns, NGOs become increasingly reliant on international funding.

"There is a strong sense that the ANC is countering media freedom efforts. The party is sending a very hostile message in this regard... Thankfully there are so many active lobby groups, which tackle these issues. Without them, we would have lost so many battles, because journalists themselves are a fragmented bunch and don't carry these issues forward themselves ... the Broadcasting Regulatory Framework would be unrecognisable if it wasn't for efforts from civil society organisations, such as Media Monitoring Africa."

Scores:

Individual scores:



Average score:

3.8 (2010: 3.5; 2008: 3.9; 2006: 2.7)

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, mobile phones) is accessible and affordable to citizens.

Television

There are three free-to-air state TV channels: SABC 1, 2, and 3. There is the commercial free-to-air channel, etv; eNCA (eNews Channel Africa); DStv, a multi-channel subscription digital TV pay service; and multi-channel Top TV, the new kid on the digital subscription block, which is struggling to survive.²⁵

There are also a number of community TV stations in the country. Soweto TV was the first to receive a one-year licence in 2007. It is available on the DStv platform, which also supports fellow community TV stations Tshwane TV, Bay TV and 1KZN. By September 2013, Cape Town Television would also be added to the satellite service, giving the stations a wider national platform than its current free-to-air signal allows.

Radio

The SABC is a big player in the national radio market and owns 5fm, Metro FM, SAfm, Radio Sonder Grense, Radio 2000, Good Hope FM, Lotus FM and the largely local language broadcast services Ukhozi FM, Umhlobo Wenene FM, Motswedding FM, Lesedi FM, Thobela FM, Munghana-Lonene FM, Ohalaphala FM, Tru FM, Ikwekwezi FM and Ligwalagwala FM. The SABC claims to reach 94% of South Africans through its television and radio stations.

“There may be many radio stations broadcasting in indigenous languages but the content that they broadcast is a concern. The programming is not geared towards issues of transformation, development or gender.”

Primedia owns a number of commercial radio stations, including 702 Talk Radio, 94.7 Highveld Stereo, Kaya FM 95.9, 567 Cape Talk, and partly owns 94.5 Kfm. There are at least another 11 private commercial radio stations, with various/mixed ownership structures. PowerFM is the latest, privately owned talk show radio station to go on air, competing directly with 702.

There are about 145 community radio stations licensed in the country, an increase from 96 in 2012, and about 120 are on air and operational. Community radio

²⁵ Before the time of AMB publication, the launch of the Gupta-owned ANN7 news channel also took place in August 2013, with considerable mishaps, see more at: <http://www.timeslive.co.za/entertainment/2013/08/23/the-gupta-goofs-ann7-news-channel-fumbles-through-launch>.

is accessed by an estimated 18, 6 million listeners a week, according to www.southafrica.info.

Print

Audit Bureau of Circulations figures for October 2012 notes there are 22 daily newspapers in South Africa. In 2010, there were 21, with the latest addition to the fold being the nationally distributed *New Age*. Published by TNA Media, which is owned by the controversial and politically well-connected Gupta family, it includes a high proportion of government advertising compared to other daily newspapers.

Most of the other daily newspapers are owned by four big players: Independent, the Times Media Group (TMG, formerly Avusa), Media24 and Caxton. Andrew Bonamour, has been the new Chief Executive Officer of TMG since January 2013, while the Mvelaphanda Group took control of Avusa, transforming in into TMG, in September 2012.

TMG owns the *Daily Dispatch*, *Business Day*, the *Sowetan*, *The Herald*, *Times* and the *Sunday Times*. Media24 owns *City Press*, *Volksblad*, *Die Burger*, *Kaap Son*, *Daily Sun*, *Beeld* and *Witness*.

In mid-2013, the Independent news group was sold by the Irish O'Reilly family to the politically well-connected Sekunjalo consortium in South Africa headed by Iqbal Survé. The Independent Group owns the Cape Times, the Cape Argus, the *Daily Voice*, *The Mercury*, the *Daily News*, *Osolezwe*, *The Star*, *Diamond Fields Advertiser* and the *Pretoria News*. *The Star Africa* is a new English edition launched in 2012.

Caxton, which owns a number of local newspapers, also owns *The Citizen*, a daily national newspaper.

The main weekend newspapers are also owned predominantly by these two groups: The Independent (*Sunday Independent*, *Weekend Argus*, *Independent on Saturday*, *Osolezwe ngeSonto*, *Post*, *Sunday Tribune*, *Saturday Star*), and TMG (the biggest selling *Sunday Times*, *Sunday World* and *Weekend Post*). Media24 is also a major player in the weekend newspaper market and owns *City Press*, *Rapport*, *Soccer Laduma*, the relatively new *Sondag*, *Saturday Sun*, *Volksblad Saterdag*, *Die Burger*, *Son Op Sondag* and *Naweek Beeld*. Mandla-Matla owns the two Zulu-language weeklies, *Ilanga* and *Ilanga Langesonto*, while M&G Media owns the *Mail & Guardian*.

Most, if not all, of the newspapers and magazines – especially those owned by TMG, Independent and Media24 – have a strong online presence. *The Daily Maverick* is an online-only newspaper launched in 2009, and which has fast become a staple for newshounds. In April 2013, eNews Channel Africa (eNCA), a satellite channel within the DStv bouquet, launched a multi-media news website. Eyewitness News (ewn.co.za), which began as a shared newsgathering sub-

company within the Primedia radio stable, has developed into a fully-fledged online news site.

Currently there are no online African language newspapers. However, since October 2012, UCT journalism lecturer Unathi Kondile decided to tweet only in isiXhosa in a fight to mainstream African languages, and to encourage micro blogging and the sharing of information in people's home languages.

"The level of conversation in indigenous languages across social networks, dealing with conceptual issues and news, is incredible. Apart from Unathi, there are many others who are helping to revive African languages and news reporting. Ordinary young people are using Blackberry Messenger (BBM), Facebook, Mxit and Twitter to create small stories from their areas, some of which go viral and are picked up by the mainstream media. Social media is proving to be a very powerful tool."

The print versions of daily and weekly newspapers are mostly available in the country's big cities, and most are published in English. An initiative to encourage the growth of both vernacular language and English literacy is the *Nal'ibali* bilingual newspaper supplements, which are published in English and isiZulu, or English and isiXhosa, depending on the area of distribution. These supplements are inserted in *The Times* (KwaZulu-Natal, Gauteng and Western Cape), the Herald and the *Daily Dispatch* (Eastern Cape), while almost a million of these supplements are distributed directly to reading clubs, community organisations, libraries and schools. *Nal'ibali* means 'here's the story' in isiXhosa and it includes stories, literacy activities and reading club tips and support.

"The newspaper market has been hit hard by declining circulation. Cover prices have had to increase but newsrooms are being decimated as management seeks to cut costs, meaning that fewer people have to do more work. As a result the quality of newspaper content is clearly dropping too."

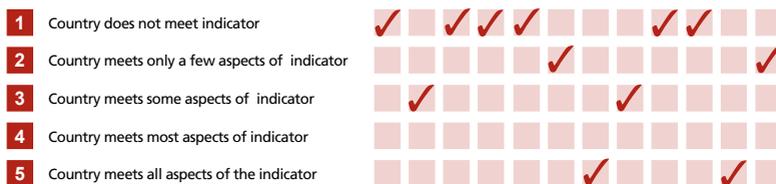
As a result of cost cutting, the *Sunday Times* withdrew its Zulu edition, the *Express*, in April 2013. As a means of saving money, some newspaper houses have looked at sharing resources. The Independent Group, for example, began using a national pool of sub-editors for all its publications in 2011. By 2013, this pool had shrunk. *Rapport* and *Beeld* are investigating combining their newsrooms to save on costs.

