
**AFRICAN MEDIA BAROMETER SOUTH AFRICA
2008 REPORT**

Sector 1: Freedom of expression, including freedom of the media, are effectively protected and promoted.

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

ANALYSIS:

South Africa is governed by a constitution, passed in 1996, which is widely respected as one of the most progressive in the world. It guarantees and protects the right to freedom of expression including media freedom. Section 16 states:

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

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

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

In Section 192, the Constitution requires that an independent body to regulate broadcasting be established:

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

The necessary rights and protections are therefore built into the Constitution and the laws required by the Constitution have been put in place, namely the Protection of Access to Information Act No 2 of 2000 (Paia) and the Independent Communications Authority Act (No 13 of 2000).

The Constitutional Court and its judges are widely respected – and their judgements have proven their independence from stakeholders, including government. The Court has consistently shown firmness in defending the constitution and sensitivity in its balancing of freedom of expression against other individual rights. There have been few specific tests of the right to freedom of expression before the Constitutional Court since 1994 – particularly in relation to the media. The Court has, however, on several occasions highlighted the importance of the right to freedom of the media and freedom of expression. For example, in a case dealing with defamation law it emphasized that “the print, broadcast and electronic media have a particular role in the protection of freedom of expression in our society ... The ability of each citizen to be a responsible and effective member of our society depends upon the manner in which the media carry out their responsibility ... The media thus rely on freedom of expression and must foster it ... Furthermore the media are important agents in ensuring that government is open, responsive and accountable ...” (Constitutional Court ruling handed down 14/06/2002).

The President has referred laws back to the legislature over concerns of possible violations of the Bill of Rights – further emphasizing the weight of the Constitution. In April 2006, for example, President Thabo Mbeki asked Parliament to reconsider an Amendment Bill to the Independent Communications Authority of South Africa (ICASA) Act, the reason being that clauses allowing the minister to appoint councillors to the Council could violate the constitutional protection of independence of the broadcasting regulator.

But there is still not sufficient understanding amongst communities and in some government departments of how to implement constitutional rights, including freedom of expression. City councils frequently use municipal laws on gatherings to disallow demonstrations by social movement groups. They are thus denying the people the right to express their views by marching – marching being “the media of the poor people”.

Civil society groups are not actively conscientising citizens on their rights any more as they had been doing during the first years after the adoption of the constitution. More has to be done to educate and inform people of their constitutional rights.

There are still laws in place from the apartheid era which can be used to restrict freedom of expression – these have not yet been revised, rescinded or legally tested against the constitution.

SCORES:

Individual scores: 5, 3, 5, 4, 5, 5, 5, 3, 4

Average score: **4.3** (2006=5.0)

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

ANALYSIS:

The South African media enjoy considerable freedom of expression. This is evidenced by the frequency with which the media criticize the government, the ruling political party, the police and many other public institutions and services. Investigative reporting is prominent and widely respected. Headlines such as “Manto is a drunkard” are possible – topping a story in the *Sunday Times* which exposed the Health Minister Manto Tshabalala-Msimang as having misbehaved during a stay in a hospital.

There is a perception that the ruling African National Congress’s conference in Polokwane in December 2007, which voted Mbeki out of office as ANC President and elected Jacob Zuma instead, has opened up more space for frank debate in the media and even in parliament. Some journalists and other opinion makers seemed to fear Mbeki – with the question remaining whether this fear was just a sentiment or had any basis in fact. It remains to be seen, however, whether the new-found extended public space will endure when the new ANC leadership takes over state power after the elections due next year.

On the down side, defamation cases are increasing with Jacob Zuma taking the lead as complainant against a number of newspapers and Zapiro, a well respected cartoonist. While intimidation of journalists by provincial governments is decreasing, there are still incidents of media practitioners getting angry phone calls from officials. The situation is worse at local level where especially community media are from time to time threatened by ANC councillors. In many cases, allegations of corruption are not investigated for fear of reprisals. Generally, there seems to be a lack of tolerance of criticism amongst politicians.

