



AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



SOUTH AFRICA 2018





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The African Media Barometer

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 such as 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 AMB 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 FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

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

In 2009 and again in 2013 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is 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.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

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

In facilitating the AMB, the FES (and MISA, in SADC countries), only serves 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.

By the end of 2018 the AMB had been held in 31 African countries, in some of them for the fifth time already.

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See above 31 AMB Countries (2005-2018)

African Media Barometer

South Africa 2018

Summary

South Africa has one of the most progressive constitutions, with a Bill of Rights that enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. The right to freedom of expression and the media is protected in Article 16 of the constitution, with limitations that are reasonable and justifiable in an open and democratic society. Freedom to access information is guaranteed in Section 32(1), which states that everyone has a right of access to any information held by the state and information held by private persons that is required for the exercise or protection of any right. These rights create an environment where freedom of expression and opinions are guaranteed and respected. However, the existence of apartheid-era legislation still on the statute books such as the National Key Points Act,¹ the Defence Act and the Riotous Assemblies Act, has the potential to curtail freedom of expression in the country: the state may invoke these laws at any time. One example was the use of legislation from the apartheid-era to hinder critical reporting on public money spent on former President Jacob Zuma's private homestead at Nkandla.

Journalistic freedom of expression and the right to freedom of expression by creative writers and activists seem to be under threat, as seen in the cases of journalists and authors receiving death threats and the banning of the film *Inxeba* (The Wound) which tackles issues of homosexuality, culture and masculinity. Some environmental justice activists have been murdered for speaking out against fracking and other environmental issues. These developments create a chilling effect on freedom of expression.

The government honours regional and international instruments on freedom of expression and freedom of the media and makes efforts to incorporate these into the country's laws. Conversely, it is also introducing legislation that hampers freedom of expression, such as the Prevention and Combating of Hate Crimes and Hate Speech Bill, and the Film and Publications Amendment Bill.

A fully functional democracy in any country depends on access to different sources of information. South Africa has a wide range of sources of information across the media spectrum (print, broadcasting and digital media). However, access is skewed in favour of upper-income audiences who are well served by a plurality of media, while the lower-income population has limited access to diverse and plural information sources. Due to the fact that the South African media is largely corporate and advertising driven, the poor and marginalised are the least important group for the media to reach because of their low disposable income. Language also acts as a barrier to access as most publications are in English, thus limiting access to non-English speaking readers. Community media, specifically broadcasting, has the potential to provide access to marginalised people. South

Africa has over 120 licenced community radio stations, yet there is little support for community media from the statutory Media Development and Diversity Agency. Some community broadcasters are paying up to 200,000 South African Rand (ZAR) (14,372 United States Dollar (USD)) a month to Sentech for signal distribution. The low financial support from government has led to many community broadcasters becoming dependent on airtime sales and therefore adopting a commercial model. The push towards commercialisation in the community radio sector endangers its community mandate and not-for-profit status.

A plurality of media does not necessarily result in diversity. South African media lacks diversity regarding offering content that addresses the gender, class, race and ethnic complexities of the country. Voices of women, rural citizens, the disabled, sexual minorities, ethnic and religious groups are marginalised in the media. There is also little diversity of styles, genres and formats.

Mobile telephony fills in the access to telecommunications gap as penetration reached 150% in 2014. A study by Google, known as the *Connected Consumer Survey* (2017), found that 60% of South Africans (approximately 16 million people) now use a smartphone. Despite the pervasive use of mobile phones in the country, there are still issues of digital inequality. Studies have shown that the price of data in South Africa is the most expensive of all leading African economies. According to the report by World Wide Worx (*Internet Access in South Africa 2017 Study*) there are 29 million smartphone users but only 22 million internet users. This means that a quarter of the smartphone user-base either cannot afford data, or cannot access it.

Despite access to digital platforms in the country, the policies governing the digital landscape remain fragmented. In 2014, former President Jacob Zuma split the communications department into two entities: the Department of Communications; and the Department of Telecommunications and Postal Services, thus undercutting convergence efforts. Government's ineffective implementation of the Information and Communications Technologies (ICT) digital policy has also resulted in a delay in the switch-over to Digital Terrestrial Television.

Radio, especially stations in the stable of the *South African Broadcasting Corporation* (SABC), remains one of the most accessed forms of media in the country. According to the 2018 Radio Audience Measurement research by the Broadcasting Research Council of South Africa, in a typical week radio broadcasts reached approximately 90% of the population in rural and urban centres, aged 15 years and older. SABC radio stations also offer a considerable amount of choice when it comes to content, with a wide range of topics covered in the country's official languages.

However, developments at the SABC are threatening the sustainability of the public broadcaster. In August 2018, the SABC admitted to being bankrupt and on the verge of collapse; the board told parliament that they might not be able to continue to deliver on their public service mandate due to these financial difficulties. Despite this challenge, there are positive developments. After an

intensive clean-out by an interim board in 2017, the SABC now has a new board in place and appears, at least tentatively, to be back on track. The independence of the board also seems assured after the High Court ruled in 2017 that the SABC's Memorandum of Incorporation was *ultra vires* [meaning beyond one's legal power or authority] the provisions of the Broadcasting Act and curtailed the Communications Minister's powers regarding executive board appointments.

Another key positive development in the media sector since the last AMB in 2013, is the flourishing of critical and investigative reporting. Investigative media platforms such as the *amaBhungane* Centre for Investigative Journalism and Scorpio (the investigative unit of the *Daily Maverick*), played a critical role in exposing "state capture" during former President Jacob Zuma's tenure. On the whole, journalism in the country is strong and South African journalists are generally considered to be ethical, credible and trustworthy, particularly those working in the print media. Newspapers, however, are facing a crisis as print news circulation continues its steady downward trend. The shrinking and juniorisation [meaning the process of older and more experienced staff being pushed out of a workforce in favour of younger and less expensive people] of newsrooms are also points of concern. In addition, there is more of a focus on online rather than print media, and there is less specialisation of journalists. The *State of Newsroom 2017: Fakers and Makers* states that under the impact of new technologies which are changing audiences in profound ways, traditional business models guiding the newspaper industry are in decline and may not survive. This is an issue of great concern.

Furthermore, women continue to be marginalised in the newsrooms. Although the number of women reporters has increased, there are very few women at editorial and management levels. Research has shown that creating gender equality in the newsroom is more than fulfilling a quota or being politically correct – it's good business as gender balance not only helps build readership and a publication's impact but eventually, its overall revenue.

South Africa is heading to elections in 2019, which promises to be one of the most significant since 1994. The credibility of these elections will not only depend on the integrity of the Independent Electoral Commission but also on the media. The SABC, as the public broadcaster, will have a key role to play in these elections. The sustainability of SABC is an important policy agenda item for both government and civil society alike. The scourge of fake news and Twitter bots is also something that needs to be taken into consideration in the upcoming election. Over the past two years, the country has seen the harassment of several journalists, both online (including through the use of automated Twitter bots) and offline. Governments in Africa are using political bots, built to look and act like real citizens, in an effort to silence opponents and push official state messages. This new trend is something that needs to be given serious attention by the media, civil society and policy makers in South Africa.

SECTOR 1:

**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

Freedom of expression is indeed guaranteed by the South African Constitution of 1996 under Section 16, which states:

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, however, limited. Section 16 contains its own internal limitations clause which reads as follows:

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.

Most of the panellists considered these limitations as reasonable, while a few felt that in certain contexts, they could be too restrictive.

‘Recently there has also been lots of legislation coming out that hampers freedom of expression and there has been a push for policies that are more restrictive than supportive of freedom of expression.’

In this regard, mention was made of the Prevention and Combating of Hate Crimes and Hate Speech Bill, and the Films and Publications Amendment Bill.

Another panellist pointed out that for the purposes of this Indicator, credence should not be given to bills that have yet to be passed (such as the Secrecy Bill, formally known as the South African Protection of State Information Bill).

‘We should only deal with laws on our statute books: those that are in force.’

Concern was raised about criminal defamation and insult laws, ‘which are still a big problem’. In 2015, the ruling African National Congress (ANC) Party, through Minister in the Presidency Jeff Radebe, embarked upon a campaign to remove the laws, saying they were unconstitutional as they detracted from freedom of speech and the free circulation of ideas and information. This campaign was not followed through.

South Africa does not have a criminal defamation act, only *crimen injuria* in the common law, which is recognised in the statutes and defined as “the act of unlawfully and intentionally impairing the dignity or privacy of another”. When faced with cases of defamation, courts have the difficult task of balancing

the rights enshrined in the constitution, such as freedom of expression, with a person’s right to an untainted reputation or character.

The Criminal Procedure Act deals with punishment for *crimen injuria*. In March 2018, former Johannesburg real estate agent, Vicki Momberg, was sentenced to two years in prison for *crimen injuria* following her racist tirade.

‘While the ANC talked about removing this law in 2015 and legislation was even drafted in this regard, it never happened. Cases like that of Momberg indicate to me that this won’t be scrapped.’

Panellists acknowledged the existence of the Promotion of Access to Information Act of 2000, which supports freedom of information and thus can be seen as a supporting law in terms of freedom of expression.

A panellist noted, ‘What is a guarantee of freedom of expression, however, when it has other tensions tied to it, including cultural and traditional ones?’ In this regard, mention was made of the 2017 isiXhosa film *Inxeba* (The Wound) which tackles issues of homosexuality, culture and masculinity and which was classified by the Film and Publication Board (FPB) Appeals Tribunal as hardcore pornography and given an X18 rating. In June 2018, the North Gauteng High Court overturned this classification, saying the FPB’s Appeal Tribunal process was legally flawed.

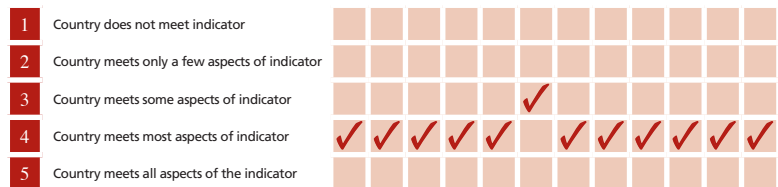
Another panellist felt that the Regulation of Gatherings Act of 1993 was unconstitutional in terms of freedom of expression, because the implementation of this law did not correlate with the Act itself, ‘the fine print hampers people’s protest abilities’, whilst city by-laws restrict where people can protest. For example, protests are not allowed at the ANC’s Luthuli House in Johannesburg or at Pretoria’s Union Buildings.

While post-apartheid legislation was generally felt ‘to speak in line with the constitution, the problem is that there is so much apartheid-era legislation that is still on our statute books...’, such as the Riotous Assemblies Act of 1956.

‘Yes, freedom of expression is guaranteed in our constitution, but given some of the old legislation which is still used, this detracts from the support it could get.’

Scores:

Individual scores:



Average score: 4.9 (2013: 3.8, 2010: 4.3; 2008: 4.3; 2006: 5.0)

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

Fear of retribution from powerful individuals is a constant concern for journalists who are in possession of sensitive information. A recent example given was that of the ‘#Guptaleaks’ story, where in a collaborative effort, *News24* as well as the independent investigative journalism non-profit *amaBhungane* and the *Daily Maverick’s* investigative unit, *Scorpio*, had access to hundreds of thousands of emails and other documents linked to the Gupta family’s alleged power (state capture) over South Africa and its leaders. The publications kept the information for some time before releasing it, following the *Sunday Times* newspaper breaking the story and the accuracy of the evidence being determined.

Whistle-blowers fear for their safety in many instances; an example being the notorious Glebelands hostel murders in KwaZulu-Natal, in which more than 100 people were killed over the allocation of accommodation.

‘This was a real life-and-death situation in which people were killed while others’ lives were threatened. An environment of fear and persecution still remains today.’

‘Journalists do tend to practise their right to freedom to expression, but it is not without far.’

Mention was made of *Sunday Times* journalist, Qaanitah Hunter, being sent an image of a toy gun inscribed with the words “Stay Classy”, by the secretary general of the ANC Women’s League, Meokgo Matuba. Hunter was investigating an alleged plot by high-ranking, pro-Zuma ANC officials to overthrow President Cyril Ramaphosa. Matuba later denied she had sent the image, which had been traced to her phone, saying someone else must have used her phone to send the message.

‘This was clearly meant as a death threat for the journalist. In any other advanced democracy this would not happen without someone being sent to Siberia [prison]. I was horrified by the lack of action by [*Sunday Times* owner, formerly *Times Media Limited*] Tiso Blackstar.’

Panellists also mentioned authors who exposed various political and other wrongdoings such as Jacques Pauw, who in 2017 published *The President’s Keepers: Those Keeping Zuma in Power and Out of Prison*. In August 2018, Chris Steyn and Mark Minnie’s *The Lost Boys of Bird Island*, detailed chilling accounts of alleged sexual abuse of coloured teenagers by apartheid government ministers. A week after the book was published, Minnie was found dead with a shotgun wound to his head, with an apparent suicide note nearby. In Jackie Phamotse’s 2017 novel *Bare: The Blessor’s Game*, she accounts her experience of gang rape, allegedly by five men, including one who became a deputy minister. She also claimed to have received death threats.