There are 28 weekly newspapers, two up from 2010 and the magazine market has shrunk in 2010 from 655 to 600. The number of community/local newspapers and magazines, however, has grown in the past three years from 470 to 480.

Government distributes money generated from the state and through the contributions of media houses to support the media through, the Media Development and Diversity Agency (MDDA), which falls under the Office of the Presidency. Panellists were aware that many community radio and television stations received financial support to get studios up and running and to pay for programme production, but how the MDDA supports print publications was not clear.

Scores:

Individual scores:



Average score:

2.2 (2010: n/a; 2008: n/a; 2006: n/a)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

Under the Electronic Communications Act's broadcasting licence regulations,²⁶ broadcasters are required to be open and transparent about their ownership. This is guaranteed by law and enforced through the regulator, the Independent Communications Authority of South Africa (ICASA). However, in terms of print media, discerning ownership is not at all transparent.

Mention was made of Print Media South Africa (now the Print and Digital Media South Africa, or PDMSA) coming under pressure from the government to regulate the sector better for this lack of transparency.

PDMSA is a non-profit, voluntary association that brings together members of the print and digital media in South Africa. Its members include the Times Media Group, Caxton & CTP, Independent Newspapers, Media24, the M&G Media and the Association of Independent Publishers.

The recent buy-out of the Independent Newspaper Group by a consortium called Sekunjalo Independent Media (SIM) is a case in point when it comes to the lack of transparency of print media owners. At the time of the AMB, panellists did not know who or what Sekunjalo represented but there were many rumours relating to politically connected individuals and companies, as well as part-ownership by a labour union.²⁷

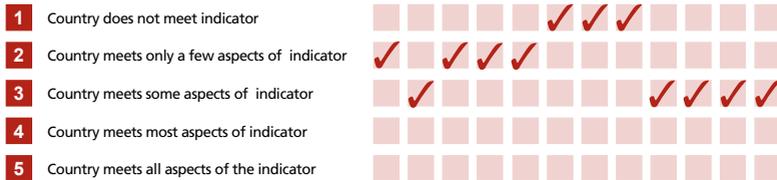
While all take-overs and mergers are checked by the Competition Commission, which looks at any possible cross-ownership as well as whom the shareholders are, this information is not revealed to the public. The Competition Commission looks at it purely from a concentration point of view and not in relation to political interference.

²⁶ South Africa. Electronic Communications and Transactions Act, 25 of 2002.

²⁷ In June 2013, Sekunjalo Independent Media revealed a list of its shareholders.

Scores:

Individual scores:



Average score:

2.2 (2010: n/a; 2008: n/a; 2006: n/a)

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

There is no special legislation or regulation that addresses the ownership of print media, and it is only general competition law which governs this. However there is statutory regulation of cross-media ownership, which is ownership or control of both print and broadcast media. The Electronic Communications Act²⁸ provides that if a company controls a newspaper, the same company can control one television station or one radio station, but not all three.

Further, the Electronic Communications Act restricts one owner from having two free-to-air commercial television stations. In terms of radio stations there is more leeway and single owners are limited to two FM and two AM commercial radio stations, although not in overlapping coverage areas.

Panellists felt that ICASA (Independent Communications Authority of South Africa) and the related legislation fared very poorly in terms of creating a competitive environment, with alternative voices. The commercial television market is dominated by the Multichoice Group through its DStv satellite and M-Net terrestrial offerings, and "it is very difficult for new entrants to participate in the subscription television industry".

In the past fifteen years, ICASA has licensed only one free-to-air commercial television player: etv. Also, as a matter of policy, it has refused to licence any national commercial radio stations, limiting commercial radio stations have to broadcast to specific regional centres. Note that there are however two SABC national public-commercial radio stations – Metro FM and 5FM.

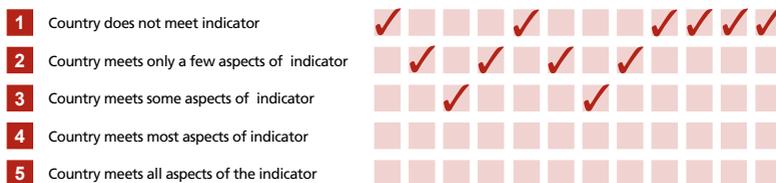
As such, "it appears as though ICASA is protecting the SABC, which remains dominant nationally in both television and radio, thus limiting alternative voices and indicating a lack of commitment to diversity in the sector."

²⁸ South Africa. Electronic Communications and Transactions Act, 25 of 2002.

“Journalists operate in a context where patriarchy is still very much alive in society, in the newsrooms... It is difficult for female journalists to break out of that. Systems need to be put in place to enable more women to tell their stories.”

Scores:

Individual scores:



Average score:

1.7 (2010: 2.6; 2008: n/a; 2006: n/a)

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

The media tends to cover issues relating mostly to the influential and wealthy elite, regardless of race, and does not fairly represent the views of the majority of people who are black and who live in “invisible spaces”. An exception to this neglectful tendency is when there is a riot, for example.

While some minority voices are represented, for example black lesbians, their stories only seem to be told because they are murdered. This relates to media houses seeking to increase their audience through sensationalism.

“In general the media do not represent people who are different and who are just going about their everyday lives. Of course there is a commercial interest underpinning the sector and drama sells.”

“Commercial newspapers face a declining market so they will do what they can to stay in business. If we published a newspaper that NGO activists wanted to read, it would not survive.”

There is considerable stereotyping as well. For example, foreign nationals are often represented in the media as victims of xenophobia or as drug dealers.

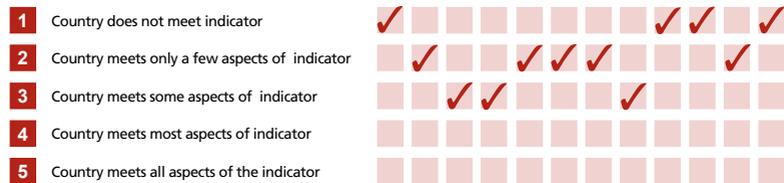
Mention was made of a case in 2008 in which Media Monitoring Africa sued the Daily Sun for repeatedly using the word ‘alien’ in articles and headlines to describe foreign nationals. The NGO felt this contributed to a culture of xenophobia in the country, by directly and indirectly implying that these foreigners were the ones to blame for the violence. The tabloid ultimately agreed to stop using the derogatory term.

Commercial media in South Africa is dominated by English and Afrikaans, which are the main languages in the country that attract advertising. The country’s remaining nine official languages (isiZulu, isiXhosa, Sepedi, isiNdebele, Sesotho, Setswana, TshiVenda, Siswati and Xitsonga) are represented on community radio stations and through the SABC’s nine indigenous radio stations and television news bulletins. However, these state news bulletins tend to be literal translations from the English broadcast, without journalists making the effort to get extra comment from specific communities about their perspective on an issue. Most of the sources used in these indigenous news broadcasts are English-speaking, presented on television without sub-titles.

“South African media tends to be incredibly un-analytical and un-self-reflective. The underlying problem is that there is an elite pack governing the discourse in the country. This results in contemptuous undertones towards the majority, so the media will cover them when they burn a clinic, for example, but not during the months of non-violent protest action before this.”

Scores:

Individual scores:



Average score:

1.9 (2010: 2.2; 2008: n/a; 2006: n/a)

2.9 Media cover the full spectrum of economic, culture, political, social, national and local perspectives and conducts investigative stories.