South African media publish a significant amount of advertising from the government, and there are cases where government officials have threatened to withdraw their custom from publications they regard as being excessively critical. Commercial interests tend to exert even more pressure: To a large extent commercial enterprises escape the critical attention of the mass media fearful of annoying the big advertising spenders.

SCORES:

Individual scores: 3, 4, 4, 2, 3, 4, 3, 3, 3

Average score: **3.2** (2006 = 2.6)

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

ANALYSIS:

Section 205 of the Criminal Procedures Act, which compels journalists to reveal their sources of confidential information, remains one of the biggest problems. Although in a “record of understanding” media and government representatives agreed in 1999 that such disclosure would not be enforced as a matter of course but only as a last resort, the uncertainty about this section remains.

Defamation is largely a civil rather than criminal matter in South Africa, with the legal provisions designed to protect a person’s reputation. Claims are usually used post publication to sue the newspaper for damages or retractions, but have also been cited in applications to interdict a newspaper from publishing.

Increasingly during recent years, individuals and organisations have lodged urgent interdicts in a bid to stop newspapers from publishing information. The Mail & Guardian weekly seems to have borne the brunt of such attempts: between May 2006 and July 2007 six interdicts were lodged against the paper in the Johannesburg High Court. While only two of them were temporarily successful, the constant threat of interdicts and high litigation costs makes it increasingly risky to embark on investigative reporting.

A landmark judgement by the Supreme Court of Appeal in May 2007, however, will hopefully limit the granting by the lower courts of last minute interdicts to stop newspaper publication.

As things stand there is some danger that South Africa might be turning into a litigation society, a situation which would limit the immediate enjoyment of constitutionally guaranteed rights.

Another point of concern is the Film and Publications Amendment Bill 2006 which seeks to remove the bar on pre-publication classification of newspapers and broadcasters and which has been causing quite a furore amongst media and civil society organisations. Hearings were held by Parliament in 2007 and objections raised. The Bill was amended to reinstate media exemptions for licensed broadcasters and for members of the Newspaper Association.

In a submission to the National Council of Provinces (the final legislative authority before Bills are signed into law by the President), the South African National Editors Forum stated that the amendments did not go far enough as not all publications are members of the Association and that the Bill potentially conflicted with constitutional provisions. They suggested, among other things, that the exemption be extended to all publications which subscribe to the Press Code.

SCORES:

Individual scores: 4, 2, 4, 4, 3, 3, 3, 3, 4

Average score: **3.3** (2006 = 2.8)

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

ANALYSIS:

There are no legal restrictions to becoming a journalist and no laws regarding registration.

SCORES:

Individual scores: 5, 5, 5, 5, 5, 5, 5, 5, 5

Average score: **5.0** (2006 = 5.0)

1.5. Protection of confidential sources of information is guaranteed by law.

ANALYSIS:

The Criminal Procedures Act in its section 205 compels journalists to reveal their sources – or face imprisonment. There is, however, an interim agreement between the Ministers of Justice and of Safety and Security, the National Director of Public Prosecutions, and the South African National Editor's Forum which recognizes the need to balance the demands of law and order on the one side and the rights of journalists to protect their sources and work without hindrance on the other.

SCORES:

Individual scores: 2, 1, 1, 2, 1, 2, 2, 1, 2

Average score: **1.6** (2006 = 1.1)

1.6 Public information is easily accessible, guaranteed by law, to all citizens, including journalists.

ANALYSIS:

South Africa's constitution guarantees every person the right of access to information. The Promotion of Access to Information Act of 2000 gives effect to this right.

The act guarantees access to information held by the state and “by another person ... required for the exercise or protection of any rights” – with the legal term “another person” applying mainly to commercial enterprises. The inclusion of information held by the private sector as subject to disclosure makes the South African legislation unique in the world.

In reality the situation is not quite as straightforward. The act is not easy to grasp and prospective users will require some guidance. Applying for documents is cumbersome. Many government officials do not have a proper understanding of the act. Government departments' recording and filing systems are inefficient. Records are often lost. If an application is rejected and an applicant wants to appeal the decision, he/she has to go the (expensive) court route. A suggestion that the Human Rights Commission – which oversees the implementation of the act – establish an ombud for complaints is only at the very early stages of consideration.