Suna Venter, one of the ‘SABC 8’ journalists who was fired for objecting to former SABC Chief Operations Officer (COO) Hlaudi Motsoeneng’s policy of no longer airing footage of violent protests, died at age 32 from a cardiac condition related to severe stress. One panellist noted that she had been ‘literally hounded to death’.

‘For journalists, receiving death threats has become so common that we don’t even take them seriously anymore. It’s a bit like corruption: the numbers don’t matter anymore. We receive threats from all quarters and it definitely numbs you to some degree, in the same way that ‘state capture’ numbs you. It’s no longer a horror. We have been desensitised.’

‘We are starting to see the commitments to the constitution fast evaporating [with regard to freedom of expression].’

Concern was raised about the safety of citizen journalists or bloggers who fall outside the mainstream media domain, and therefore the possible protection that could be granted by it.

Panellists also highlighted the distinction between those who are ‘urban, educated and English-speaking’ who can find ways to be heard, even at the upper echelons of government, while the ‘poor, rural and non-English-speaking’ have a very limited ability to be heard.

‘The rural population’s voices are definitely much more marginalised than those in urban areas.’

Traditionally men are more vocal, while women’s opinions remain in the shadows.

‘We need to understand how we measure indigenous engagement. Men speak openly at the kraal and then say they are going to “sleep on” an issue, which really means they are going to consult their wives who are quiet in public but affect change in more subtle ways, behind the scenes. We must understand: do we want to Africanise democracy or democratise Africa?’

Mention was also made of environmental activists being murdered or threatened for standing up against environmentally destructive industrial projects.

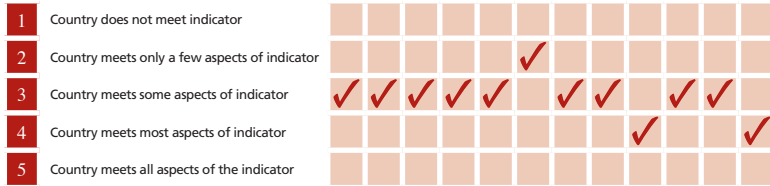
With issues around hate speech becoming more common in South Africa, notably with the high-profile cases of Penny Sparrow², Vicky Momberg and Adam Catzavelos³, there was sense that ‘South Africa is showing its readiness to address racism as an area of expression,’ especially when expressed on social media platforms.

2 Penny Sparrow referred to black South African beach-goers as ‘monkeys’ on social media in 2016. She was convicted in the Scottburgh Magistrate’s court for this racist comment and given a 5,000 ZAR fine as well as a two-year suspended prison sentence. She was also fined 150,000 ZAR by the Equality Court.

3 Adam Catzavelos posted a video on social media in August 2018, celebrating the lack of black people at his holiday destination in Greece and using the K-word. This caused a national outcry. Adam is still in Greece and has stated that he has no immediate plans of returning to South Africa.

Scores:

Individual scores:



Average score: 3 (2013: 2.8; 2010: 2.9; 2008: 3.2; 2006: 2.6)

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secret, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media

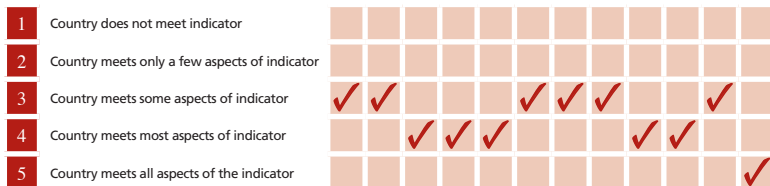
There are no laws in South Africa that restrict entry into the journalistic profession. Journalists do not need to register with any particular state-affiliated body or meet any legal requirements before they can work in the profession.

While some panellists were concerned about the Protection of State Information Bill being a tool to hinder the media’s access to state-held information, it was noted that, ‘this Bill, which has been passed by Parliament but has been sitting in the president’s office since 2012, is 95% better in terms of allowing access to such information than the current PW Botha-era Protection of Information Act’.

Other Acts which could be used to hamper the functions of the media include the National Key Points Act (which is in the process of being repealed), the Riotous Assemblies Act, as well as the Defence Act – some of which are apartheid-era laws which have excessive restrictions pertaining to the access and publication of state-held information.

Scores:

Individual scores:



Average score: 3.6 (2013: 2.8; 2010: 4.0; 2008: n/a; 2006: n/a)

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

South Africa has made efforts to incorporate regional and international instruments on freedom of expression and freedom of the media, to which it is a signatory, into its own laws. The main exception to this is in relation to criminal defamation which could see journalists, among others, criminally punished for defamation.

The instruments include the International Covenant on Civil and Political Rights (1976); the African (Banjul) Charter on Human and Peoples’ Rights (1981); the Southern African Development Community Protocol on Culture, Information and Sport (2000); the Declaration of Principles on Freedom of Expression in Africa (2002); and the African Charter on Democracy, Elections and Governance (2007).

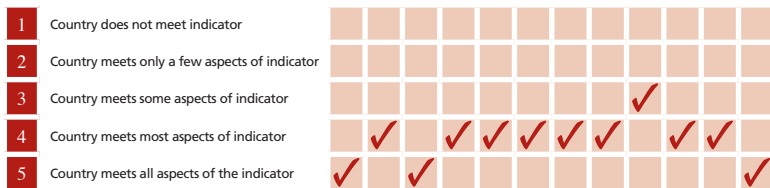
In 2016, South Africa was one of 15 states that controversially voted against a United Nations resolution for the Promotion, Protection and Enjoyment of Human Rights on the Internet, compared to 70 countries that supported this. This was seen as South Africa demonstrating its diplomatic sympathy for some of the more repressive countries such as Russia, China and Saudi Arabia. Panellists voiced concern about South Africa in effect voting against its own forward-thinking constitution.

In response, a panellist noted, ‘While South Africa does not always seem to support its own constitution in voting in some of these instruments of freedom of expression in regional or international platform[s], it has also not enacted laws against it, for example, laws that would result in shutting down the internet.’

South Africa’s intention to withdraw from the International Criminal Court (ICC) was seen as ‘speaking to a culture of impunity’. South Africa fell out with the ICC after a visit to the country by Sudanese President Omar al-Bashir in 2015 to attend an African Union summit. President Omar Al-Bashir is considered an international fugitive of justice by the ICC and is obliged to be arrested by signatories to the Rome Statute, including South Africa. However, the government appears to have pulled back from its proposed ICC withdrawal.

Scores:

Individual scores:



Average score:

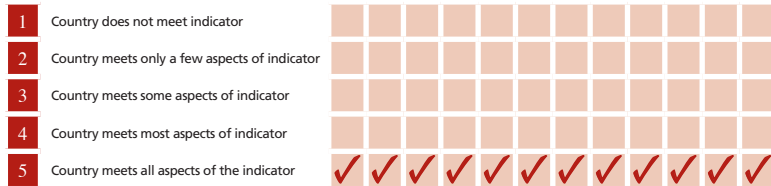
4.2 (2013: 2.8; 2010: 2.9; 2008: n/a; 2006: n/a)

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

There are no laws in South Africa that require print publications to obtain permission to publish from state authorities.

Scores:

Individual scores:



Average score: 5.0 (2013: 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

On paper there is some level of protection guaranteed to whistle-blowers, however, there is no law that specifically protects journalists’ confidential sources of information. The so-called ‘Whistleblowing Act’ (the Protected Disclosures Act of 2000) in theory protects whistle-blowers who have reported unlawful or irregular conduct on the part of their employers or fellow employees, although panellists felt that the existence of the Regulation of Interception of Communications and Provision of Communication Related Information Act of 2002 (RICA) was a concern as it granted legal permission for communication interception and surveillance in certain circumstances. RICA governs the interception or monitoring of paper-based and electronic communications.

Despite the existence of the Protected Disclosures Act, panellists noted that whistle-blowers ‘still lose their jobs’.

‘RICA doesn’t take into account the confidentiality of sources of information, so can be used as an avenue by the state to interfere in the gathering of information by journalists.’

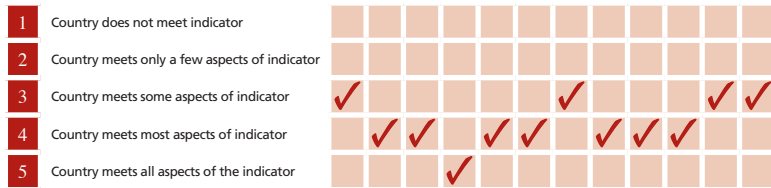
In addition, Section 205 of the Criminal Procedure Act – a relic of the apartheid-era – still exists on the statute books and can be used by a judge or magistrate to subpoena anyone, journalists included, to provide information in relation to an alleged offence: failing which they can be imprisoned. This is a direct threat to the right to freedom of expression and freedom of the media in terms of protection of sources.

Panelists made mention of the 2017 case involving *amaBhungane* journalist Sam Sole in the Gauteng High Court, which challenged the constitutionality of RICA, which allows the interception of communications without a warrant. The case is still ongoing. The Right2Know campaign and Privacy International have applied to intervene as *amicus curiae* [friends of the court] in the case.

In the past, the courts have protected journalists’ sources of information. In this regard, mention was made of a case from 2012 which involved the *Mail & Guardian* and the controversial firm, *Bosasa*. The High Court judge ruled that the state could not demand the journalist’s source as the newspaper and the journalist were within their rights to protect the anonymity of their sources, while carrying out the democratic function of the press and revealing corruption.

Scores:

Individual scores:



Average score: 4.2 (2013: 4.0; 2010: 3.7; 2008: 1.6; 2006: 1.1)

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

‘Of particular note here is the word “access”. If one expands on the axes of marginalisation along the lines of language, race and class, practically, access is not easily granted for all citizens: especially those who are poor, black and don’t speak English. Rural dwellers are also subject to the imposition of traditional community laws, which do restrict accessibility.’

Panelists noted that online access was problematic in rural areas, largely related to high data costs and the fact that 3G/4G connectivity was not available throughout the country.

A Shadow Report in 2016 by the Access to Information Network detailing almost 400 requests noted that 46% of the information requests made to public bodies through the Promotion of Access to Information Act were denied in full, 34% were granted in full and 12% were partly granted, with 4% of these requests being transferred to other state bodies. Only 40% of these requests were dealt with in the statutory timeframe.

The report also noted that 10 of the 15 requests for information submitted to private bodies were denied in full, indicating that access to information is

not only a challenge with regard to state bodies, but that corporates were also largely unwilling to share information.

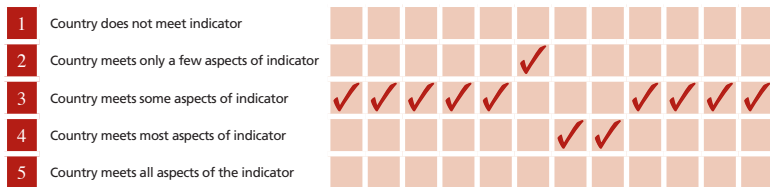
‘As a journalist, if you’re going through the “front door” for information, you may just get the basic facts. Some 60% of the time the critical information we receive comes from contacts who already have access.’

‘While we as journalists are used to getting a 50% rejection rate from the state when we ask for information, when it comes to municipal matters, this goes up to 80%.’

Panellists noted that it was often easier for institutions to be granted access to information rather than private individuals. Academic researchers also found it very hard to get access to state-held information: particular mention was made of the SABC in this regard.

Scores:

Individual scores:



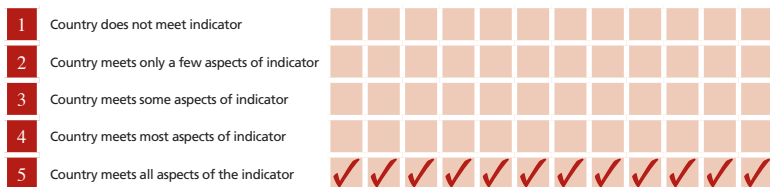
Average score: 3.1 (2013: 2.6; 2010: 2.7; 2008: 2.3; 2006: 2.7)

1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission from state authorities

There is no requirement for websites, blogs or other digital platforms to register with or obtain permission from state authorities.

Scores:

Individual scores:



Average score: 5 (2013: 4.7; 2010: 5.0; 2008: n/a; 2006: n/a)

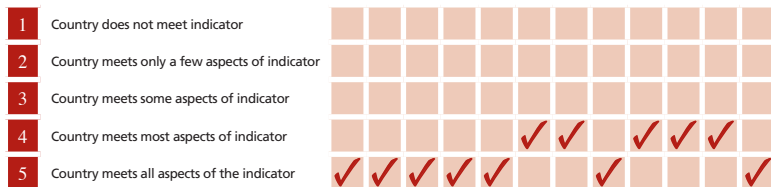
1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts

The state does not seek to block or filter internet content directly. The Electronic Communications and Transactions Act of 2002 created the enabling environment for Internet Service Providers (ISPs) to take down content on websites, but panellists were critical of the fact that there was no public reporting or transparency in this regard.