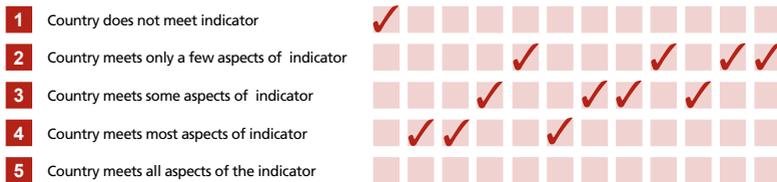
In general, it was felt that the commercial media does a good job in trying to cover the full spectrum of events in the country. Panellists noted that there has been investment by some media houses and publications (notably the Times Media Group, Media24, the *Mail & Guardian*, and the *Daily Maverick*) into conducting investigative articles, which reflect directly on what is happening in society.

“Those that are doing this are doing excellent work.”

State media, in the form of SABC radio and television, tends not to be critical of the government, but rather represents it in a positive way through stories on developments that the state is involved in. There are, however, some staff members at the SABC who continue to try to produce news and other programming that is credible and fair.

Scores:

Individual scores:



Average score:

2.8 (2010: 2.7; 2008: 3.2; 2006: 3.2)

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

Private broadcasters are not required to provide “public interest programming” as such, although the free-to-air broadcasters have licence obligations as regards to news. Further, local television content obligations for e.tv are required to be spread across a range of genres, including documentary and informal knowledge building.

Private broadcasters, especially through their news bulletins, appear to be making an attempt to provide public interest programming, but their attempts are not

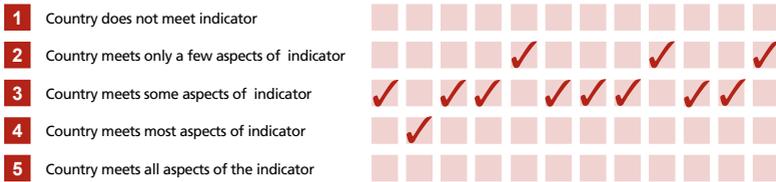
adequate. Panellists felt that private broadcasters could be doing more to cover public interest issues. For example, they tended to cover the easy and the obvious, narrow topics, such as e-tolling, but ignored broader issues such as that of the Traditional Courts Bill.

“One thing that private broadcasters are doing to elevate the national discourse is to highlight alternative viewpoints, different to that of the SABC. Of course it can be argued whether these broadcasters are doing this for truly investigative purposes – such as reporting on where government has failed to deliver services – or if it is just being used for expedience, to criticise the government.”

“There is no balance in the representation of news, and there are clear poles of reporting. With the state/public broadcaster reporting bad news is an exception; with private broadcasters it is the opposite. It’s political football.”

Scores:

Individual scores:



Average score:

2.8 (2010: n/a; 2008: n/a; 2006: n/a)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of citizens, including marginalised communities.

There is still no coherent ICT policy in place and the various pieces of legislation, which touch on areas of ICT, are apparently being reconsidered for inclusion into a single ICT policy. The process to develop such a policy has only recently been kicked off and is still probably years away from translation into new laws. As such government, through the Department of Communications, does not yet appear to be meeting the information needs of all its citizens, and any ICT initiatives appear to be taking place haphazardly in a policy vacuum.

Some efforts have been made by the Department of Communications to connect schools to the Internet, according to a report in the *Mail & Guardian* (May 24 to 30, 2013). At the time of the report, 854 schools had been connected and Deputy

Minister Stella Tembisa Ndabeni-Abrahams promised that a further 2000 schools would be connected before the end of 2013.

Out-dated telecommunications and broadcasting policies from the late 1990s are still being used, but these are no longer relevant in what is increasingly becoming a broadband world. When the government licensed two cellular service operators in the late 1980s and early 1990s, it never envisaged that people would be accessing the Internet through their cell phones in future.

“Telkom envisaged that it would always have a monopoly on telecommunications, but because our economy is freer than others, private sector investment, and not government policy, has driven the communication needs of people.”

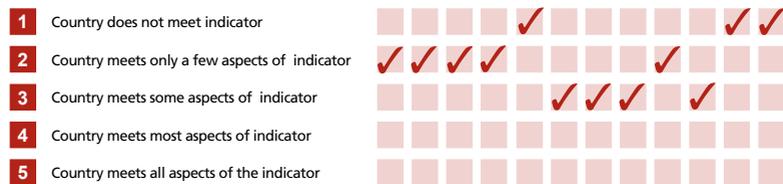
“In the 1990s, South Africa used to be at the top of the connectivity scale in terms of the average bandwidth. According to the 2013 Ookla Net Index, South Africa now ranks 119th out of 186 countries and has slower average bandwidth speeds than many other African countries, including Zimbabwe, Angola, and Mozambique.”

Concern was also raised that as a result of the poor handling by the state of the migration from analogue to digital terrestrial television (set to be completed in June 2015, according to an International Telecommunications Union framework), this may not happen in any real way in South Africa:

“Instead, there will probably be a move to satellite and video-on-demand over the internet.”

Scores:

Individual scores:



Average score:

2.1 (2010: 1.6; 2008: n/a; 2006: n/a)

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

There have been instances where the government has threatened to withdraw advertising from newspapers as a result of negative reporting on the state's activities.

The panel noted the 2007/8 example where the Eastern Cape's Makana municipality withdrew its advertising from the *Grocott's Mail* community newspaper, as a result of the newspaper publishing an article critical of the municipality's missing money. The newspaper sought legal help, and the municipality eventually backed down and settled out of court, by reinstating its advertising and reimbursing the court costs of the paper.²⁹

This happened soon after Essop Pahad, then the Minister of the Presidency, had threatened to exclude the *Sunday Times* from state advertising. While Pahad's row with the weekly paper had not resulted in a written instruction about an advertising boycott, it did end up costing the *Sunday Times* millions of rands in lost revenue, which even led to layoffs of journalists and other staff. Once Pahad left his position, the government adverts picked up again. This demonstrated the devastating effect that the withdrawal of state advertising can have on a newspaper, even one as established as the *Sunday Times*.

The AU Declaration of Principles on Freedom of Expression (2002), to which South Africa is a signatory, states that government cannot use the withholding of media advertising as a weapon.

For community newspapers, government advertising is their bread and butter:

"They live in fear of offending the municipality or the government even though the threat of withdrawing government advertising is not made per se, but it hangs over them nevertheless. As a result there is no doubt that they steer clear of certain stories that could put the state in a negative light."

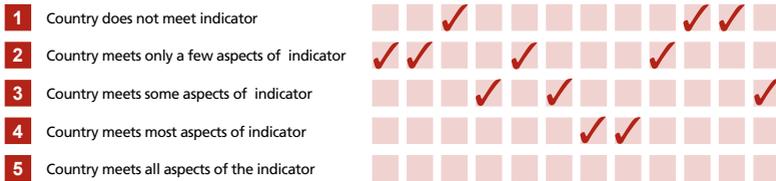
Mention was made of the *New Age* newspaper, which receives a considerable amount of government advertising, most probably because of the owners' (the Guptas) influential political connections and the fact that this newspaper's editorial policy is totally in line with government and the ruling party.

On a positive note, Radio Riverside, an award-winning community radio station from Uppington, Northern Cape province, has a contract with the municipality with regards to broadcasting municipal programming, as well as reporting on municipal issues, even from a negative point of view.