Sometimes the act has a boomerang effect. Officials who fear communication and accountability are reluctant to release even the most basic information, and insist that citizens and journalists use the mechanisms of the act and apply formally for the release of even the most mundane information required.

SCORES:

Individual scores: 3, 1, 1, 2, 2, 3, 3, 3, 3

Average score: **2.3** **(2006 = 2.7)**

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

ANALYSIS:

There are media-focused groups such as the South African Editors Forum (Sanef), the Media Institute of South Africa (MISA) and the Freedom of Expression Institute (FXI). The Institute for a Democratic South Africa (IDASA), the Media Monitoring Project and Genderlinks also actively campaign to extend media freedom.

There is, however, no journalists' association or trade union. This was one of the reasons why the Forum of Black Journalists (FBJ) was revived in early 2008. The FBJ aims, among many other things, to debate the issues of "white domination in newsrooms" and news values among black journalists themselves. Critics say that it is dangerous to divide media professionals on racial terms and that the exclusion of white journalists from membership is probably unconstitutional.

FXI and – to a lesser extent - MISA have become increasingly visible over the last two years and are being recognized more and more as *the* representatives of media interests and activists for freedom of expression. Their activities, however, are limited to Johannesburg and do not extend to other major cities, let alone rural areas.

In broader society there is no clear understanding of the need for media freedom and freedom of expression and why these are such important rights. Civil society does not campaign for media freedom and the media themselves are not doing enough to link media freedom to the right of each and every citizen to freedom of expression.

In part the media need to blame themselves for this state of affairs. When they talk about and fight for media freedom issues they are not able to make it clear to civil society in general that they are talking also about their rights and that any limitation of media freedom is bound to infringe individual freedoms as well. Media freedom is therefore widely misunderstood as concerning media practitioners and media companies only – and not society at large.

SCORES:

Individual scores: 4, 3, 4, 4, 4, 4, 4, 4, 4

Average score: **3.9** (2006 = 3.1)

Overall score for sector 1: 3.4 (2006 = 3.1)

Sector 2: The media landscape is characterised by diversity, independence and sustainability.

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

ANALYSIS:

Print media:

Overall, 44.4 % of all South Africans read one or other of all newspapers, up from 40.0 in 2005 (2007 All Media Products Survey).

This means that the majority of South Africans still do not buy or read newspapers. Some choose not to buy them, whilst for others they are unaffordable or inaccessible (a copy of the *Cape Times*, for example, costs R 5.30, nearly the costs of a loaf of bread (R 7). In some areas – such as in Gauteng and regions around city centres – a wide range of print media are available, in other areas there is little or no choice of media.

The increase in the number of readers is partly caused by the steady growth of tabloids such as the *Daily Sun*. The *Sun* has a readership of 4,755 million and a market share of 15,3%, up from 2,9 % in 2003 (AMPS), and is thus well ahead of its nearest competitor *The Star* with 1,045 million readers per day and a market share of 3.4 %.

The mainstream print media are mostly in English or Afrikaans. This means that most people cannot get print media in their home languages. However, publishing in isiZulu has been revitalised in KwaZulu-Natal:

- *iLanga*, which has been around for decades, is now published twice a week and has a Sunday edition and a free edition on Wednesdays, and its readership has grown to 604.000 (AMPS 2007).
- In 2001 the first daily isiZulu newspaper was launched: *Isolezwe* now has a daily readership of 702.000 (2007).
- The weekly *UmAfrika* had been liquidated in 2001, but was restarted in 2005 and now has 135.000 readers (2007).

Some small vernacular newspapers do exist in other areas of South Africa, but, unlike the Zulu language papers, they are not commercially profitable. There are steps under way, though, to revitalize old Xhosa language titles.

Broadcasting:

Radio has the widest reach of any media in the country – and its reach is increasing. In 2007, 81.1 % of South Africans listened to radio, up from 78.1 % two years ago (AMPS 2007). Television is up from 66.9 % in 2005 to 70.5 % last year.