‘This puts the reporting obligation on hundreds of ISPs and it is just not practical. There is a huge difference between facing the consequences of what you say on social media, for example, and paying fines and actually being stopped directly. There may not be a law in place that relates to filtering of content by the state, but the spirit of the law impacts on how people feel free. As a result, there is a considerable amount of self-censorship. The SABC journalists are a good example of this.’

Scores:

Individual scores:



Average score:

4.6 (2013: 5.0; 2010: n/a; 2008: n/a; 2006: n/a)

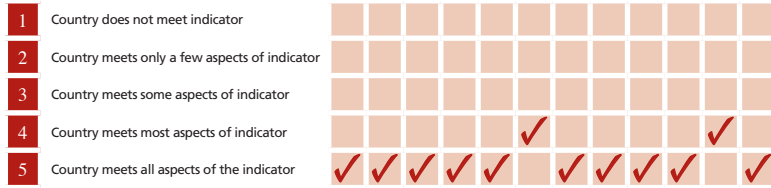
1.10 Civil society in general and media lobby groups actively advance the cause of media freedom

Panellists felt that media lobby groups such as the Right2Know (access to information) campaign, the Save our SABC (SOS) public broadcasting coalition and Media Monitoring Africa (MMA) do actively advance the cause of media freedom in South Africa. These groups usually function as a coalition.

‘We do have a vibrant civil society and media lobby groups do assist. Even if the core focus of the vast majority of civil society groups is not media freedom, there is some support.’

Scores:

Individual scores:



Average score: 4.8 (2013: 3.8; 2010: 3.5; 2008: 3.9; 2006: 2.7)

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

Panelists felt that while there are consultations, ‘these are not always very effective’.

‘Sometimes it feels like the state is just ticking a box, paying lip-service to consulting citizens and other stakeholders as there is a sense that they know what they want to do already.’

One panellist noted that, while there is a non-governmental organisation (NGO), the Parliamentary Monitoring Group, which oversees the meetings of more than 50 parliamentary committees, the state still tended to rush into processing laws, not providing sufficient time for consultations with relevant parties before laws were passed.

‘The DTT [Digital Terrestrial Television] issues are a case in point. Even after many consultations were undertaken, when the new Communications Minister [Nomvula Mokonyane] came in[to service in] 2018, the entire process was derailed and had to begin again. If a new minister has no political will to effect certain changes, it does have an impact on the legislation process because the environment doesn’t allow for decisions taken previously to be enforced.’

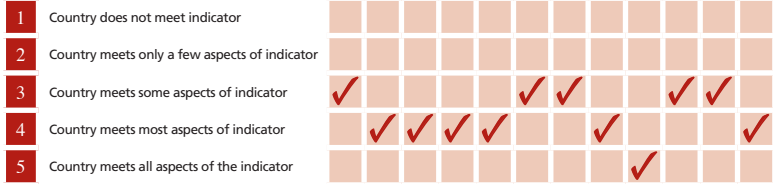
Another panellist noted that, ‘We do have an open committee process, which is a positive. The original Protection of State Information Bill was kicked out as a result of public protest.’

Panelists considered parliament much better at consulting than the executive, and the proposed amendments to the Broadcasting Act (1999) are a case in point. Parliament threw out the Broadcasting Amendment Bill in 2018, following vociferous opposition from media coalition groups and civil society because it would have granted the Communications Minister, instead of the National Assembly, the power to appoint the SABC board.

‘In terms of media policy, there is definitely no meaningful consultation, but the legislative process in South Africa is better at taking civil society’s input into account.’

Scores:

Individual scores:



Average score: 3.7 (2013: 3.2; 2010: 2.5; 2008: n/a; 2006: n/a)

Overall Score for Sector 1: 4.1

SECTOR 2:

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

While there is a wide range of sources of information available in South Africa across the media spectrum, panellists were in agreement that it was not accessible and affordable to all citizens.

'It's mostly the middle class and higher that have total access and who can afford media, as the data costs in South Africa are among the highest on the continent. At a grassroots level, people are still struggling for bread, and when it's a choice between data or food on the table, obviously food takes priority.'

On a technical level, while urban areas are generally well-connected digitally, 'large parts of rural areas, notably the Eastern Cape, do not have mobile access, let alone data'.

Panellists felt it was unfair that the more money one spent on bulk data in South Africa, the less one paid per megabyte. 'The more money you have, the cheaper data is. This is not fair on the poorer sector of the population who end up paying significantly higher for data as they can only afford to buy it in smaller amounts. Most South Africans access telecommunications and the internet via pay-as-you-go [services] and this is the most expensive way to get data.'

Another issue panellists raised was that even if someone has a smartphone and data to access the internet, another issue affecting the majority of poor South Africans is electricity. 'You can't use your phone if it is not charged, so access to, and the cost of, electricity are other factors which limit broad access to the internet and online media.'

According to panellists, television viewing in urban areas is steadily diminishing and most people access the media through a 'second screen' (such as smartphone or tablet).

'The cost for a month of subscribing to MultiChoice [DStv bouquet] is over 900 ZAR [62 USD], while Netflix [the online streaming service] is just 150 ZAR [10 USD]. The differences are vast and this is affecting viewers' patterns.'

Access to high-speed internet in rural areas, however, is very limited. Most people in these areas are predominantly consuming traditional media, especially radio and *SABC TV*, although the footprint of the latter is not throughout the entire country which results in urban and middle-class citizens having the most access.

'*SABC Radio* remains one of the most accessed forms of media in South Africa.'

Mainstream print publications tend to focus their coverage on urban areas and large towns in rural areas, and thus, large rural areas do not receive mainstream newspaper distribution.

‘Distribution is definitely a question of economics from a publisher’s point of view, and there are only three main dominant newspaper distributors in South Africa which distribute only to certain areas.’

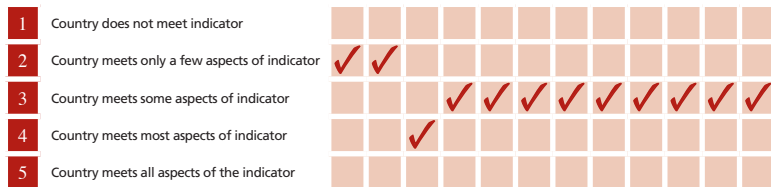
Language is also an issue in the print media in South Africa, as most publications are in English, thus limiting access to non-English-speaking readers.

While all print media publications are suffering revenue losses due to the current economic downturn, the loss of advertising revenue and the severe competition of online media, the one newspaper which has reportedly shown some growth is the Zulu-language tabloid *Isolezwe*, published by the Independent Media Group.

Community radio stations are battling to remain sustainable, while overall, newspapers that are surviving are the tabloids (such as *The Sun*, *Daily Sun*, *The Voice* and *Isolezwe*).

Scores:

Individual scores:



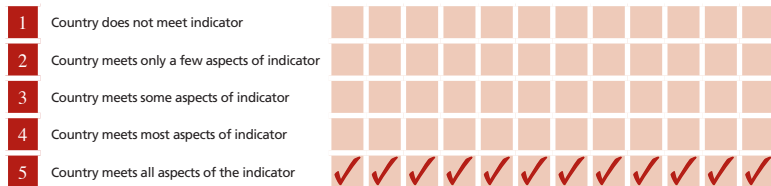
Average score: 2.9 (2013: 3.4; 2010: 2.2; 2008: 3.4; 2006: 2.8)

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

The state does not restrict citizens’ access to domestic or international media sources.

Scores:

Individual scores:



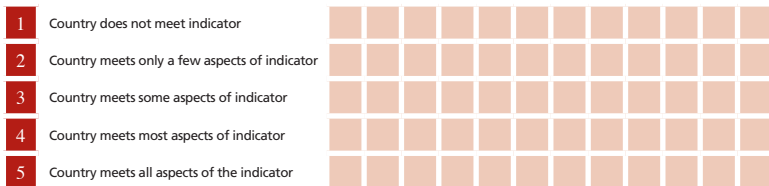
Average score: 5 (2013: 4.1; 2010: 4.8; 2008: 5.0; 2006: 4.8)

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

This is not applicable in South Africa as there is no state print media.

Scores:

Individual scores:



Average score: n/a (2013: 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

The transparency of ownership regarding media houses in the print sector is not guaranteed by law or enforced.

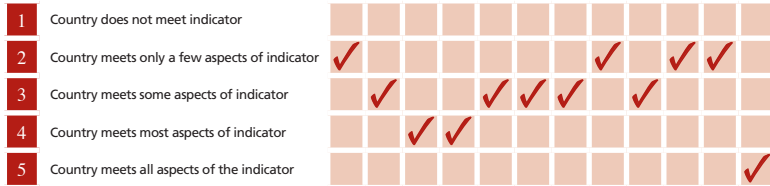
The Electronic Communications Act’s broadcasting licence regulations require broadcasters, by law, to be transparent and open about their ownership. While this is a requirement, in practice the Independent Communications Authority of South Africa (ICASA) ‘doesn’t look too deeply into ownership issues to regulate it’.

Panellists noted that it is often not possible to ‘pierce the corporate veil of trust ownership’ of the formerly Gupta-owned TV station ANN7 (*Africa News Network 7*).

‘ANN7 could not have come into being without the [former President Jacob] Zuma connection.’

Scores:

Individual scores:



Average score:

3.0 (2013: 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 are some active attempts by the Competition Commission through general competition law to ensure that there are no monopolies across media ownership. This is not specific to media but addresses market concentration across all sectors of business in South Africa.

The Competition Commission ruled in February 2018 that Independent Media and Caxton & CPT Publishers and Printers were guilty of price fixing in terms of colluding on advertising discounts.

‘It takes a very long time for the Competition Commission to act as it is very under-resourced and there is so much cartel-like behaviour across many industries.’

The Electronic Communications Act, which regulates ownership and control in broadcasting, does restrict one owner from having two free-to-air commercial TV stations, although one owner may own two radio stations, but not in overlapping coverage areas.

There is legal provision in the Independent Broadcasting Authority Act, which prohibits the cross-ownership of broadcasting and print interests in the same area as a means of limiting media monopolies.

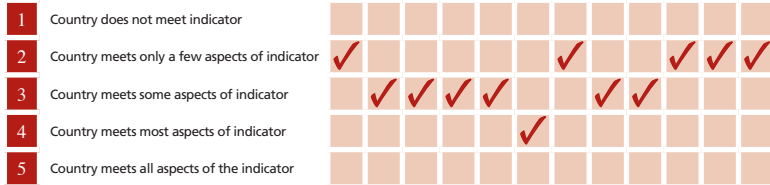
‘Cross-media controls don’t look at the online environment in South Africa at all, and none of these provisions apply to subscription television. *MultiChoice*, through DStv, has a very powerful monopoly in South Africa – it is in 7 million households in the country out of 12 million – and it circumvents the legislation with regard to broadcasting because it is subscription-based.’

It was noted that the dominance of subscription or pay-TV puts free-to-air e.tv and the SABC channels at a disadvantage. DStv has a phenomenal reach with which to gain the bulk of the broadcasting advertising revenue, and in addition has a significant source of income through its subscriber base.

‘Their subscription revenue is so massive that they could take the entire advertising pie without breaking the law and so they can operate as a monopoly with the full blessing of the state. The laws are clearly not adequate in this regard as there is no proper protection to prevent commercial monopolies.’

Scores:

Individual scores:



Average score: 2.7 (2013: 2.5; 2010: 2.6; 2008: 4.7; 2006: 3.0)

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

There is no evidence that the government promotes independent media. While the Media Development and Diversity Agency (MDDA) exists ostensibly to promote a diverse media landscape, panellists felt this was not happening in practice. The MDDA was described by panellists as being ‘in shambles’. ICASA, they noted, is also a ‘toothless entity’ and does little to promote diversity or economic sustainability.

‘The relationship between the state and the media is usually quite difficult. While they are not actively shutting down media enterprises, they are also definitely not promoting them.’

‘The government creates the space for various media to operate, in terms of providing broadcasting licences and allowing publishers to publish print media, but they are not doing anything to actively assist with it.’

Mention was made of government, through the Department of Communications, having promised to assist community broadcasters, but that ‘nothing had been done for more than a year’.⁴

Concern was raised that many municipalities around the country are ‘stealthily taking over’ community broadcasters by offering to provide them with operating

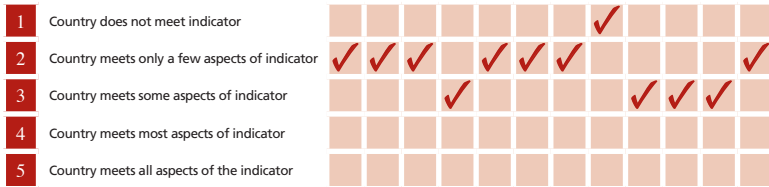
⁴ Note: see Indicator 3.1 with regard to the state. Through Communications Minister Nomvula Mokonyane, Sentech, the National Community Radio Forum, MDDA and ICASA seeking a solution for the high costs community broadcasters must pay to be on air and how the Minister’s intervention allowed more than 30 indebted community stations to continue broadcasting.

space. This then impacts on the impartiality of the broadcasters who become beholden to these local municipalities and are thus unable or unwilling to report critically on local government activities.