²⁹ Berger, G. 2008. Small paper, big victory. *Media Online*, 1 September. Available at: http://nml.ru.ac.za/files/small_paper_big_victory_in_The_Media_magazine.pdf

Scores:

Individual scores:



Average score:

2.3 (2010: 3.2; 2008: 2.7; 2006: 1.4)

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

The general consensus is that the advertising market is large enough to support a diversity of media outlets, although the distribution is not equitably shared.

“Private, commercial media institutions get a much higher percentage of the ad spend than community media, which only gets about 3%. This is despite the fact that community broadcasters account for 26% of the total audience, so the playing field is really not even.”

According to PriceWaterhouseCoopers, the total advertising spend in 2012 was R8, 8 billion, up from R7, 5 billion in 2010.³⁰

The South Africa Media Facts 2013 reported increases in ad spend in all sectors from 2010 to 2012: above-the-line ad spend for daily newspapers went from R3, 500.6 million to R3, 856.9 million, ad spend for weeklies from R1, 644.3 million to R1, 815.7 million, television from R13, 408.3 million to R15, 559.6, and radio from R3, 687.8 million to R4, 934.5 million.

“It is a hell of a lot of money and it is growing still, and faster than the rate of inflation.”

A point was made that advertisers are not interested in the number of listeners on a particular radio station, for example, but the type of listener and the amount of disposable income this audience has.

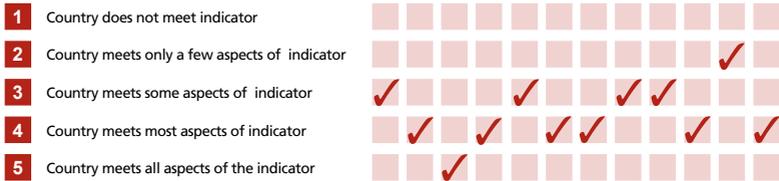
“Advertisers are not interested in reaching the majority of South Africans, because they don’t have the kind of money to spend of the minority elite.”

³⁰ PWC *Global entertainment and media outlook* - <http://www.pwc.com/gx/en/global-entertainment-media-outlook/territory-segments-digital-forecast-overview.jhtml>.

The magazine market, however, has experienced a ‘bloodbath’ in the last year, with readership dwindling and some titles folding. South Africa Media Facts 2013 report the above-the-line ad spend for the consumer magazine market was R2, 206.7 million in 2008, R2154.5 million in 2011 and dropped to R2098.2 in 2012. Due to the general economic downturn, a number of magazine titles have had to close, including Media24’s *Shape*.

Scores:

Individual scores:



Average score:

3.6 (2010: 2.7; 2008: 3.9; 2006: 2.5)

Average score for sector 2:

2.6

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.

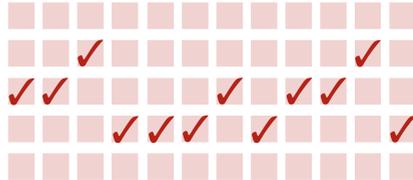
Broadcasting in South Africa is governed by the Electronic Communications Act of 2006 and the Broadcasting Act of 1999. As legislation on paper, they are world class in terms of international best practice and they set out the three tiers of broadcasting: public, commercial and community, and emphasise the importance of content and ownership diversity.

However, this legislation is not well implemented, especially in terms of commercial broadcasters, as there is little diversity in this sector. Alongside the three public/state television stations provided by the SABC, e.tv remains the only commercial free-to-air television station. The satellite subscription service provided by DSTV monopolised this sector until 2010, when TopTV entered this market with a cheaper bouquet offering.

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:

3.3 (2010: 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 South African Constitution 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.” Currently the Independent Communications Authority of South Africa (ICASA) reports to the Parliamentary Portfolio Committee on Communications.

ICASA was established in terms of the ICASA Act³¹ of 2000 (amended in 2006³²) to regulate telecommunications, broadcasting and postal services.

It is referred to as a Chapter 9 body, which means it must be independent from government as a safeguard for democracy, but this institution was not established by the Constitution and as such does not have the same kind of independence as the six existing, constitutionally-guaranteed Chapter 9 institutions, which include the Electoral Commission and the South African Human Rights Commission. As a result, it is seen to be weak and easily dominated by vested interests in both business and the ANC, especially with regard to calling the SABC to account. Its capacity and independence have been compromised, and it cannot regulate broadcasting in the public interest or ensure that broadcasters meet their constitutional mandates.

An attempt was made in 2010 to pass a Public Service Broadcasting Bill (mentioned in *Indicator 1.10*), which would have weakened ICASA further and given it less control over the SABC. Lobbying ultimately led to this bill being withdrawn.

“It suits the government to have a weak regulator. ICASA is too weak to perform its own functions, one of which is meant to be monitoring the regulatory compliance of broadcasters, including the SABC, in terms of local content quotas and advertising requirements, which it clearly does not do. It suffers from the same problem afflicting other parastatals or semi-government institutions: a lack of credibility. Many in the industry do not take ICASA seriously because there is a sense that its board members are political appointees.”

In addition, the blacklisting saga, in which the SABC was accused of placing a blanket ban on particular commentators and analysts perceived to be unfriendly to the powers that be, showed ICASA to be weak in terms of regulating the state broadcaster. When the Freedom of Expression Institute (FXI) laid a complaint with ICASA in 2007, claiming the SABC had violated the Broadcasting Act by providing

31 South Africa. Independent Communications Authority of South Africa, Act 13 of 2000.

32 South Africa. Independent Communications Authority of South Africa Amendment, Act 3 of 2006.

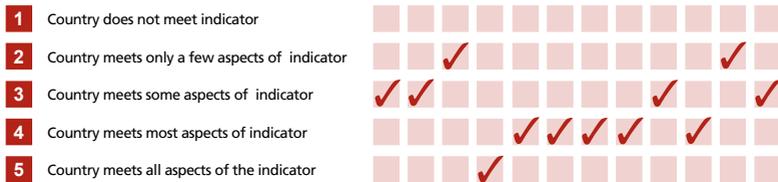
biased news and current-affairs shows as a result of the blacklisting, ICASA dismissed the complaint, claiming it did not have jurisdiction over an SABC “internal journalistic matter”. In 2011 the High Court ruled that ICASA’s interpretation of its jurisdiction was flawed and it must reconsider the matter.

The precursor to ICASA, the Independent Broadcasting Authority (IBA), had a more legitimate status. Currently ICASA board members must be publicly nominated and parliament must shortlist the candidates. Currently the Minister of Communications, and not the president, appoints the board members, based on the shortlist.

“We have the constitutional protection for an independent, regulatory body for broadcasting, but we don’t have the political will for it to be genuinely independent.”

Scores:

Individual scores:



Average score:

2.4 (2010: 2.9; 2008: n/a; 2006: n/a)

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

ICASA (Independent Communications Authority of South Africa) is generally seen to be capable in the allocation of public, commercial and community radio and television licences and this is considered to be a transparent process. There are very few districts in the country without a radio or television station. In the run-up to the launch of digital terrestrial television in South Africa by June 2015, ICASA has imposed a temporary moratorium on allocating community television licences.

ICASA does not fulfil its role as a monitor of local content on public, commercial or community broadcast stations, to see if the stations are adhering to their licence conditions. The routine reason given for this is the lack of capacity. As a result, the regulator is not in a position to ensure that broadcasters disseminate a diversity of views that broadly represent the public at large.

Assembly". The parliamentary committee on communications advertises for nominations, examines the nominations in terms of the necessary skills and representivity, shortlists these candidates for public interviews, and then submits a final list to parliament for ratification. This process happens before the list of nominees is submitted to the president for appointment.