There is a wide range of radio stations accessible in all South African languages – a total of 105 licensed community and 34 non-community radio stations. Community radio has a combined listenership of 18.6 % of the audience over the last seven days while the public/commercial stations boast a combined 91.0 % (AMPS 2008 – respondents named more than one station).

The *South African Broadcasting Corporation's (SABC)* television stations have the most viewers, with *SABC's* viewership of 70.2 % taking the lead, *SABC 2* coming in second with 58.3 % and *SABC 3* third with 44.9%. The private terrestrial free-to-air station *e-tv* has a share of 58.4 % and the satellite subscription service *DSTV* reaches 8.3% (AMPS 2007). – In late 2007, a first TV community station opened (*Soweto TV*) and another (in Cape Town) is about to go on air in August this year.

Internet:

Survey figures for internet usage are very low, and internet is only being used by people in the top income brackets. According to AMPS 2007, 7.3 % of the total population had access to the internet at home, whilst 7.6 % of the total population had used e-mail in the past four weeks.

Most newspapers and weeklies have online editions which have received widespread acceptance among consumers and businesses.

SCORES:

Individual scores: 2, 3, 3, 3, 5, 4, 4, 3, 4

Average score: **3.4** **(2006 = 2.8)**

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

ANALYSIS:

There is no restriction of access by state authorities and there is no censorship.

SCORES:

Individual scores: 5, 5, 5, 5, 5, 5, 5, 5, 5

Average score: **5.0** (2006 = 4.8)

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

ANALYSIS:

Circulation in rural areas is increasing. Some tabloids such as the *Sun* have set up their own distribution networks – which is, though, in danger of collapsing: some newspaper vendors take the upfront payment of R30 and dump the newspapers instead of selling them.

Small newspapers who are members of the Association of Independent Publishers are challenging the monopoly on distribution networks held by the big media houses by setting up their own mechanisms.

SCORES:

Individual scores: 4, 3, 3, 5, 5, 5, 3, 3, 3

Average score: **3.8** (2006 = 3.0)

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

ANALYSIS:

Broadcasting legislation has been passed and implemented. There is a three-tier system of broadcasting – public, commercial, community - in place and there is growth in all three sectors.

SCORE:

Individual scores: 5, 5, 5, 5, 5, 5, 5, 5, 5

Average score: **5.0** **(2006 = 4.6)**

2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.

ANALYSIS:

Community radio has been well resourced and supported over the past 14 years. Millions of rands have come in from a range of national and international funding institutions, such as the Open Society Foundation, and provide ongoing support for non profit radio stations.

Government and the private media sector together are funding a Development and Diversity Agency (MDDA) which focuses on the development of media, especially radio, in rural and poor areas. Government is said to be planning to almost double its spending on the MDDA from 2007 to 2009.

The Electronic Communication Act has simplified the process of applying for a community radio licence. Community broadcasting licences are now recognised as class licences and the process is one of registration rather than application. Registration can take place at any time and it is deemed to have been approved if there is no response from the regulator, the Independent Communications Authority of South Africa (ICASA), within 60 days of lodging the request.

ICASA and the MDDA together with the National Community Radio Forum (NCRF) have also proactively sought applications from the most deprived areas with the result that 14 more stations have been licenced.

The first community television station, *Soweto TV*, is majority-owned (70 %) by the TV production company Urban Brew, raising questions whether its status is really that of a community station.

SCORES:

Individual scores: 5, 4, 4, 5, 5, 4, 4, 3, 4

Average score: 4.7 (2006 = 4.6)

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

ANALYSIS:

There are no major state-financed and controlled print media in South Africa, although at the local level there is a growing number of small print media published by municipalities. The number of these publications is not significant yet and therefore this indicator is not applicable in South Africa.

SCORES: N/A (2006 = N/A)

2.7 Local and regional independent news agencies gather and distribute information for all media.

ANALYSIS:

There is one national news agency: The South African Press Association (SAPA), owned by the big media houses.

Although there have been attempts to develop specialised news agencies (focussing either on a geographic area or specific subject matter), only a few have so far succeeded. These include *African Eye News Service*, *Eastern Cape News Agency*, *Health-e*, *I-net Bridge*, *Backpage Pics* and *Touchline*.