Government bailing out the ailing SABC was not seen as helping to create a diverse media landscape, as ‘government bails out just about every state-owned enterprise’.

Scores:

Individual scores:



Average score:

2.3 (2013: 2.6; 2010: 2.2; 2008: n/a; 2006: n/a)

2.7 All media fairly represent the voices of both women and men

Research conducted by MMA found that media sources in South Africa give voices to women only 18-23% of the time in terms of news stories, while male voices remain dominant.⁵

A panellist noted that often confidential sources in the media are women who do not want to be identified, and thus their voices are not counted in MMA research. ‘As such, on the surface, most male voices are privileged and women tend to refuse to comment more often than men.’

‘In a way, we as the media reflect society and the fact that those in power are men. The sources for “big ticket” stories are usually men, and in such instances, we can’t pick and choose our sources. Where are the spaces for us to exploit new sources? This is a blind spot, especially for male journalists. Some newspapers, like the *Mail & Guardian*, look at areas for a space where we are not dictated to.’

Another panellist agreed that the media is partly a mirror of society, and although it is not possible to decide who the spokesperson is for a particular organisation, ‘we can make an effort to go in the back door and get a broader gender perspective on issues’.

⁵ This has been found across multiple research reports, including our elections monitoring (https://www.mediamonitoringafrica.org/wp-content/uploads/2018/10/15-years-of-reporting-South-African-elections_-Same-same-but-different-.pdf). Figures also in line with Global Media Monitoring Project (GMMP) reports (<http://www.waccglobal.org/articles/global-media-monitoring-project-2015-takes-place>).

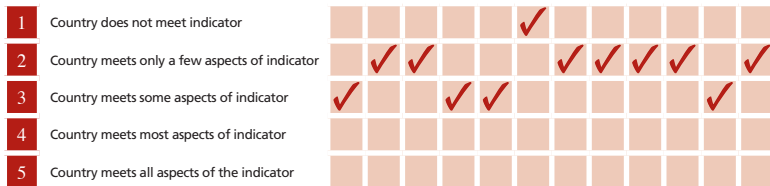
Panellists concurred that women are also very under-represented professionally in newsrooms, making it harder for women’s voices to be heard on certain issues.

‘It’s also a question of how things are framed. With the Marikana massacre, for example, women’s voices were silent until they were actually pulled out.’

Women also tend to be stereotyped in terms of topics and are rarely called upon by the mainstream media to discuss certain subjects (such as science).

Scores:

Individual scores:



Average score: 2.5 (2013: 1.7; 2010: 2.6; 2008: n/a; 2006: n/a)

2.8 All media fairly represent the voices of society and its minorities in its ethnic, linguistic, religious diversity

Panellists agreed that the full nature and diversity of South African society was not reflected in the news media, as views abound from the perspective of the largely urban, English-speaking, middle-class population.

‘It goes without saying that in South Africa, the white minority (less than 8% of the population) is still overwhelmingly represented.’

However, MMA research has shown that whites are represented on average 10-15% in news stories, while black representation is around 70%.⁶ A panellist noted that because English crossed many ethnic groups, it was a predominant mode of communication in the media.

‘Indigenous broadcasting is not always embraced. It’s more a question of social power and capital and there are many factors that have a role to play. Just look at how Afrikaans was promoted during apartheid and its ideological and political impact.’

There appears to be a skewed representation in terms of language in the mainstream news media, with stories of former English universities tending to

6 Also findings across various research reports over the years, some examples include: <https://www.mediamonitoringafrika.org/elections.mediamonitoringafrika.org/2016/southafrica/coverage/>.

dominate. ‘During the “#FeesMustFall” protests, 90% of the coverage was on Wits [Witwatersrand] University and not on the University of Johannesburg [which is historically a merger of black and Afrikaans academic interests].’

‘It’s not just about whether particular voices are represented, but how they are represented. Women may be interviewed, but are they there as stereotypes of the community with rollers in their hair?’

‘It should be a question of fair representation that doesn’t enforce stereotypes. For example, how is a gay person represented? As a stereotype or a true, fair reflection?’

People with disabilities were also not represented in the same way as the able-bodied and the media were accused of being ‘very able-istic’ in this regard.

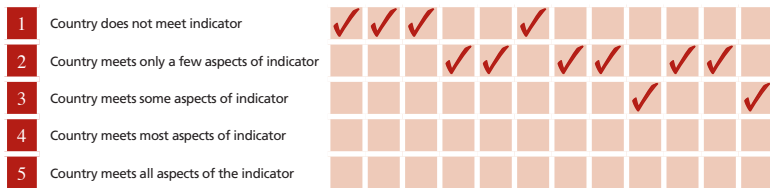
In terms of entertainment, the SABC broadcast a wider variety of voices than in news, but the linguistic dominance of Nguni languages on the public broadcaster was a ‘big concern’.

Panellists said rural issues are barely covered by the media, although mention was made of work being done by certain NGOs in relation to pit latrines, which was at the time covered by the mainstream media.

In terms of religion, there is insufficient diversity. Panellists noted that Christianity tends to get the most coverage, even on what are ostensibly community broadcasting platforms (such as *Jozi FM*, which proselytises from a Christian standpoint).

Scores:

Individual scores:



Average score: 1.8 (2013: 1.9; 2010: 2.2; 2008: n/a; 2006: n/a)

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories

The mainstream media tend to focus on South African political and economic news, particularly on a national level with less of a focus on provincial or local

matters, while cultural reporting took more of a back seat. Thus, it was felt that the media did not provide an accurate reflection of South African society.

‘Coverage tends to differ depending on the type of newspaper or media. Because there are a wide diversity of media platforms, some of these outlets deal only with certain aspects of South African life.’

In terms of investigative journalism, praise was heaped on the work being done by the *Daily Maverick’s* Scorpio division, *amaBhungane*, the *Mail & Guardian* and *News24*.

‘They do national investigative work very well and demonstrate a sophistication within the South African media, particularly in relation to issues of corruption – but local government investigative journalism is not being done.’

Most media newsrooms, community media included, did not have the capacity for a full-time investigative desk, but whether this was a question of human resources, capital or the will to do it was unclear.

It was noted that some investigative work was coming from the non-commercial media and was being funded by corporates. ‘The problem here is obvious: the corporates can then dictate what type of reporting will be done and clearly they don’t want to be investigated themselves.’

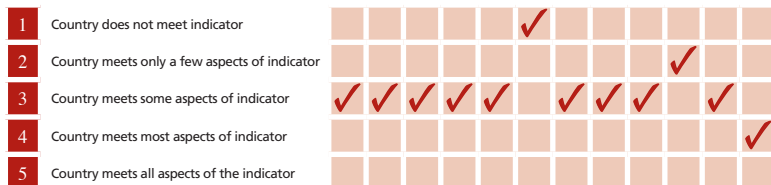
It was pointed out, however, that *amaBhungane* does not take funding from corporate entities or from government to conduct its research.

‘The economic consequences of exposing corporate fraud and the possible litigation involved or the impact on advertising mean this can be prohibitive. State corruption offers “low-hanging fruit” to journalists and it involves public funds, which is why it is a priority focus.’

One panellist felt that the media should be more accountable to civil society and should go back to society to hear how they are received and what they could be doing better.

Scores:

Individual scores:



Average score:

2.8 (2013: 2.8; 2010: 2.7; 2008: 3.2; 2006: 3.2)

2.10 Private broadcasters deliver a minimum of quality public interest programmes

Upon granting broadcasting licences, ICASA has a wide discretion for each broadcaster on the licence conditions, the type of content and the amount of local content that should be broadcast. While the body is meant to monitoring whether broadcasters are broadcasting what they said they would broadcast, this does not happen in reality due to ICASA being understaffed. The only broadcast licensee legally required to broadcast a particular percentage of public interest content is the SABC and, as a panellist noted, ‘even they are failing’.

‘While private broadcasters are obliged to broadcast local content, it is not the same as public interest programming and there is nothing legally binding in this regard.’

Mention was made of eNCA’s *CheckPoint* as providing ‘very good’ investigative current affairs programming, while DStv’s *Carte Blanche* was also noted as covering worthy public interest topics.

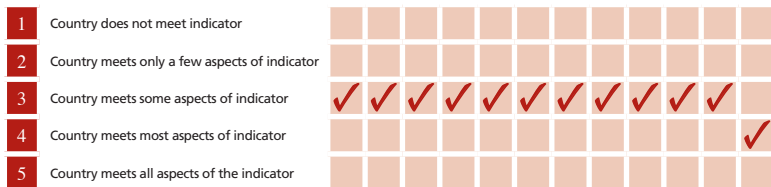
During the country’s last elections, private broadcasters were seen as having done very well in covering a broad range of political parties, although they would have faced serious consequences in the form of penalties had they not done so, as this is one area in which ICASA does ensure fairness.

‘What is in the public interest and how do we measure the quality of this? We can’t assume there is one public because there are many publics in South Africa, each with different interests.’

‘Private broadcasters are not selling advertisers their programmes, but they sell people – their viewers – in terms of LSMs [Living Standards Measures] to their advertisers.’

Scores:

Individual scores:



Average score:

3.1 (2013: 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 all citizens, including marginalised communities

South Africa has an ICT policy but panellists noted it was ‘not a coherent policy’.

‘The policy doesn’t even deal with broadcasting...in the draft Electronic Communications Bill, even the word “convergence” was removed and replaced with “telecommunications”, although convergence is critical and entirely connected to telecommunications issues.’

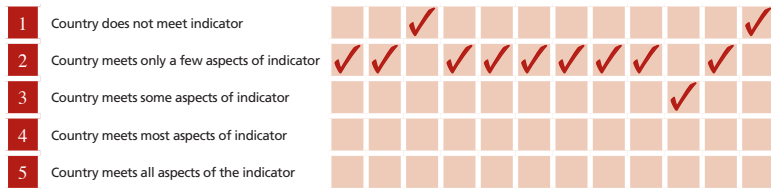
Panellists noted that in 2014, former President Jacob Zuma split the Department of Communications into the Department of Communications and Telecommunications and Postal Services. This has created a legacy of problems, as the two are too interconnected to be run as separate entities, thus leading to incoherent governance in this regard.

It was felt that the government was not doing enough to promote ICT in the country and that even the multimedia telecentres that the government set up around the country were ‘fully equipped but locked and not functioning’.

The government was also criticised for not doing enough to reduce the high cost of data, despite promising ‘#DataMustFall’ campaigners that it would look into the issue.

Scores:

Individual scores:



Average score:

1.9 (2013: 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

Panellists felt that government has definitely used its power in the past over the placement of advertisements as a means of interfering with editorial content.

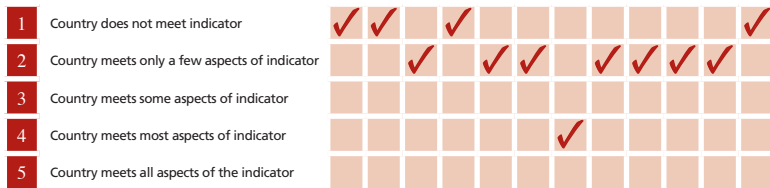
‘Under the Thabo Mbeki era, the GCIS [Government Communication and Information System department] was unhappy with the way certain media houses were reporting on the state, and advertising was moved away from them. During the Jacob Zuma era, this became even more amplified, with advertising being steered towards Gupta-linked media houses, such as *The New Age* [TNA] newspaper, *ANN7* and the controversial TNA business breakfasts.’

It was noted that in 2016 this resulted in the government withdrawing 30 million USD in government advertising from other private commercial media, in a move that government described as necessary to reduce government spending. However, critics argued that this was intended to punish media outlets critical of former President Jacob Zuma.

Panellists also noted that in terms of advertising, the government is no longer investing in community media, and that many of these operations, which were not economically sustainable, have closed as a result.

Scores:

Individual scores:



Average score: 1.8 (2013: 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

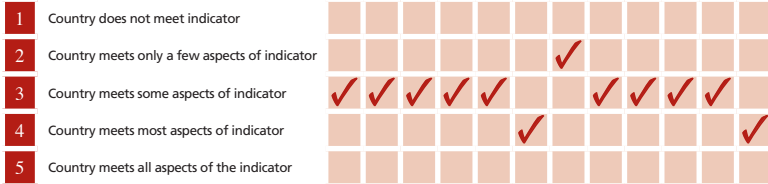
Without some form of regulation, panellists felt that the advertising market in South Africa was not large enough to sustain a diversity of media outlets.