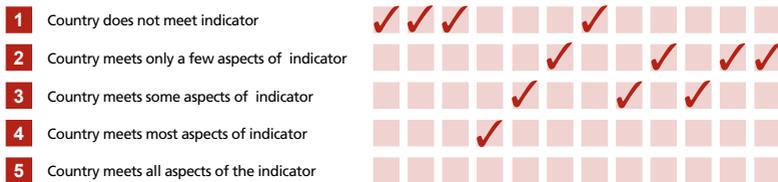
Although the board is legally accountable to the public through parliament, government and ICASA, many panellists felt that the law, while good on paper, was being subverted by the ruling party. ANC-lackeys, rather than people particularly skilled in broadcasting and with public service in mind, were appointed as executive members of the board with ministerial interference. In addition, they felt that Parliament was not doing its duty in terms of acting as an oversight body for the Board and the Corporation.

In 2011 the "SOS: Support Public Broadcasting Coalition" began lobbying government to review the public broadcasting policy. This was after the controversial Public Service Broadcasting Bill was withdrawn (see indicator 1:10). The Coalition also made submissions to the Constitutional Review Committee, which included the proposal to make the SABC a Chapter 9 institution in order to protect its independence from political pressure.

"As long as the SABC is controlled by Parliament, which is dominated by the ruling ANC, it will be controlled by the ANC, like all parastatals. Until the political will and integrity of the legislation are respected, we won't be able to solve the problems at the SABC. Parliament is letting down the nation badly as it has failed to hold the corporation to account, financially or in terms of an effective turnaround strategy."

Scores:

Individual scores:



Average score:

2.1 (2010: 3.1; 2008: 2.9; 2006: 4.6)

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balance and fair news and current affairs programmes.

Although Section 6 of the Broadcasting Act³³ provides for the SABC to enjoy “freedom of expression and journalistic, creative and programming independence as enshrined in the Constitution”, in practice this does not happen, and news and current affairs programmes tend not to be balanced or fair.

Panellists agreed that there has been considerable political interference for years at the national broadcaster. Scheduled programmes have been known to be censored before broadcast if they include controversial comments, which could put the ruling party in a negative light. This happened in December 2012, when the SABC told cartoonist Jonathan Shapiro, also known as Zapiro, that his pre-recorded interview with SABC’s Interface programme would not be screened as a result of “orders from above” due to his comments about President Zuma. Not long before this, a talk show on the SABC radio station Metro FM about the build-up to the ANC’s Mangaung conference was also cancelled, as the ANC felt the political journalists’ contribution on the show was unbalanced, i.e. not in favour of the ruling party.

Political analysts have been pulled off shows without warning and current affairs producers and presenters have been taken to task if it is felt the government or the president have been presented in a negative light. Even when a programme is already on air, staff have received calls “from well-connected ANC members, political connected people and SABC bosses” to pull the programme immediately.

“It is well known that if staff speak out about their experiences of such censorship, they will be side-lined... Political interference at the SABC is driven by a lack of understanding of the role of the media, and especially the SABC’s public service mandate. The SABC’s editorial policy means nothing because it is not adhered to. The media is there to hold people in power accountable and the public has the right to know, but the SABC cannot fulfil this role.”

Some of the editorial interference experienced by SABC staff is not even political, and senior managers have been known to instruct producers to act unethically to promote a particular business or person.

While there is clearly a considerable amount of direct editorial interference at the SABC, there is also fear from staff about possible backlashes, such as a loss of jobs, which encourages them to practice self-censorship.

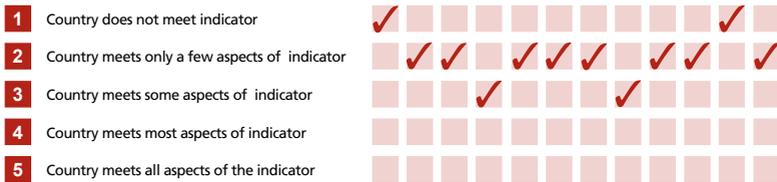
³³ South Africa. Broadcasting, Act 4 of 1999.

Mention was also made of a considerable amount of incompetence among the national broadcaster’s staff, which may be construed as censorship.

“Often people are put into positions of power at the SABC because they are known not to question the status quo and they are easily manipulated by the powers that be.”

Scores:

Individual scores:



Average score: 2.0 (2010: n/a; 2008: n/a; 2006: n/a)

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

The SABC receives a very high percentage of its income from commercial funding. Over the past few years its approximate funding split (as reflected in its various Annual Reports) has been: advertising and sponsorship (81%), licence fees (17%) and only 2% directly from government allocations.

As a public broadcaster, it is risky for the SABC to be so reliant on commercial funding as this means its programming is overwhelmingly slanted towards commercial criteria, rather than public interest concerns that can help further democracy (such as documentaries, investigative journalism, and educational programming). As a result most of the commercially skewed nature of the SABC’s funding, the prime-time television is dedicated to popular entertainment programmes, such as soapies, which attract large audiences and thus advertising.

The commercial pressure can be subtler, with an increase in product placement in local programming, or more overt, such as the name of the reality competition series, ‘Tropika Island of Treasure’, which is named after a sponsor on a public broadcaster. Mention was also made of how easy it is for companies to be featured on SABC 2’s ‘Morning Live’ show, with advertising dressed up as programming.

3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

The SABC offers a number of very educational home-grown programmes in a number of South African languages, such as *Soul City* (an award-winning drama series looking at issues from HIV-Aids to child abuse and illiteracy), *Yizo Yizo* (gritty series focusing on issues affecting the youth), *Hola Hamente* (catering for the needs of the elderly) and the current affairs programme, *Cutting Edge*.

“There is a lot of diversity and some of these shows are very informative, but the quality is not always the best, and often these programmes are ‘dumbed down’ and patronising.”

It was felt that generally the SABC did well in covering various local issues, except when it came to politics.

There are no political satire shows on the SABC. Mention was made of ZANews, a political and social parody puppet show presented as a mock news broadcast. The show was scheduled to air on the SABC in 2008/2009, but after viewing the pilot, the SABC refused to broadcast the show as, according to one panellist, “the government is intolerant of any political satire and was not comfortable with the criticism that came with ZA News”. The daily five-minute show was then launched online. In 2012 the satellite TV service, TopTV, began broadcasting the show. Writers include the satirist Ben Trovato and cartoonist Steve Francis of *Madam and Eve* fame, with input from *Zapiro* cartoonist, Jonathan Shapiro, among others.

The SABC has extended its evening English-language news bulletin to one hour from 30 minutes but it is considered to be “badly done, too long and poorly put together”.

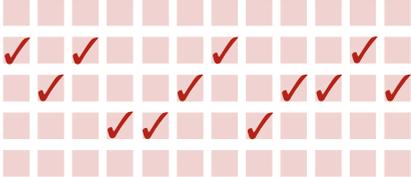
An argument was made that the SABC does not hire staff that are particularly creative or known for critical thinking for a very pointed reason – to keep the public in the dark and therefore unable to question any wrongdoings on the behalf of the state.

“With the resources to which it has access, the SABC should be producing much better content. What is happening is just plain incompetence, which, I suppose, can be the best form of competent control.”