SCORES:

Individual scores: 5, 5, 5, 5, 5, 5, 5, 4, 5

Average score: 4.9 (2006 = 3.2)

2.8 Media diversity is promoted through adequate competition regulation / legislation.

ANALYSIS:

There are effective competition laws in place that provide for a competition commission to ensure a vibrant market economy. The commission is regarded as a strong and independent body.

Although there are obvious tendencies towards monopolies especially in the print sector, no challenges have been brought before the commission yet. In the broadcasting and telecommunications sector, however, the commission has ruled on proposed mergers – for example Primedia’s planned buy-out of *Kaya FM*, where strict conditions were imposed (Primedia is not allowed to have a seat on the board of the radio station). The commission also refused a merger between Telkom, the largest telecommunications provider in South Africa, and Business Connexions, its main competitor.

SCORES:

Individual scores: 5, 5, 5, 5, 3, 5, 4, 5, 5

Average score: **4.7** **(2006 = 3.0)**

2.9 Government promotes a political and economic environment which allows a diverse media landscape.

ANALYSIS:

The media work in a capitalist environment that allows diversity in some areas and not in others.

The MDDA is not in a position to address or change the wider economic environment, but is confined to supporting non-profit and small media. Community radio has grown through outside funding.

The government has a general policy of non-subsidisation for all areas of the economy including media. The public broadcaster gets 4 % of its budget from government.

Ownership of print media is not sufficiently diverse. Unlike other branches of the economy the industry does not have its own Black Economic Empowerment Charter yet which has to be drafted by Print Media SA.

SCORES:

Individual scores: 3, 4, 3, 4, 2, 4, 3, 4, 4

Average score: **3.4** (2006 = 2.6)

2.10 Private media outlets operate as efficient and professional businesses.

ANALYSIS:

According to Nielsen Media Research's Multimedia, the adspend for print media in South Africa has risen from 6480.2 million rand in 2005 to 7683.3 million in 2006 (no newer figures are available). This indicates that the industry is doing well.

The oligopoly status of the print media, with four major companies (AVUSA Ltd [former Johnnic], Caxton, Independent Newspapers and Nasionale Pers) dominating the industry, secures a profitable economic framework. Competition from new titles such as the *Daily Sun* comes from within these conglomerates and thus does not put the comfortable status quo in danger.

SCORES:

Individual scores: 5, 4, 5, 4, 4, 5, 5, 5, 5

Average score: **4.7** (2006 = 3.7)

2.11 State print media are not subsidized with tax payers' money.

ANALYSIS:

This indicator is not applicable as there are no state print media in South Africa. A government publication, *Vukuzenzele*, explains basic access to services and is seen as mostly educational and therefore a legitimate government activity.

SCORES: **N/A** (2006=N/A)

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

ANALYSIS:

In 2006, 5.8 % of the total adspend came from government – a small figure in percentage terms, but a huge one in actual money terms: an amount of 1165.6 million rand.

There are, from time to time, vague threats from government to withdraw their custom if specific media publishers are seen to be too adversarial. After an in-depth and highly critical exposé on the health minister in 2007, the minister in the Presidency, Essop Pahad, intimated that government might no longer be prepared to advertise in the *Sunday Times*.

Especially at regional and local levels, government officials seem to be exercising their power over the placement of advertisements unreasonably. There is, for example, a pending court case lodged by *Grocotts Mail* against the municipality in Grahamstown for boycotting the newspaper.

SCORES:

Individual scores: 1, 3, 3, 3, 2, 3, 3, 3, 3

Average score: **2.7** (2006 = 1.4)

Sector 3: Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.

ANALYSIS:

The broadcasting and telecommunications regulator, the Independent Communications Authority of South Africa (ICASA), is an independent body, protected by the constitution and the ICASA Act. It has more independence than most regulators around the world.

A 2006 amendment to the ICASA Act, however, reduces the regulator's independence and seems to be in conflict with the guarantee of independence stipulated in the constitution. In general, the role of the Minister of Communications has been strengthened in regard to the appointments procedure for the Council (see indicator 3.2) but also in regard to the body's supervisory and policy making powers.