A case in point was subscriber-based DStv. ‘DStv has no limit on the advertising it can broadcast and it is left entirely uncontrolled. It is a problem for other broadcasters, for example, e.tv.’

The advertising market in South Africa is also seen to be very skewed towards the higher-end, urban, commercial LSMs (8-10), although this is not representative of the majority of the population, which fall in the lower LSM ranges. This is seen to affect the diversity of the media in general.

Scores:

Individual scores:



Average score: 3.1 (2013: 3.6; 2010: 2.7; 2008: 3.9; 2006: 2.5)

Overall Score for Sector 2: 2.7

SECTOR 3:

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.

ICASA, which allocates broadcasting licences, was described by panellists as ‘fractured and weak...there is far too much reliance by ICASA on government, which is not coming to the party in any way’.

While the laws above emphasise the importance of content and ownership diversity and provide for the three tiers of broadcasting, panellists were not convinced that the legislation provided a conducive enough environment for community broadcasters. This is because community broadcasting legislation does not deal with funding that such broadcasters could access.

‘The law says you are welcome to have a community broadcasting licence, but then offers no assistance, for example, by offering lower signal distribution costs for community broadcasters.’

It was pointed out that some community broadcasters are paying 200,000 ZAR (14,000 USD) per month to Sentech for signal distribution costs.

However, in April 2018, Sentech lifted the suspension of 15 community broadcasters’ signal distribution costs, despite them owing a combined total of 33 million ZAR (200,000 USD). This was after a mass outcry, which led to Communications Minister Nomvula Mokonyane intervening and meeting with Sentech, the NCRF, MDDA and ICASA to find a solution. While the stations were provided with signal distribution once more, those involved are still seeking a longer-term solution to the community broadcasting sector’s viability.

Some criticised Sentech for having a monopoly on signal distribution, although it was pointed out that the ‘only monopoly Sentech has is that it has all the high [altitude] sites. There should be legislation enacted to promote access to these facilities’.

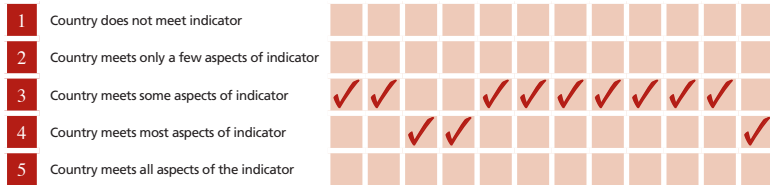
Concern was also raised over Sentech’s long-term viability. ‘They need the money from licensees to survive and they are not getting what they need. At some point, like other state-owned enterprises, Sentech is going to crash. The Minister has made things less, rather than more, sustainable. Skilled engineers are moving on to other jobs and you can’t teach electrical engineering in a weekend.’

A panellist noted with concern actions which were not conducive to supporting a three-tier structure. This included the SABC’s decision in 2014, under its former COO Hlaudi Motsoeneng, to sell the public broadcaster’s archive to subscription

broadcaster DStv's owner MultiChoice, which included an alleged personal kickback of 11.4 million ZAR (788,000 USD) in a controversial deal for SABC to obtain a new channel on the pay-TV broadcaster's platform.

Scores:

Individual scores:



Average score: 3.3 (2013: 3.3; 2010: 3.3; 2008: 5.0; 2006: 4.6)

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

While Section 192 of the South African Constitution requires ‘an independent authority to regulate broadcasting in the public interest...to ensure fairness and a diversity of views broadly representing South African society’, panellists noted that ICASA has ‘paper independence’ only.

‘In reality you cannot vouch for ICASA’s independence. There is nothing independent about the appointment of its board. You need to be affiliated or sympathetic in some way to the ruling ANC to stand a chance of being appointed to the board.’

While on paper the legislation which sets out the broadcasting regulator, appears to be one of the best internationally, with public nominations for the board and parliamentary recommendations for the shortlist, it remains dominated by the ANC.

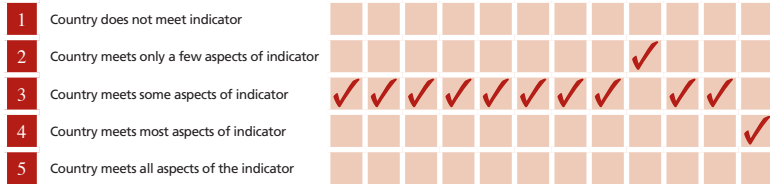
‘About 200 names are selected for parliament and the worst ten are appointed.’

‘ICASA’s board members don’t see themselves as independent in general. Their chairperson, Rubben Mohlologa, is a convicted criminal, who has been found guilty by a High Court for having stolen 6 million ZAR [400,000 USD] from the Land Bank. In no advanced democracy could you be a chairperson of an elected community if you’ve been found guilty of such an offence. If it was an independent body, the other board members would refuse to have him as the

chairperson. What is happening at ICASA is a failure of parliamentary oversight. It is a Chapter 9 institution so it is supposed to have extra special protection from political interference, but in practice it has the least such protection.’

Scores:

Individual scores:



Average score: 3.0 (2013: 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

There were mixed views about whether or not the regulator was working in the public interest to ensure fairness and a diversity of views. Some panellists felt that with the variety of broadcasting media (public, private and community) allowed to practice in South Africa, and which represent different sectors of society, there was a sufficient diversity of views.

Others felt that in terms of working in the public interest and ensuring fairness and diversity ‘it is not as good as it can be’.

Mention was made of the case lodged with ICASA’s Complaints Compliance Committee by MMA, SOS and the Freedom of Expression Institute (FXI) against the SABC, with regard to the public broadcaster’s decision in 2016 to ban the broadcasting of violent protests. ICASA subsequently ruled that such a ban was illegal.

‘ICASA may not actively be working towards fairness and the public interest, but in the violent protest case and a few other instances where the MMA has been concerned about policy decisions, ICASA has taken a stand in South Africa’s best interests.’

Although mention was made of the board being biased towards the ANC, the only example of ICASA regulating in an obviously unfair manner was ‘in 2007 when ICASA had the discretion to apply its policies related to ownership and control to DStv and it did not do so. This has had massive implications for the

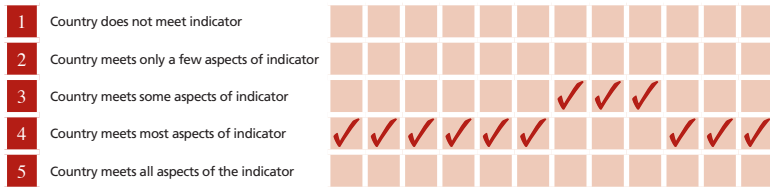
entire broadcasting sector’. MultiChoice was licensed to operate in 2007, but its individual channels do not need licences from ICASA.

The licensing process was considered overall to be in the interest of fairness, with the Gupta-owned ANN7 being a case in point. ‘If ICASA regulated unfairly, it would have given ANN7 a broadcasting licence in the last round. It’s clear that the really bad ones don’t get a licence.’

‘Other than licensing, in practice, ICASA has been terrible at standing up to government in terms of its poor policy decisions with regard to broadcasting. The Electronic Communications Act is a case in point as this has been very bad for broadcasting, but the ICASA chair was very reticent to embarrass or undermine the executive by speaking out against it.’

Scores:

Individual scores:



Average score: 3.8 (2013: 3.6; 2010: 2.6; 2008: 4.1; 2006: 4.0)

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

The SABC has been in a state of disarray and flux for many years. Between 2013 and 2018, two 12-member boards were appointed. Similar to the appointment of the ICASA board, people are nominated to the SABC board, and these nominations are then reviewed and shortlisted by parliament.

While the board from 2013 was regarded as being obviously politically appointed with a strong bias towards the ANC, panellists felt that the current board, appointed in 2017, was less biased politically.

In the past, the appointment of the board’s non-executive and executive directors was not transparent and there appeared to have been considerable leeway for the Minister to choose preferred candidates, with political bias playing an active role. However, FXI, MMA and SOS were victorious in a June 2018 High Court ruling over the invalidity of certain sections of the SABC’s Memorandum of

Incorporation, which dealt with the Minister’s ability to appoint or remove the SABC’s top executives. While the Minister of Communication used to exercise a veto over the top candidates of the board (Chief Executive Officer, Chief Operations Officer, Chief Financial Officer), it has been established now that the SABC board itself will appoint these executive directors.

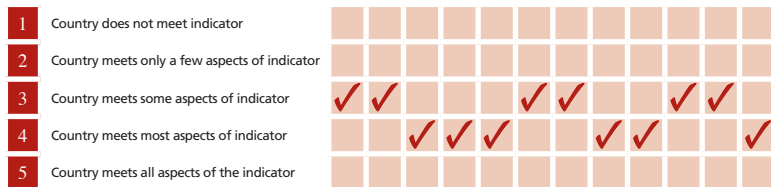
‘The current board is looking good, but it is early days.’

Panellists were not in agreement about paying board members and some felt that the payment compromised their role. It was noted that during 2017, 3.2 million ZAR (200,000 USD) was spent on paying interim board members at the SABC for 99 meetings they held over six months. While this was felt to be high by some, it was noted by another panellist that the board ‘worked its tail off to resolve the Hlaudi [Motsoeneng] mess and massive amounts of work were done by the interim board’. The current board is also, apparently, working ‘around the clock to try to resolve the situation’.

‘The SABC, with 21 radio stations and three television stations, is a multi-billion-rand operation. If you don’t offer to pay board members, you won’t get good people who often don’t have the time to put themselves forward for work such as this.’

Scores:

Individual scores:



Average score:

3.6 (2013: 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 balanced and fair news and current affairs programmes

The editorial independence of the SABC is guaranteed by law; Section 6 of the Broadcasting Act provides for the SABC to enjoy ‘freedom of expression and journalistic, creative and programming independence as enshrined in the constitution’, but panellists felt this was not practised and that news and current affairs programmes, in particular, tended to be biased towards the ruling party.

The protest issue was mentioned as a case in point, in which former COO Hlaudi Motsoeneng attempted to ban all reporting on violent protests.

It was said that SABC staff had been asked not to continue investigating certain controversial stories which shed a negative light on the government, and even had phone calls from government agencies under former President Jacob Zuma's regime, saying they were conveying a message from the president to cease reporting on certain sensitive issues. The MMA also had a few cases of 'biased reporting clearly favouring the ANC' during the 2016 local elections.

The *SABC Three* show *Real Talk with Anele* was also mentioned as an example of possible interference, after it was revealed in 2018 that the Social Development Minister Bathabile Dlamini's *Anele* interview cost the Social Development Department 500,000 ZAR (34,000 USD). Therefore, in this instance, the integrity of the broadcaster is in question, as money was paid to broadcast content rather than purely broadcasting in the interests of the South African public.

In May 2018, the SABC launched an inquiry into issues of editorial interference, with members of the Economic Freedom Fighters (EFF) alleging the Party was a victim of marginalisation and editorial interference by the public broadcaster. Chaired by the executive director of the Press Council and Press Ombudsman Joe Thlooe, the hearings have shown, according to a panellist, 'a fundamental lack of respect for editorial independence of the SABC'.

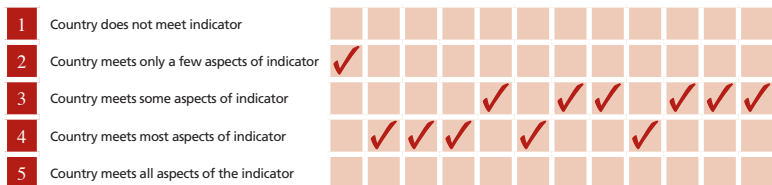
The broadcaster was also slammed by the Democratic Alliance for being impartial and having misleadingly aired Cyril Ramaphosa's speech on land expropriation without compensation in August 2018. The speech was given at an ANC meeting, which Cyril Ramaphosa addressed as president of the ANC, however when it was aired, it seemed as though it was a national message from the country's president.

'From the outside, there seems to be a concerted effort now, with the new dispensation [post-Hlaudi Motsoeneng] to bring in more alternative views, with top investigative journalist Stephen Grootes now being employed as a presenter on the radio station *SAfm*, and former SABC CEO Jimmy Matthews having previously reportedly admitted that the SABC did deliberately ban the EFF and its leader Julius Malema from the public broadcaster.'

It was also noted that the SABC's parliamentary journalists were 'not always allowed free reign to report' and that the question of them needing to be 'vetted' should urgently be addressed.

Scores:

Individual scores:



Average score: 3.3 (2013: 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

A breakdown of the SABC's income was provided as 80% from advertising and sponsorship, 17% from licence fees and 3% from government.

The issue of funding the SABC was a contentious one. It was felt by some panellists that what the state provided was insufficient in order for it to be sustainable as a public broadcaster, but that more funding from the state could increase interference from the 'powers that be'.