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

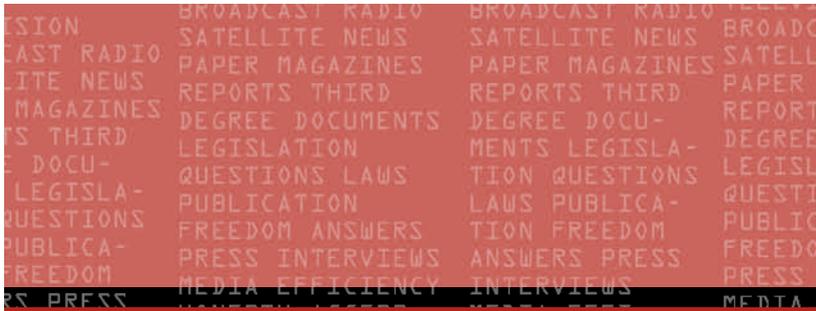


Average score:

2.9 (2010: n/a; 2008: n/a; 2006: n/a)

Average score for sector 3:

2.6



SECTOR 4:

The media practices high levels of professional standards.



The media practices high levels of professional standards.

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

In general, panellists felt that South African journalists, especially those in the private media, do follow the basic principles of accuracy and fairness and that, compared to the rest of the region, “the professionalism of journalists in South Africa is very high and there are few complaints of shoddy journalism”.

Journalists are accused of being lazy at times, especially in terms of “churnalism” - regurgitating press releases without doing additional research or interviews, for example, and articles are sometimes one-sided, when opposing viewpoints are not sought.

“It is the intention of most of our journalists to do a good job, but they are sometimes faced with the pressure of time, capacity or limited training. And it is the intention of most of the editors to only publish balanced stories. I think the ANC has done us a favour with all their threats in 2007 and again in 2010 of setting up a statutory Media Appeals Tribunal. As a result, you don’t often see single-sourced articles.”

If a newspaper, for example, has published erroneous information, an apology will usually be printed as soon as possible, usually on the page where the original story appeared. There is concern, however, that with online articles there is usually not a link to a specific article correcting the inaccuracy, so often the same mistakes are perpetuated by journalists doing online-based research.

“We also rely too much on Google and journalists are lacking basic knowledge. We follow Sapa [the South African Press Association],³⁴ one another on Twitter... we’re no longer going out to find stories, so we often make the same mistakes as one another.”

Panellists agreed that there was broad commitment to fairness and accuracy from journalists, but there was always room for improvement, and sometimes it is the small detail – the five Ws and an H – that are lacking, for example.

One of the impacts of the global economic downturn and the rise of online news access has been staff cuts in the newsrooms. The reduction in the number of sub-editors has affected the quality and even the accuracy of articles. Often many experienced mentors are also being lost in this way, leading to the ‘juniorisation’ of newsrooms and the loss of institutional memory.

³⁴ See <http://www.sapa.co.za/>.

The Ombudsman can demand that a newspaper publish a prominent apology, as well as the findings of the Press Council, if it has been found to be in the wrong.

Many of the complaints to the Ombudsman are not really about unfair reporting, but are accusations of hidden agendas, and these cases generally don't see the light of day.

“Many South Africans are defensive and don't want to be the subject of negative news. As a result they claim inaccuracies or unfairness, but the media is mostly vindicated in such cases.”

For the broadcasting sector there are two complaints bodies – the statutory Complaints and Compliance Committee (CCC), a body set up by the regulator, ICASA, and a self-regulatory body under the National Association of Broadcasters (NAB) called the Broadcasting Complaints Commission of South Africa (BCCSA). The SABC and commercial and community broadcasters who are members of NAB have opted for self-regulation. Any broadcaster who is not part of the NAB (for example, some community broadcasters, who cannot afford the NAB membership fees) falls under the CCC. They operate under similar codes and sanctions, and generally abide by any rulings.

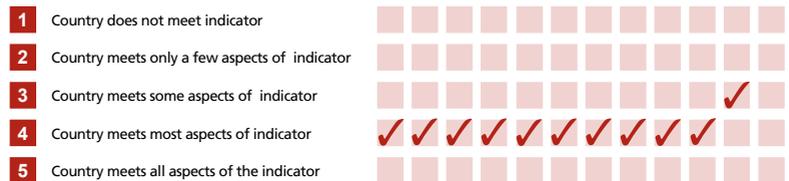
The BCCSA is very active and regularly broadcasts spots on radio and television to encourage the public to approach the commission if they are unhappy with the content being broadcast. Criticism was made that the BCCSA, chaired by law professor Kobus van Rooyen (who also headed the apartheid-era censorship board, the Publications Appeal Board), is run as his “personal fiefdom”.

“I don't feel the broadcasting community is embracing this commission as their self-regulatory body, and broadcasters are being disserved by the BCCSA. There seems to be a lack of balance on the BCCSA panel, appointed by Prof. Van Rooyen directly with no public process. There are no journalists or people with freedom of expression at heart on the panel. Certain members are conservative religious people.”

Others felt that the critical focus on the BCCSA should not be on Prof Van Rooyen but on revamping the broader principles of industry self-regulation and balance within the body in general

Scores:

Individual scores:



Average score: **3.9 (2010: 3.1; 2008: 4.2; 2006: 4.2)**

4.3 Salary levels and general working conditions for journalists and other media practitioners, including their safety, are adequate.

There is a lot of secrecy about salary levels within the media sector, and large discrepancies between commercial and community media salary levels. Entry level journalists to a commercial, daily newspaper can expect to start earning R12, 500 a month, including medical aid and a pension, while a young journalist on a community newspaper may earn R7, 000 without any benefits. An entry-level salary for a radio or television journalist is between R10, 000 and R15, 000.

At commercial newspapers, there is generally no discrepancy in salaries between male and female employees, but a sense that salaries are negotiated on an individual basis. At smaller publications, such as the *Mail & Guardian*, salaries are generally lower than industry averages and staff do not get additional benefits.

Salaries for SABC staff tend to be higher than in the private media. However, there are claims that there is no fairness in this regard. “Bosses don’t really look at what people are doing or their particular skills and experience, but on how long they have worked for the SABC, to determine their salary levels. This has caused dissatisfaction in the newsroom and the unions are trying to tackle the issue.”

How people are hired at the SABC is another issue, and claims of nepotism abound.

The working conditions at the SABC are considered to be fairly good, although there are possible security risks. For example, anyone can come through the security gates at the national broadcaster and there have been incidents of journalists being assaulted by such people. Also, there is no security for journalists working very late or starting work very early in the morning.

“SABC journalists were previously sent to the UK to do hostile environment training, run by former Special Air Service (SAS) operatives. This no longer happens and perhaps the Institute for the Advancement of Journalism (IAJ) can look at doing this, as the working environment for journalists in South Africa is getting more dangerous, with increasingly violent protests.”

The SABC does not offer its journalists trauma debriefing, although Independent Newspapers staff have access to a psychologist for this purpose.

The community radio sector is particularly bad in terms of salary levels and working conditions. The sector is very reliant on volunteers, who are paid nothing or given ‘lunch money’, and not even transport money to get home after a late-night show. Full-time staff don’t have medical aid. Of the 120 community radio stations on air, only about 10 have their own vehicles and about 10 own their own buildings and have security.

Sexual harassment in newsrooms is very prevalent in South Africa and highly problematic, yet most media houses do not seem to have sexual harassment policies in place.

“Editors have a lot of power and generally these power relations are so strong that it makes having conversations about this issue impossible. Young women especially are objectified and not taken seriously. Safety for journalists is not just about ‘out there’ but is also within.”