The new legislation introduces a performance management system which enables the minister to judge the performance of the chairperson and councillors on an annual basis. Such scrutiny by government certainly endangers the independence of ICASA. To date, however, this provision has not been implemented.

Furthermore, the minister is entitled to give policy directions to the regulator (with the exception of licencing). Even though these directions are not legally binding, they could put unwarranted pressure on the regulator. And while legislation explicitly prohibits ministerial involvement in licensing, the Minister of Communications issued draft directions in 2007 suggesting that a broadcasting licence be given to *World Space*. After strong protests, these directions were subsequently withdrawn.

The Amendments also allow for other funding apart from parliamentary allocations as had been the case previously. Now ICASA may receive funds through other mechanisms as determined by the Minister of Communications together with the Minister of Finance and Cabinet. However, no such determination of alternative sources of funding has yet been made. The licence fees that ICASA raises still go straight to Treasury.

All these and other changes to the original ICASA Act have been criticised by a Parliamentary Ad Hoc Committee (mandated to assess constitutionally independent authorities in South Africa) as endangering the constitutionally guaranteed independence of ICASA. The committee suggested, among others, that both the performance system and the funding mechanism be reviewed. According to the committee, ICASA should be financed by a direct parliamentary allocation and not through the Department of Communications. The report was released in August 2007, tabled in parliament in February 2008 and still has to be debated.

Due to a lack of funding, ICASA is not able to pay really competitive salaries to attract the necessary top technical skills and the best legal minds. This makes ICASA vulnerable to interferences of an economic nature and results in the body making overly cautious decisions at times in order to avoid possible litigation.

SCORES:

Individual scores: 4, 2, 3, 4, 3, 3, 4, 4, 3

Average score: 3.3 (2006 = 4.3)

3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.

ANALYSIS:

The ICASA Amendment Act 2006 changed the appointments procedure for the chairperson and councillors:

- The parliamentary portfolio committee on communications calls for public nominations for members of the council – as previously.
- After public interviews of short-listed candidates, the committee submits a list of names numbering at least one and a half times the number of vacancies to the Minister. Previously Parliament recommended the actual proposed appointees to the President.
- The Minister then selects his/her proposed candidates from the list and submits their names to Parliament for final approval. Parliament can request the Minister to review his/her decision if it is not satisfied with the proposals. Previously, the President only had the power to either appoint or refer the list back to Parliament for review.
- If Parliament approves of the proposed candidates, the Minister will appoint them and select the chairperson of the council. Previously the President appointed both the councillors and the chair.

The Parliamentary Ad Hoc Committee stated in its report that it regarded the new procedure as being “inappropriate”. It recommended that the original appointment process be reinstated, saying that it was “dissatisfied” with the Minister’s involvement in appointments as “this may create a perception that the Authority is not an independent institution”.

Apart from these shortcomings, the process is still transparent and involves civil society.

SCORES:

Individual scores: 4, 5, 5, 3, 4, 4, 3, 5, 3

Average score: **4.0** (2008 = 4.2)

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

ANALYSIS:

The law stipulates that ICASA regulate broadcasting in the public interest and ensure fairness and a diversity of views. Should ICASA not meet this legal requirement, the authority can be challenged in court. Currently one of the unsuccessful bidders for a new subscription TV licence is taking ICASA to court on this issue.

SCORE:

Individual scores: 4, 4, 4, 4, 4, 4, 5, 5, 3

Average score: **4.1** (2006 = 4.0)

3.4 The body’s decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.

ANALYSIS:

ICASA’s broadcasting policy is based on a Triple Inquiry process undertaken by its predecessor, the Independent Broadcasting Authority (IBA) in 1995. The IBA held public hearings on three key issues: the protection and viability of public broadcasting, cross media control of the media, and local television content and South African music. The results partly informed a government White Paper on Broadcasting Policy published in 1998 which in turn was the basis of the 1999 Broadcasting Act.