'How much do you want the SABC to lean on state coffers? Their credibility is already through the floor and they are trying to rebuild it.'

Another panellist said that financial management was also an issue in this regard. 'Is the SABC managing its budget effectively? The quality of the financial management there is questionable, and much of this can partly be blamed on the previous executive [officer].'

Others felt the high dependency on advertising and sponsorship income posed a significant threat of commercial, as well as potentially political, interference. They noted that this made it vulnerable.

'The fact that there is nothing protecting the SABC from commercial interference is really an issue, as they are completely beholden to their advertisers. This is unlike the BBC [British Broadcasting Corporation], which has no advertising, so it does not have to bear any commercial pressure.'

'It definitely creates a tension when a public broadcaster is reliant on advertising when it is supposed to be fulfilling a public service mandate.'

'They have even allowed politicians to pay to be interviewed, notably Bathabile Dlamini, through the 500,000 ZAR [34,000 USD] her Ministry of Social Development paid to the SABC for her to appear on the *Real Talk with Anele* show.'

An example was given with regard to commercial interests insisting the SABC broadcast more entertainment content, which it reportedly did. 'This is interfering with the mandate of the SABC as it fundamentally changes the face of the broadcaster.'

As an example of editorial inference from a commercial point of view, it was mentioned that the SABC had a local reality competition, *Tropika Island of Treasure*, which was a commercially branded TV show sponsored by Clover.

A panellist said that as a public broadcaster, the SABC was required in terms of its editorial policy to broadcast in all of the country's 11 official languages, as well as in sign language, but that it was failing in this regard 'because there is not sufficient money for this'. *SABC TV* news is broadcast in English, with two other shared evening bulletins in Siswati/Ndebele and Xhosa/Zulu on *SABC One*, while *SABC Two* has Venda/Tsonga and Setswana/Sesotho news and *SABC Three* broadcasts news in English.

The broadcaster does, however, have 21 radio stations, which among them broadcast in all official languages:

- English (*SAfm, 5FM, Metro FM*)
- isiZulu (*Ukhozi FM*)
- Afrikaans (*Radio Sonder Grense*)
- isiXhosa (*Umhlobo Wenene*)
- Sesotho/Southern Sotho (*Lesedi FM*)
- Sepedi/Northern Sotho (*Thobela FM*)
- Setswana (*Motsweding*)
- siSwati (*Ligwalagwala*)
- Xitsonga (*Munghana Lonene*)
- isiNdebele (*Ikwekwezi FM*)
- Venda (*Phalaphala FM*), and
- !Xu, Khwe/Khoi and San indigenous languages (*XK FM*).

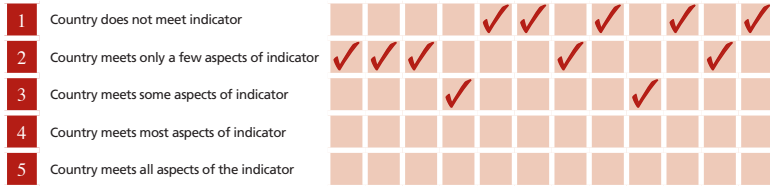
One panellist noted positively that, 'in many areas of the country, the SABC does offer a service that you cannot get otherwise.'

It was noted that TV licence fees alone were not enough to sustain the SABC and the fact that the public broadcaster had to 'outsource its licence fee collection department to attorneys was a sign of how much people had lost trust in the SABC'. In March 2018, the Minister of Communications, Nomvula Mokonyane, told Parliament that the public broadcaster was owed 25.5 million ZAR (1,700,000 USD) by people who had not paid their licence fees. Only one-third of people with TV sets had actually paid their licence fees.

A panellist noted that the fact that the SABC also admitted publicly to facing liquidity challenges indicates the severity of the problem. 'They have been technically insolvent for a long time but to publicly announce it for the first time indicates the severity of the problem.' The Auditor-General, however, had noted a year earlier that the broadcaster was insolvent during the tabling of the SABC's 2016-2017 annual report, which recorded a loss of 1.1 billion ZAR (69,000,000 USD) versus 593 million ZAR (41,000,000 USD) in the previous financial year. The SABC's audited statements from 2015/2016 showed that the public broadcaster had made a profit of more than 800 million ZAR (55,000,000 USD) before it began its rapid financial decline under former COO Hlaudi Motsoeneng.

Scores:

Individual scores:



Average score:

1.8 (2013: 1.9; 2010: 2.2; 2008: n/a; 2006: n/a)

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

Panelists felt that in terms of diverse formats and range of content, SABC radio provided ‘much more relevant and more local content than television’, while across the board the SABC’s programming was ‘not as good as possible’. It was noted that people might not be paying their TV licences because of the poor quality of the content.

‘DStv [at more than 900 ZAR (62 USD) a month for the full bouquet] is much more expensive than the SABC [265 ZAR (18 USD) for an annual SABC TV licence] but nearly 7 million households pay those fees to MultiChoice.’

It was noted that some people do not pay their SABC licence fees because they will not get cut off for defaulting on the payment. It was also stated that DStv has many more channels, making it a more attractive option in terms of choice. Although SABC radio stations do offer a considerable amount of choice when it comes to content, with a broad range of topics covered in the country’s official languages.

According to a panellist, research conducted by the Media Policy and Democracy Project (a project of the University of South Africa and the University of Johannesburg) showed that the perception of the SABC’s content was that it was a considerable improvement for black people, compared to what was previously available under apartheid South Africa when it was the mouthpiece of the Nationalist Party state. The content could, however, still be more diverse. It was also noted that the ‘whole political and economic landscape determines the formats’.

However, ‘SABC TV has been sneaking about when it comes to enacting the local content requirements, by broadcasting old content through repeats of local programmes across the three TV stations.’

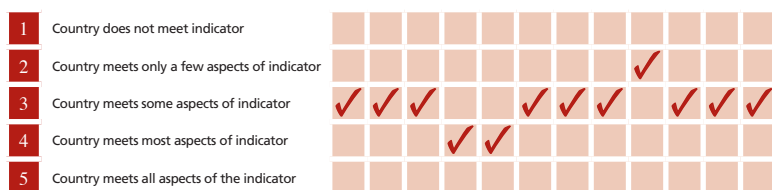
While there may be a perception that the SABC does not provide value, in March 2018, the most popular channels on DStv watched in South Africa were reportedly the SABC channels and private broadcaster e.tv, particularly among the lower LSMs. This came from TV audience measurement research conducted by the BRC.

In addition, DStv is sometimes the only way outlying populations can access the SABC.

'Some people have to pay for a DStv licence in order to be able to receive SABC digitally in this way, due to the fact that the public broadcaster's analogue signal is not available throughout the country.'

Scores:

Individual scores:



Average score:

3.1 (2013: 2.9; 2010: n/a; 2008: n/a; 2006: n/a)

Overall Score for Sector 3:

3.1

SECTOR 4:

The media practise high levels
of professional standards

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

Panellists felt that, in general, journalists in the SA media did try to be fair and accurate, which could be due to the fact that there was recourse through the Press Council in cases of unfairness or inaccuracy.

A panellist felt that 'fast' online news and radio news were more often guilty of being inaccurate, possibly through haste rather than intentional negligence.

'Journalists are working under very difficult constraints and we can see from the academic institutions that there is a desire to train media students properly, but what is clearly lacking is specialist knowledge, such as is evident from journalists' inability to report properly on a law case. And this is despite the fact that our courts play such a critical role in our democracy.'

Another panellist agreed that the lack of dedicated beat reporters impacted on the quality of the reporting. 'Most South Africans don't engage with the *Mail & Guardian*, the *Daily Maverick* or the *amaBhungane* stories. They read the tabloids like the *Daily Sun*. I think part of the problem is that few people in media leadership roles are mentoring younger journalists these days.'

Senior journalists often went into more lucrative positions in the corporate or private sector, while younger journalists were said to emerge with a degree, 'but no passion or real understanding of the media and they are not supported in the workplace'.

A panellist noted how it was refreshing that South African print media, unlike the United Kingdom's tabloid press, for example, did not publish 'crazy, screaming, partisan headlines' which can be blatantly unfair and are often inaccurate.

It was felt that there was too much of an emphasis on politics and economics in the South African news media.

'The real issues affecting the lives of the people on a daily basis are generally not covered, apart from radio stations like [Talk Radio] 702, although even this is not followed through with accurate and in-depth reporting.'

News media was said to focus too much on 'big boy politics', while rural issues, for example, are often not covered. 'I'd prefer to see social stories framed as political issues.'

Some panellists felt that both black and white journalists in the media perpetuated the stereotype that 'black lives in South Africa don't matter'.

In terms of lesbian, gay, bisexual, transsexual and intersex (LGBTI) issues, a panellist felt that the standard of reporting depended on the media concerned.

'High-level media, like the *Mail & Guardian*, have dedicated reporters to cover LGBTI issues, so there is a lot more depth and accuracy, particularly with regard to trans issues, and the correct use of [related] pronouns.'

The dailies were highlighted for having a strong emphasis around sensationalism and gratuitous violence, often with 'highly inaccurate' reporting when it came to these and other matters, such as women's issues.

'Usually the daily news reports around LGBTI issues are done from a secondary reporting standpoint and the journalists rely on sources rather than being on the scene themselves. TV reporting generally is also known for a lot of inaccurate use of knowledge or information around trans/intersex issues. There is often poor research in this regard and during live interview shows, it is clear that the journalists are ill prepared. Often there is no attention to detail and the focus is rather on violence and rape – anything outside does not get attention from the media.'

Having a Press Ombudsman in South Africa is largely considered as positive, but a panellist noted, 'How do I go to the Press Council and say the media needs to stop portraying queer people only as victims of violence in general?'

Domestic violence was another area where it was felt that the media was not fair or accurate.

'One of my personal bugbears is about the believability of sexual violence cases and how they are reported. If someone reports a rape, it's called an alleged rape, and I don't feel the victim's side is respected, and this is likely a reflection of the patriarchal society we live in.'

Said one panellist, 'Accuracy for me is not a problem, generally. It's more about the quality of the reporting.'

In terms of the private print and electronic press, the *Daily Maverick*, *Mail & Guardian*, *City Press* and *amaBhungane* were praised for their detailed, critical reporting which was 'compelling and intriguing'. The *Mail & Guardian's* beat-reporter approach was hailed as producing in-depth articles. *News24*, however, was mentioned for posting some superficial news stories, often with misleading and sensationalist headlines.

The shrinking and juniorisation of newsrooms was also a point of concern.

'If you look at the number of print publications we do have, we are not doing too badly in terms of accuracy, but newsrooms are pretty bleak now. They have been decimated. There is more of a focus on online rather than print and there is less specialisation of journalists. Even the number of staff at *Times Live* [owned by Tiso Blackstar, formerly *Times Media Limited*] has dropped from 20 to four in two years, and salaries have been reduced. The economics are relevant in terms of the quality. And their lack of sustainability does impact on how the media contribute to its supposed role.'

Mention was made of ANN7 having broadcast images of the Glebelands residents, without blurring out their faces, at an event where a hostel attack took place in 2014. ANN7 was forced by the Broadcasting Complaints Commission of South Africa (BCCSA) to apologise to the community and to admit its gross negligence in the matter.

It was also felt that the media sometimes portrayed what mattered most to them, with bias affecting fairness and accuracy. ‘One person dies in a middle-class neighbourhood and it’s reported, but seven people die in a township, like [what] happened in Mamelodi, and there were no reports. Afrikaans newspapers are particularly bad in this regard, their ideology comes through.’

Journalists were described in general as working ‘to protect the domain of the media owner and the elite – the means of production’.

Journalists were also accused of generally not speaking to a wide enough variety of sources and relying too much on leaked information. ‘This does affect the audiences’ trust.’

‘I tend to believe in the cock-up, not the conspiracy, theory. The media does fail in terms of fairness and accuracy at times because it is obviously working under severe economic constraints. We don’t have the staff, training courses, [or] even the sub-editors we used to have.’

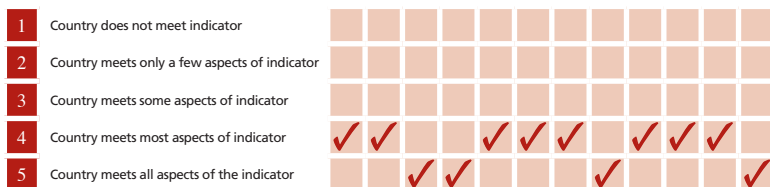
Some publications were noted for having ‘no go’ areas, such as negative stories about China for *Independent News & Media*, which is co-owned by black-owned investment group Sekunjalo Media Consortium (55%), as well as the Government Employees Pension Fund through the Public Investment Corporation of South Africa (25%) and a Chinese media consortium (20%). Sekunjalo owned 20 national newspapers as well as the news website, *Independent Online*, and some print magazines.

Commercial mainstream media was seen as being unable to afford to fund investigative journalism, which was sometimes paid for by NGOs.