A survey was conducted by Hacks/Hackers Cape Town, an organisation that “works to imbed a culture of data journalism in South Africa’s newsrooms, by encouraging collaborations on data projects between journalists (‘hacks’) and techies (‘hackers’)”. Conducted in May 2013, it was the first survey of its kind and was anonymous. The sample size was only 196 employees of the print and broadcast media, including editors, journalists and sub-editors, so it is clearly not representative of the entire industry, but it does provide a certain benchmark from which to move forward.³⁶

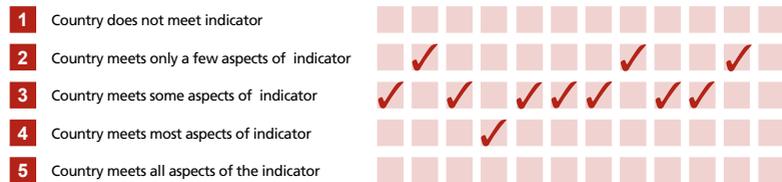
One of the highlights of the survey’s findings was that there was no major discrimination in terms of salary as far as gender and race was concerned. The discrimination came after the first 10 years when journalists with 10-20 years of experience were earning more online than in print. Purely print journalists with more than 20 years’ experience were earning less than the average of the survey.

Generally from the first to the second year, one’s salary would double, and then triple by the third year. These increments would slow down thereafter to about R1000 per year worked.

The average male salary was R26, 906, while there average female salary was R23, 821, although there were several women who earned way above the average. The survey showed that whites were more likely to be editors, while blacks were more likely to be journalists.

Scores:

Individual scores:



Average score:

2.8 (2010: 2.9; 2008: n/a; 2006: n/a)

³⁶ Available at: <http://salariesurvey.hackshackers.co.za/>.

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

There are a number of media organisations, including the South African Editors' Forum (Sanef) and the Southern African Freelancers' Association (Safrea). The SABC as an institution cannot be a member of Sanef, although individual SABC employees can. It is well known that freelancers in this sector are the most underrepresented and most poorly paid.

Trade unions such as the Communications Workers Union (CWU) and the Broadcasting and Electronic Media Allied Workers Union (BEMAWU) are open to broadcasters only and focus on wage issues. SABC journalists can join these unions, but they do not give specific support to journalists on editorial issues or working conditions, for example.

Sadly, the South African chapter of the Media Institute of Southern Africa (MISA) appears to be completely inactive at the moment.

The Professional Journalists Association (ProJourn) was launched in March 2010 as a pressure group for the interests of working journalists, and not as a union, which would negotiate salary levels and working conditions. ProJourn started off as a free association but now it is asking members to pay membership fees (R240/year for freelancers, R300 for full-time journalists). Unfortunately people don't want to pay, and this is what is holding up the association from becoming fully fledged.

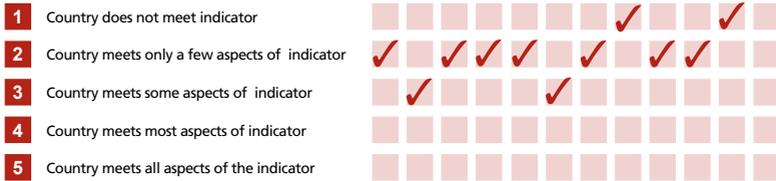
"It is overly ambitious trying to get journalists organised. There are too many different salary levels, journalists are so politicised, and the media houses are so different and all seem to operate in silos. Journalists are also snobbish and there is a sense that they don't belong in 'blue-collar' unions."

At Primedia, there is no union representation. In commercial radio in general, it is difficult to establish a union considering the gap between the various types and levels of skills required. For instance, there are substantial discrepancies between presenters and background workers. At the Times Media Group, senior management has shown hostility towards union activity: their staff can join a union but they tend not to.

"Journalists are not very organised now and management is getting away with a lot. If we stand together, however, we can achieve a lot."

Scores:

Individual scores:



Average score:

2.0 (2010: 3.2; 2008: 1.7; 2006: 3.4)

4.5 Journalists and media houses have integrity and are not corrupt.

Generally, journalists in South Africa are considered to be above corrupt activities and receiving 'brown envelopes' was not endemic to the industry.

Unlike in some African countries, like Nigeria and the Democratic Republic of Congo for example, journalists don't expect to be paid to attend press conferences.

In the past three years, only a few incidents of corruption within the media fraternity have been made public. In June 2010 *Cape Argus* journalist Ashley Smith was allegedly paid to write stories with a positive spin on the ANC premier at the time, Ebrahim Rasool. Smith resigned from the newspaper during the disciplinary hearing process. In 2012, *City Press* revealed that an unnamed journalist was allegedly paid R100 000 to write a positive story about the police, while R50 000 was given to another not to publish an article about a corrupt senior police officer.³⁷ The journalists were not named and it is not known what action the newspaper took in this regard.

"I don't know of any media house where, if a journalist was found to have taken a bribe, they would not be disciplined."

In terms of the 'freebies'/gifts that journalists are given, however, panellists felt there should be more transparency, and each media house should have a policy about declaring gifts above a certain amount. At the Times Media Group, for example, a policy that is strictly adhered to is that if you cannot consume the freebie in one sitting, you must declare it. Declared items are auctioned off to staff and the money is donated to charity. Other newspapers have similar policies. The SABC's policies on freebies are not clearly defined and on *Morning Live*, for example, it is difficult for the presenters to cover events without being given freebies.

³⁷ More details available at: <http://www.citypress.co.za/politics/editor-denies-claim-that-journos-were-bribed-by-crime-intelligence-20120517/>.

Motoring journalists were considered to be the most susceptible to corruption as they are given access to free trips, often overseas, where they are treated to excellent accommodation and food. As a result, the subsequent articles about these vehicles and the manufacturing companies tend to be very positive. Travel and sports journalists are also prone to such manipulation, as are those involved in the beauty and fashion industry.

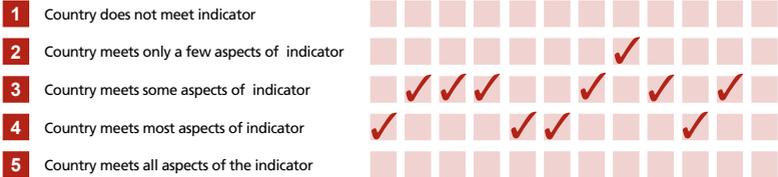
Panellists were concerned, however, that corruption can take forms other than a monetary transactions and freebies, such as being given access to certain influential people.

“Journalists are highly politicised. Some are apologists for a particular party or for corporate players in the private sector. Analysts and commentators can be particularly susceptible to bias. Some journalists can easily get an interview with President Zuma, for example, but such articles tend to lack objectivity or be critical in any way.”

Mention was made of Gareth van Onselen, formerly the head of communications for the opposition Democratic Alliance (DA) party, who now works as a journalist for *Business Day* and the *Sunday Times*: “Doesn’t this compromise the integrity of these newspapers?”

Scores:

Individual scores:



Average score:

3.3 (2010: 3.9; 2008: n/a; 2006: n/a)

4.6 Journalists and editors do not practice self-censorship in the private broadcasting and print media.

Self-censorship by private sector journalists and editors does happen in South Africa, although it is quite rare. Self-censorship is more common with regards to the state broadcaster, the SABC, as mentioned previously, as there is fear and intimidation among journalists.

“Sometimes journalists censor themselves so as not to be seen to have opinions which clash with those of their peers.”

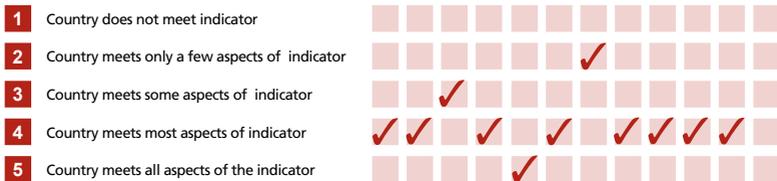
Primedia employees don’t have the owners “sitting on their necks and telling them what to do”. But there have been instances where ‘newsmakers’, prominent people, call the company’s senior executive directly instead of the newsroom, in an attempt to get their comment on a certain topic broadcast. In these instances, they are immediately told to contact the journalists or producers directly working on those stories.