In similar fashion ICASA develops its own regulatory policies through an open process by at first publishing a discussion paper, inviting comments and organising public hearings.

SCORES:

Individual scores: 4, 5, 5, 5, 4, 5, 5, 5, 5

Average score: 4.8 (2006 = 4.3)

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

ANALYSIS:

The SABC board consists of twelve non-executive members and the Group Chief Executive Officer, the Chief Operations Officer and the Chief Financial Officer. According to section 13 of the Broadcasting Act, the non-executive members are appointed by the President “on the advice of the National Assembly”. The procedure preceding formal appointment by the president is as follows:

- The portfolio committee of parliament in charge of communications places adverts in newspapers to ask for nominations.
- Members of the public can nominate anyone – except people with a financial interest in the industry.
- The committee examines the nominations, looking for representivity, skills and commitment to freedom of expression, and then shortlists candidates.
- Candidates are interviewed in public.
- The portfolio committee draws up a list of persons needed to fill the vacancies.
- This is passed to Parliament for ratification.
- The list then goes to the President for appointment.

The appointments procedure outlined above can – in legal theory – produce an independent board. But experience over the years has shown that in a country where the ruling party enjoys a majority of more than two-thirds among members of parliament, the procedure is open to misuse.

This became apparent during the selection of a new board in 2007. There was obvious direct interference from the ANC’s headquarters which insisted on the inclusion of four names which had not appeared on the list drawn up by the committee, thus overruling decisions by its own parliamentarians. This approach caused a public outrage. After the ANC conference held in December 2007 in Polokwane, the ANC under a new leadership is now dissatisfied with the composition of the board, claiming that representatives of trade unions and the youth are missing. The conflict caused a major crisis in the SABC.

SCORES:

Individual scores: 4, 2, 4, 1, 3, 3, 3, 4, 2

Average score: **2.9** (2006 = 4.6)

3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.

ANALYSIS:

Before the first independent boards of the SABC (and the IBA) were appointed in 1993 all parties involved in the multi-party negotiations at Kempton Park had agreed upon a number of disqualifications for membership. The same disqualifications are still listed in the ICASA Act of 2000. The 1999 Broadcasting Act, however, dropped public servants, members of parliaments and office bearers with a political party from the original list of those who do not qualify, thus making it possible for persons with vested political interests to become members. Persons who have a conflict of interests arising from a financial interest in the telecommunications, broadcasting or printed media industry, however, may not be appointed to the board.

Because of this relaxation of conditions for membership there is now the occasional office bearer with the state on the SABC board. For example, one previous board member was a spokesperson for the KwaZulu Natal provincial government - and this was not deemed to constitute a conflict of interest. Similarly one of the new board members is currently employed as a consultant by a Ministry.

SCORES:

Individual scores: 4, 5, 4, 1, 4, 5, 3, 5, 3

Average score: 3.8 (2006 = 3.1)

3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practiced.

ANALYSIS:

Protection against political interference is guaranteed by the first clause of the SABC charter. In practice, however, there are doubts whether this guarantee is indeed effective.

The first problematic area is the appointment of the three top executives of the corporation. Because the SABC is a company with the state as the sole shareholder, consecutive boards saw fit to seek the prior approval of cabinet for such appointments although by law government only has a veto right. This procedure, of course, opens the door for indirect interference in the editorial independence of the public broadcaster.

There is no clear delimitation of the different roles of the board on the one hand and management as well as editors on the other. The board regularly interferes in the day-to-day running of the SABC including news and programming. One indication of this unduly hands-on approach is the fact that the board and its committees held no less than 45 meetings in 2007.

Top management through its chief executive for news and current affairs also interferes with the day-to-day work in the news rooms by issuing questionable decrees. One example was a scandal caused by the alleged blacklisting of commentators (later in effect confirmed by a commission of inquiry) who did not find favour with the then CE. Another example was the fact that the CEO Dali Mpofu appeared at ANC conferences as a “deployed delegate” – casting serious doubt on his political neutrality.

Direct interference from politicians seems to be rare. From time to time, high ranking politicians at provincial level demand to appear on the news with interviews or statements. In most cases, editors do not bow to such pressures.