It was felt that, while there was a considerable focus on violence across the media, ‘the media did have a heart’ as shown by the outpouring of grief that followed the coverage of the September 2018 deaths of three firemen on duty in Johannesburg.

Scores:

Individual scores:



Average score:

4.3 (2013: 3.8; 2010: 3.0; 2008: 2.9; 2006: 2.8)

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public

Most mainstream print media houses are members of the Press Council and abide by its Press Code. The Press Council, which was established by the media as a self-regulatory body in 2007, adjudicates complaints from the public through the Press Ombudsman and shows the commitment of print media houses to ethical journalism. The Ombudsman can demand that a publication publish a prominent apology, as well as the findings of the Press Council, if it has been found to be in the wrong. If the wronged person is still unhappy, the case can be taken to appeal.

The council is a co-regulatory system and is comprised of six public and six press representatives. Since 2013, it has had a public representative (an advocate) to assist members of the public in laying complaints. Approximately 2,500 complaints were made to the Press Council between 2013 and 2018.

It was noted that the publications which subscribe to the code respect it and have been totally compliant with any directives of the council, its code and its rulings. The Independent Group and *Noseweek* are not members of the Press Council. The *Independent* left the council in 2016 and has its own ombudsman. The former Gupta-owned *New Age* newspaper (no longer in production) withdrew from the council in 2015.

'The Press Council gets lots of complaints about the *Independent* but it is outside of their jurisdiction, but people do ask, "how independent is the *Independent*"?'

The BCCSA operates in much the same way as the Press Council and has a voluntary code to which various broadcasters, including online media, subscribe. The BCCSA has been in existence for 20 years and was described as 'working well' although 'it is a constant uphill battle at the BCCSA to assess freedom of expression issues and personal morality should stay out of such matters'.

A statutory broadcasting code is laid down by ICASA, to which aggrieved parties can also lay complaints against broadcasters that are not members of the BCCSA.

However, there are potential problems as a broadcaster that also posts broadcasting content online could encounter, and might find itself having complaints made against it at the BCCSA and the Press Council in respect of the same content.

It was noted that the Editor's Forum of Namibia had created one code for print, broadcasting and online media and, in an era of convergence, this was recommended as the route that South Africa should take by amalgamating the two self-regulatory bodies into one platform.

Some panellists were concerned that only those who have direct access to journalists and the media laid complaints with the Press Council. ‘These regulatory processes are being accessed mostly by the elite and the powerful.’

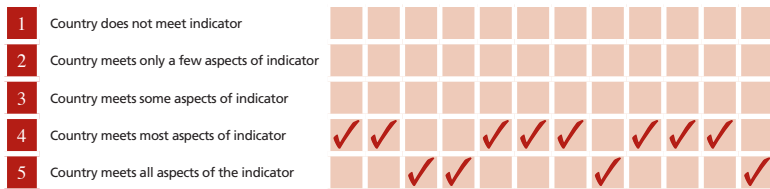
The Press Council’s code was criticised for not including issues of sexual orientation and for its public and press representatives being mostly male with too few women.

It was felt that more people were aware of the existence of the BCCSA, than the Press Council, as broadcasters announce the BCCSA on air.

‘The Press Council needs to be better marketed.’

Scores:

Individual scores:



Average score: 4.3 (2013: 3.9; 2010: 3.1; 2008: 4.2; 2006: 4.2)

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

Working conditions of journalists are generally considered to be poor and their salaries low. These issues were seen to have a direct impact on the professionalisation of the media.

‘General working conditions and journalists’ safety is not in a good state. We live in a very violent country and journalists are not adequately trained to go into violent situations.’

Journalists at some media houses are also not given proper counselling following harrowing work-related incidents, such as with the case of the young journalist from Port Elizabeth who wrote about a man who threw his one-year-old baby off the roof of a shack during a demolition. She was allegedly severely traumatised. It was noted, however, that some newsrooms did offer counselling to help journalists deal with difficult situations and to protect their mental health.

Newsrooms also largely do not have systems in place to deal with unsafe situations for their staff, as was evident in March 2018 during the North-West

province protests, when journalists from the SABC were robbed. 'This affects the media's professionalism and the kinds of reporting that comes out.'

There was also concern that journalists had not been trained about digital safety and the fact that the Internet Protocol addresses of their mobile phones and other electronic devices could be tracked. 'Around the world, journalists are being killed after they've been traced via their phones. Our journalists need to be conscious of the mobile apps they use and they should be trained on what security measures to take to better protect themselves.'

Salary levels for the private media were considered very low, with entry-level journalists earning 7,000 to 12,000 ZAR (480 to 800 USD) a month (gross), while interns might be paid only 1,500 to 2,000 ZAR (100 to 140 USD) at some media houses. The *Mail & Guardian* reportedly paid interns at least 12,000 ZAR (800 USD). The low salary levels were noted as a reason for many good journalists moving to better paying non-media jobs.

'The quality and the remuneration definitely don't match, while working conditions are also really poor in most newsrooms.'

'Journalism used to be a profession, but with such low salaries you can't expect professional conduct.'

Very good journalists were said to be working at media houses 'for virtually nothing', just to have a job.

While salaries were generally low, panellists said that at least South African journalists were still prepared to do their work without insisting on being paid (eg to attend press conferences).

'In the Democratic Republic of Congo, you won't even get the media to attend a book launch if they are not offered money. This is largely the situation across the continent, but fortunately not in South Africa.'

Some SABC studio staff were reportedly 'double dipping' and clocking up 'more than 30 hours a day' by doing work for multiple channels. Working conditions for SABC cameramen were not ideal. 'You won't find a black cameraman from the 1980s without a bullet wound. Conditions have changed a bit and now we breathe in teargas.'

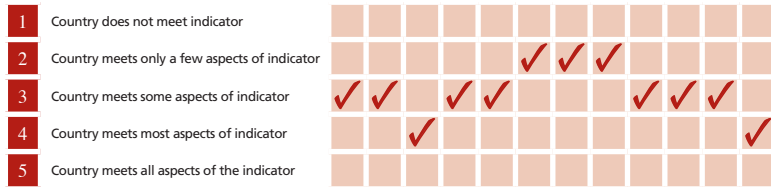
It was also noted that while some SABC staff are overpaid, 'some are not paid at all'.

'In-between' journalists, those who had not been professionally trained but were blogging or otherwise ostensibly working as reporters in the field (such as those who have been covering service-delivery protests in the country), were considered very vulnerable due to their lack of resources, institutional support and safety training.

The issues affecting journalists’ working conditions today were considered a global problem as ‘the industry is in crisis’.

Scores:

Individual scores:



Average score: 2.9 (2013: 2.8; 2010: 2.9; 2008: n/a; 2006: n/a)

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 trade unions for media workers, such as the Broadcasting, Electronic, Media and Allied Workers Union (BEMAWU) and the Communication Workers Union (CWU). Neither of these unions focus specifically on print journalists. BEMAWU was considered more for white-collar SABC staff, while the CWU tended to attract blue-collar workers employed by media houses, as well as people from the digital-related industry.

The ‘SABC 8’, however, were represented by the Solidarity Union, which is not specific to media and is associated with a white, conservative, Afrikaans membership.

It was noted with regret that the South African Union of Journalists (SAUJ) was not operational and considered defunct. This was the one union that specifically focused on print journalists. Some of those who used to be with SAUJ reportedly moved on to the Media Workers Association of South Africa (MWASA), which has a mix of ‘blue-and white-collar workers’, but it was felt that journalists’ issues were not a priority for MWASA.

‘CWU became the dominant media union, but beyond SABC issues, it is very ineffective. The unions are generally very poor and weak in taking up workers and employees’ rights.’

‘Some of the unions at the SABC’ were criticised as being unprincipled, ‘lily-livered’ and ‘milking the system’ however, for colluding and sympathising with former SABC boss Hlaudi Motsoeneng around his move to make unsustainable wage hikes.

The membership base of these unions was also considered very small.

Some media houses, such as e.tv, reportedly actively discouraged their staff from joining unions.

In terms of professional organisations, the South African National Editors Forum (Sanef), was considered active and outspoken on media issues. The South African Freelancers Association offered some support to freelance journalists, with it being noted that lots of media houses had put staff onto short-term freelance contracts due to financial constraints. Unionisation of freelancers was considered very difficult.

The Professional Journalists’ Association, an advocacy body for working journalists in South Africa, was described as ‘existing in theory but not in practice’.

In terms of press clubs, the Cape Town branch seemed to be the only one that was active, with the others being dormant.

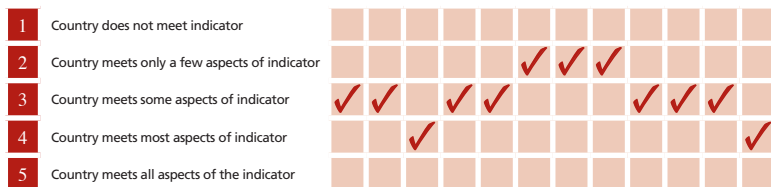
‘Journalists these days seem to liaise with one another more on social media platforms such as Facebook and WhatsApp, which seem to be more effective than the other, old groups.’

While journalists at some media houses were encouraged to join staff groups, these were considered ‘toothless’.

‘If journalists feel aggrieved about something in the work place, they tend to go to the Commission for Conciliation, Mediation and Arbitration.’

Scores:

Individual scores:



Average score:

2.9 (2013: 2.0; 2010: 3.2; 2008: 1.7; 2006: 3.4)

4.5 Journalists and media houses have integrity and are not corrupt

South African journalists were generally considered to be ethical, credible and trustworthy, particularly those working in the print media.

‘In general, journalists are pretty honest and don’t succumb to “brown envelope” corruption.’

‘There are just a handful of people in the media with little integrity and who are quite corrupt.’

Motoring journalists were noted for taking ‘freebies’ (such as the free use of cars) from vehicle companies in return for positive reports. Some media houses had codes of ethics, which prescribed, for example, the policies around gifts, but whether these policies were practised across the board was questionable.

‘Most media houses have “freebie” policies, whereby journalists are not allowed to accept gifts of more than 300 ZAR [21 USD]. Previously, this was 50 ZAR [3 USD]. “Soft news” journalists do tend to pocket freebies, such as cell phones, and this is a blight on our media.’

amaBhungane has a strict no-freebie policy and refused a trip to the Wild Coast offered by the South African Social Security Agency when it was embroiled in the Cash Paymaster Services scandal in 2017.

It was also noted that print publications do not always make a clear distinction between an advertorial and hard news, and it is not always clear whether travel stories, for example, were sponsored trips. ‘You generally don’t read bad travel reviews.’

In addition, those who have been found guilty of printing erroneous information by the Press Council’s Press Ombudsman and have been ordered to publish apologies, have done so. Mention was made of a 2015 incident involving the *Sunday Times* publishing a full-page retraction following an ‘unfair article it published on an alleged “rogue spy unit” within SARS [South African Revenue Service]’. While this is positive, it was noted that the the incorrect versions are often still available online, which was considered a problem.

In terms of media houses, the *ANN7* and *The New Age* (both now defunct) were highlighted as being problematic with regard to corruption, while the SABC was noted for largely having dealt with significant issues of corruption in recent years.

It was, however, claimed that ‘it’s well known that if you want to broadcast a “soapie” on the SABC, you have to bribe someone...the board is aware of this problem’.

An unethical approach was taken by the SABC in 2015 with regard to blacklisting certain media commentators. An example of this is Eusebius McKaiser, who had his invitation to appear on an SABC talk show revoked after he wrote a column in Independent Media’s *Star* newspaper that was critical of ANC leaders.

Pay-for-view satellite broadcast distributor MultiChoice was criticised for having signed a highly controversial channel-supply deal in 2013 with the SABC, then under Hlaudi Motsoeneng’s leadership, to pay the SABC 553 million ZAR (38,000,000 USD) over five years. This deal, flagged by a parliamentary inquiry, was to give the company the right to air two of the SABC’s channels, *SABC Encore* and the *SABC 24* news channel, both of which were funded from public funds and intended for public distribution. Placing the channels exclusively on MultiChoice’s DStv platform meant that only its paid subscribers could access the channels.

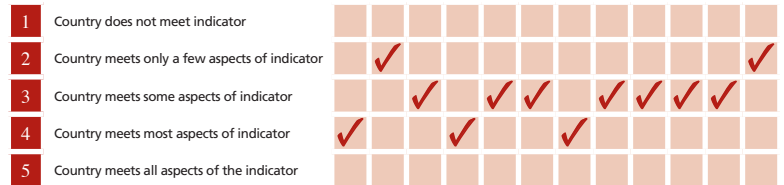
Hlaudi Motsoeneng allegedly pocketed more than 11 million ZAR (760,000 USD) out of a more than 30 million ZAR (2,000,000 USD) kickback package in the deal, which placed SABC’s archival footage in the hands of MultiChoice through the *Encore* channel. Leaked minutes in 2017 showed that MultiChoice executives told the SABC that the deal was contingent on the SABC agreeing to a clause that it would not carry its free-to-air channels on any encrypted digital set-top boxes. MultiChoice had been fighting with free-to-air channel e.tv about encryption, which e.tv wanted in digital set-top boxes.