“At one of the big newspaper groups, a former editor of a weekend newspaper regularly gives his views on how to approach certain stories, but this is not necessarily sinister: he just can’t let go.”

In some publications, advertorial is not always clearly marked and is even made, sometimes, to look like editorial, by use of the same fonts, thus misleading readers. *True Love* magazine, for example, is currently overrun with advertising and publishes much fewer actual stories than in the past.

Scores:

Individual scores:



Average score:

3.8 (2010: 2.9; 2008: 2.2; 2006: 2.3)

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

There are a wide variety of media-related training opportunities in South Africa, although some are not necessarily affordable to the majority of people interested. There are normally some levels of bursaries available, however. Degrees in journalism and/or media studies are available at most universities, including the University of Johannesburg and the University of the Witwatersrand (Wits) in Johannesburg. Wits, Rhodes University in Grahamstown and the University of Stellenbosch also offer post-graduate journalism degrees.

As an indication that media training opportunities in South Africa are well regarded on the continent, some 45-50% of those on these courses come from other African countries.

Earlier in 2013, the Gordon Institute of Business Science ran a four-day programme on Digital Multimedia Management and Regulation.

The Johannesburg-based Institute for the Advancement of Journalism (IAJ) offers a range of short courses for working journalists, including longer, funded courses. Some of the programmes may be funded, but most must be paid for by the journalist themselves or their media house.

“As the IAJ courses are not cheap, it is difficult for smaller newspapers to afford to send their staff on these courses. It is a big investment in a tight newsroom.”

Media24 supports IAJ by sending staff for training. Independent Newspapers used to send its journalists to IAJ, but has not done so for years due to a lack of funding for training. The Times Media Group does not support the IAJ, but it does offer in-house training at cadet level. Some of these cadets end up working as effective full-time staff. Caxton, the Independent Group (now Sekumajalo Independent Media), *The New Age* and the *Mail & Guardian* all have their own cadet schools.

The SABC has a policy that pays for staff to attend short-term (two-week) courses, at Rhodes University’s School of Journalism and Media Studies for example. The SABC also gives bursaries to employee’s children who wish to study media.

The Thomson Reuters Foundation offers good, short-term, exercise-based training courses for journalists on various topics, such as women’s rights and improving business-reporting skills. These courses are offered around the world and scholarships for journalists from developing countries are offered.

“Mid-term career training is not getting the support it needs from the industry. There is a strong focus on cadet training, but this may possibly be a cheap way to get people into newsrooms.”

is a woman but it is well known that the male chief operations officer is in fact in charge. At middle-management (executive producer) level, there are more men than women. The managing editor of television news and current affairs is a woman, but she is described as having no real power and being in a window-dressing position. Out of eight executive producers for television current affairs, only three are women. There are many claims of nepotism around SABC appointments.

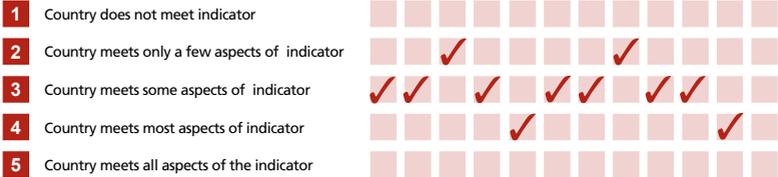
“Men don’t understand issues of gender and they are not supportive of them. They are uncomfortable with issues of rape or sexual harassment, and don’t encourage us to pursue stories in this vein as they come from very patriarchal backgrounds.”

Talk Radio 702 was criticised for still having mostly white male presenters.

“Equal opportunities are about making opportunities available and also providing the necessary support and mentoring for these people. Sometimes the pressures of newsrooms mean that this support does not happen... It’s mostly nonsense what media houses promise to do with regard to equal opportunities. e.tv, for example, promised that 10% of its top management would be disabled, including the mentally disabled, but this has not happened.”

Scores:

Individual scores:



Average score: 3.0 (2010: 2.8; 2008: n/a; 2006: n/a)

Overall score for Sector 4: 3.3

The way forward

1. What were the developments in the media environment in the last three years?

Positive developments

- The revision of the Press Council and the Press Code after an extensive process of consultation.
- The launch of the donor-funded non-profit organisation *Africa Check*, which was devised by the AFP Foundation and run in partnership with the University of the Witwatersrand's Journalism Department. It aims to promote accuracy in public debate by sorting published fact from fiction, and encourage accuracy among journalists and journalism students.
- The appointment of Phylicia Oppelt in March 2013 as editor of the Sunday Times. This follows Ferial Haffajee's appointment as editor of City Press in 2009, putting the two biggest publications in South Africa in the hands of women. Angela Quintal was appointed print editor at the *Mail & Guardian*.
- The entrance of the *Daily Maverick* into the media sphere and the growth of online journalism in general.
- The launch of new Gauteng-based commercial talk radio station, *Power FM*.
- The approval of a new broadcasting licences for community television stations and commercial radio stations.
- The increase in community radio stations.
- The advent of social media and the increased participation of citizens in the public discourse. Readers are now publishers!
- The trend of weekly newspapers now having a daily online presence, notably the *Mail and Guardian* and *City Press*.
- Although data costs remain relatively high compared to many countries, the general drop in the price of data and the doubling of Internet use in the last four years, according to the New Wave report,³⁸ which notes that one in three South Africans now use the Internet and that three-quarters of Internet users in South Africa use their mobile phone to go online.

Negative developments

- The 'bloodbath' in the magazine industry with widespread title closures.
- The passing by Parliament of the Protection of State Information Bill in April 2013.
- The growing and increasingly permanent crisis and problems at the SABC.
- The climate is turning hostile towards media freedom in South Africa, spurred on by ruling party politicians.
- Widespread job losses, especially in the print media.

³⁸ Available at: <http://www.networksociety.co.za/report+highlights> .

2. What kinds of activities are needed over the next years?

Activity	Organisation responsible
ICASA regulations need to be revamped	SOS, with support from other stakeholders
Transforming the SABC into a truly public broadcaster	SOS, with support from other stakeholders
Organisation of journalists under an effective trade union	ProJourn (Professional Journalist's Association of South Africa)
Campaign against the 'Secrecy Bill' before the President signs it. It's important to use this opportunity to reignite the debate around freedom of information and explain the bill to ordinary citizens. It is not all about media freedom but freedom of expression in general.	Right2Know, with support from the Press Freedom Forum and other relevant civil society
Revamping of the self-regulatory body for broadcasting (BCCSA to operate in the same way as print media body).	SOS

Panellists:

Media

1. Brendan Boyle, print editor
2. Raymond Joseph, freelance journalist/media trainer
3. Portia Kube, television producer
4. Theresa Mallinson, freelance journalist/sub-editor
5. Thabisile Mbete, radio producer
6. Thabang Pusoyabane, radio manager

Civil Society

7. Yoliswa Dwane, education activist
8. Nomboniso Gasa, constitutional rights activist
9. Zuko Godlimpi, student activist
10. Ziphozakhe Hlobi, student
11. Justine Limpitlaw, lawyer
12. Thabo Makgoba, faith group

Rapporteur:

Sarah Taylor

Moderator:

Sarah Chiumbu

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