In 2018, SABC and MultiChoice signed a new deal with the SABC, which insiders alleged was worth up to 900 million ZAR (62,000,000 USD), to keep the two channels on the DStv platform, but the SABC’s archive was to remain the property of the public broadcaster.

‘While Hlaudi [Motsoeneng] was ultimately corrupt, the corruption continues...’ a panellist claimed.

Scores:

Individual scores:



Average score: 3.1 (2013: 3.3; 2010: 3.9; 2008: n/a; 2006: n/a)

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

In general, South African journalists do not generally practise self-censorship, however, it has been evident in specific instances due to pressure from media owners.

For example, *Independent* journalists, regardless of seniority, cannot write freely and critically about the Brazil-Russia-India-China-South Africa bloc, particularly China, because of the *Independent*-Chinese shareholding link. In this sense, journalists do practise self-censorship to keep their jobs.

‘If columnists of stature are self-censoring, there is a sense that it [the practice] is permeating to younger journalists.’

With editors facing a daily battle for readers, they try their hardest to produce stories that will attract an audience and sell, rather than focus on quality content. This sometimes leads to self-censorship in a bid to attract readers.

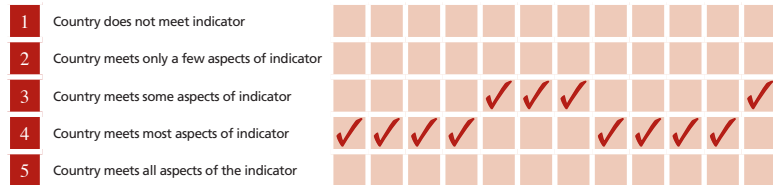
Journalists at *Jacaranda FM* were allegedly told they had to generate a certain number of tweets to maintain their status in the newsroom, which may lead to a degree of sensationalising the angle of a story for the sake of generating interest on social media.

‘Sometimes commercial pressure from advertising in the print media means stories have to be replaced with adverts at the last minute. This advertising has an impact on editorial, which is forced to be silent in the face of commercial pressure.’

Political pressure can also play a role in encouraging self-censorship. The incident of e.tv CEO Marcel Goulding being fired in relation to him and his wife Bronwyn Keene-Young – then e.tv COO – refusing to bow to Economic Minister Ebrahim Patel’s pressure to cover a story that would give positive coverage to then-President Jacob Zuma, shows the consequences of not giving in to such dictates.

Scores:

Individual scores:



Average score:

3.7 (2013: 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 their skills

When it comes to training opportunities in South Africa for media, 'we are spoilt for choice' in terms of formal institutions, while some media houses offered their own training as well.

A panellist asked if South African journalists were being properly prepared for podcasting and virtual reality reporting. 'The way news is absorbed today; the traditional style of presentation is no longer sufficient and we now need to bring it closer to the readers through the innovative use of technology.'

It was noted that journalism training courses now teach video editing.

'We are producing huge numbers of qualified journalists each year and we need to give them as broad a training as possible, or we will lose a lot of very skilled people. They need to be multi-media capable.'

Older journalists were sometimes seen to be resistant to upgrading their own skills from analogue to digital and adopting new technological skills related to social media such as internet and video blogging, for example.

'Everything now happens on a laptop, but there is some resistance from the older school [of journalists] to move in this direction.'

While Wits University and Rhodes University were seen to be offering broad training in digital journalism as well as traditional print and broadcasting, the University of Stellenbosch was accused of 'still being stuck in the old [traditional] style'. The University of Cape Town and the University of KwaZulu-Natal were noted for having interesting photojournalism courses which were combined with graphic design courses to give broader training. Wits also has a mid-year, two-week digital media course, with people from the industry itself conducting practical training.

It was noted that there were still disadvantaged universities in South Africa which did not have the resources to accommodate the digital changes affecting the media and 'the state is not coming to assist'.

'There is a ridiculous infatuation with print, with people stuck in the old mindset. Even some of the schools of journalism have lecturers stuck on these outdated models.'

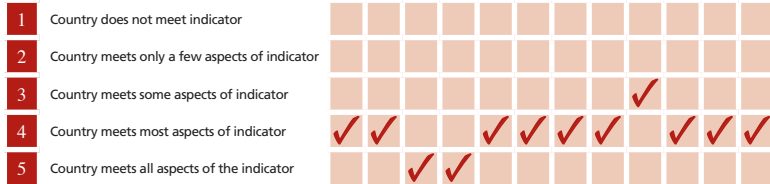
Technical training for new broadcasting equipment tended to be provided internally at the broadcasters.

'The proliferation of technology impacts on labour, however. People were employed under certain conditions and then with new equipment, they need

to upgrade their skills and often there is lots of resistance to this – for people to move from analogue to digital. A lot of this sort of training is needed at the SABC.’

Scores:

Individual scores:



Average score: 4.1 (2013: 3.8; 2010: 2.8; 2008: 3.8; 2006: 4.0)

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses

It was noted that in recent years, a large number of senior, white journalists were being fired or retrenched from mainstream media houses and that the current environment was very unfavourable to this segment.

However, racial divisions were still relevant and mention was made that the ‘*boetie-boetie* [friendship] network’ still manifests in so many ways. ‘The single biggest problem to promoting diversity in newsrooms is social groups. You’ll find certain roles are most often filled by people from particular social groups. For example, all my dash subs are white people, simply because my chief sub knows them and he trusts them. It’s still about who you know.’

e.tv and the SABC reportedly had policies in place encouraging the employment of a certain percentage of people with disabilities. e.tv’s policy was said to be that 1% of staff must be disabled. However, a panellist noted that of the 3,000 staff at the SABC, it was ‘unlikely there were even five people there with disabilities’.

Panellists felt that there was a decline in the number of women working at editor level and that newsrooms were not always comfortable in giving senior jobs to black women: they rather placed them as deputy editors, rather than editors.

A 2018 Sanef/Genderlinks report on the glass ceiling for women in South African newsrooms indicated that there was an invisible yet real barrier to the advancement of senior women through pervasive sexism in media houses. The report noted that challenges for women in the South African media are becoming less about numbers and more about the underlying sexism in the media, with new threats such as cyber-based misogyny emerging.

The University of Wits 2014 report, *State of the Newsroom South Africa: Disruptions Accelerated*, showed that there had in fact been a decrease in the number of women editors from 2013. The report noted that of all the editors in South Africa in 2014, 12 out of 43 were women, and only six of these were black women. This report also noted that the number of female and male junior reporters in media houses tended to be on par, indicating a more general parity in newsroom gender balance, however, a panellist noted that the 'content was still largely male-dominated'.

The report indicated that little had changed over the years, and that women were also guilty of perpetuating existing male constructs in the newsroom. In addition, it was known that men earned more than women with the same qualifications and skills.

'One media house in particular, which needed to transform, employed a black woman as a deputy editor despite her wealth of experience which would have made her an ideal editor. The male editor was meant to mentor her.'

'One of the single biggest reasons why women don't change their path from deputy to editor is childcare. There are not many roles which allow for the flexibility and better hours necessary for taking care of children, which is mostly a burden that falls on women. Having a child is absolutely career-limiting. It is a very unequal burden on women in the workplace.'

It was mentioned that in recent years, there had been greater numbers of female than male students at media schools, with a lot more men going into higher-earning career paths.

Media houses were generally considered to have sexual harassment policies to discourage such behaviour. A panellist also noted that media houses' sexual harassment policies were also relevant and should form part of future indicators.

In terms of religion, one editor said this could be discounted as he never asked prospective employees during interviews what their religion was.

The 2016 eNCA '*doek*' [traditional African headscarf] incident was mentioned, however, in which a reporter for the private news channel claimed her story was canned because she had been filmed wearing a headscarf. Accusations were directed at management and leaked via email to staff. While editor-in-chief for eNCA Anton Harber denied this was the reason for pulling the story, a considerable amount of comment on social media highlighted the need to diversify newsrooms and acknowledge cultural dress without staff feeling victimised.

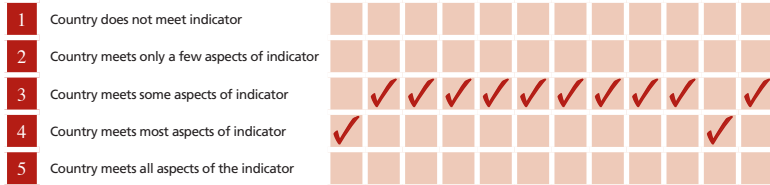
As there were no panellists from the broadcast media, it was not known what the status was in these companies with regards to equal opportunities.

'For me, equal opportunities are not properly being addressed in newsrooms.'

'We need equal opportunities policies at newsrooms in order to measure the state of staff diversity.'

Scores:

Individual scores:



Average score: 3.4 (2013: 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 to four years?

Positive Developments

- The statutory Media Appeals Tribunal, proposed by the ANC in 2010 and still being considered, is now deemed unnecessary after the Press Council system with its Press Ombudsman proved that self-regulation of the media can work.
- The existence of media freedom in South Africa led to the exposure of the “#GuptaLeaks” and its pervasive nature within the nation’s political and business elite, which led to the formation of the Commission of Inquiry into State Capture, ‘changing and potentially improving society’.
- The excellent work of investigative journalists also saw the nation’s former President, Jacob Zuma, step down.
- The proliferation of social media and internet TV, which is expected to take over broadcast TV in the future.
- The independence of the SABC board as a result of the court ruling on the amendment to the memorandum to the Broadcasting Act, which cut the Communication Minister’s power in terms of executive board appointments.
- The important role played by the SOS/Right2Know campaign with regard to freedom of the media, which is otherwise in a ‘very fragile and vulnerable position’.

Negative Developments

- The financial shrinking of the media, which has resulted in many journalists being laid off. This includes the closure, after just 18 months, of the online newspaper, *Huffington Post* South Africa, which, ‘despite having 1.9 million discrete viewers, could not translate this very good readership into sustainable advertising support’, as well as the closure of *The New Age* after it was unsuccessfully rebranded as *Afro Voice*.
- The closure of *ANN7*, which due to its ownership by the Guptas and their ‘state-capture’ related links to senior figures in government, was seen as suppressing diversity.
- The fact that the contentious Media Appeals Tribunal, proposed by the ANC in 2010, hangs over the media as a statutory regulator and continues to threaten media freedom.
- The instability of the policy environment, with regards to the Department of Communication and the Department of Telecommunications and Postal Services, which were split into separate entities in 2014 under former President Jacob Zuma’s regime. This resulted in each department developing its own policies, while instead they should be re-united due to the nature of digital convergence.

- The proliferation of ‘fake news’ which has undercut the very basis of genuine news houses’ integrity to some degree.
- The absence of transparency with regard to the decision by DStv not to renew Afro Worldview’s (the channel that took over from the Gupta-linked ANN7) licence in August 2018 after its contractual term had ended.
- The ongoing lack of safety for journalists.
- The lack of organisation among journalists in terms of unions.
- Despite having a new board, the SABC is in the ‘red’ and on its knees financially.

The panel discussion took place at Magaliesburg, Rustenburg on 14-16 September 2018.

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

- Getting issues of convergence regarding telecommunications and broadcasting regulated under one department and not two, ‘or we’ll go backwards’. It was noted that with a new president in power and a new communications minister, the opportunity was ripe to lobby for these departments to be reunited. [Organisations responsible: SOS/MMA.]
- Repealing of criminal defamation law. [Organisation responsible: FXI to start the process.]
- Strengthening the accountability of Chapter 9 institutions, such as ICASA, to enable it to fulfil its role of monitoring and enforcing broadcasting licence stipulations. [Organisations responsible: SOS/MMA.]
- Research to be conducted on the economics of the media with a view to finding alternative models dealing with sustainability imperatives. Proper readership/viewership studies need to be done to determine how people are accessing their news, with young people’s concerns being included. [Organisations responsible: MDDA/Sanef, the latter which has already submitted a funding proposal to conduct research into media economics.]

Panellists:

Media (list in chronological order of surname):

1. Peter Fabricius, journalist
2. Karabo Rajuili, journalist
3. Beauregard Tromp, editor

Civil Society:

4. Fazia Abrahams-Smith, journalism trainer
5. Justine Limpitlaw, lawyer
6. Kwezilomso Mbandazayo, NGO activist/feminist
7. Viola Milton, media academic
8. Latiefa Mobara, media self-regulation
9. Rapitse Montsho, film-maker, archivist
10. Jabu Pereira, sexual rights activist
11. Rea Simigiannis, freedom of expression activist
12. Thandi Smith, head of policy at Media Monitoring Africa (MMA)

Rapporteur:

Sarah Taylor, consultant

Moderator:

Sarah Chiumbu, media lecturer at University of Johannesburg