Regarding commercial influence, the public broadcaster SABC relies heavily on commercial revenue (advertising) which makes up 83% of its funding. Despite this dependence on commercial income, the SABC, compared to other broadcasters, is able to withstand direct pressure due to its near monopoly over the television airwaves and thus the TV advertising market: advertisers simply cannot afford not to be on the SABC. However, in programming other than news there is concern that content is overly influenced by sponsors (e.g. through product placement), although ICASA has strict regulations regarding the enforcement of editorial independence from advertisers and sponsors.

SCORES:

Individual scores: 3, 2, 2, 2, 3, 5, 3, 4, 4

Average score: **3.1** (2006 = 2.7)

3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.

ANALYSIS:

The public service of the SABC is funded by “revenues from advertising and sponsorships, grants and donations, as well as licence fees levied in respect of the licensing of persons in relation to television sets, and may receive grants from the State” (Broadcasting Act). In addition, the corporation’s public service arm may be subsidised from its commercial division. In fact, the SABC is overwhelmingly (83 %) funded by revenues from commercial activities and has become a “commercial public broadcaster” – with the attendant risk of commercial considerations impacting on editorial decisions. Licence fees amount to 13 % of the budget. State funds (4 % of the corporation’s income) are usually granted for special programmes such as educational material. Thus, the possibility of interference by government using its financial muscle seems minimal. There are, however, other avenues for such interference, i.e. via the requirement to obtain the minister’s approval on a number of financial matters.

This dependence on mainly one (commercial) source is seen as dangerous. Steps are under way to arrive at a healthier mix of income – but such reform will take time.

SCORES:

Individual scores: 2, 2, 3, 2, 4, 4, 3, 2, 3

Average score: **2.8** **(2006 = 1.9)**

3.9 The public broadcaster is technically accessible in the entire country.

ANALYSIS:

More than 90 % of South Africans can receive SABC’s radio and television signals with radio coming close to 100 %. The broadcaster’s programmes are also accessible through web casts, mobile phones and satellite.

SCORES:

Individual scores: 5, 4, 5, 4, 5, 5, 5, 5, 4

Average score: **4.7** **(2006 = 4.0)**

3.10 The public broadcaster offers diverse programming for all interests.

ANALYSIS:

Local productions on TV have increased remarkably over the last few years and this makes for more interesting viewing and diverse programming. Unfortunately, such material is often not broadcast during prime time and there are still too many repeats. Investment in South African drama productions and documentaries is still limited.

It seems that programme designers at SABC TV are mainly concerned with satisfying the younger generation – a prime target group for advertisers.

There is a lack of meaningful talk shows and discussions on TV. Those that do exist, are very short (30 minutes) and interspersed with repeated long commercial intervals. Satire or political comedy are missing completely.

The coverage of events in Africa has improved with the opening of bureaus in several countries on the continent. The quality of reporting on recent elections in Kenya and Zimbabwe was evidence of this positive development. - There is still a paucity of productions from the rest of Africa.

SABC education continues to produce quality programmes, partly sponsored by government and not influenced by commercial interests.

Radio programming is much more diverse with quite a number of talk shows, radio drama, and interesting music shows.

SCORES:

Individual scores: 4, 4, 5, 2, 5, 5, 3, 4, 3

Average score: **3.9** **(2006 = 3.0)**

3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.

ANALYSIS:

The number of information programmes, in many different languages, has increased. But there are doubts about the impartiality of news and current affairs offerings.

A case in point is the saga around the blacklisting of certain commentators in 2006/2007. An inquiry found that especially the chief executive for news and current affairs displayed bias towards the ruling party in his decisions and meddled in the day-to-day running of newsrooms. Recommendations on how to remedy the situation have never been implemented.

Another example is the coverage of the succession battle in the ANC when Thabo Mbeki and Jacob Zuma were competing for the post of ANC president in the second half of 2007. It was alleged that the SABC took sides in favour of Mbeki.

One of the root causes of such bias seems to be a lack of understanding in the higher echelons of the SABC of the role of journalists as unbiased reporters and analysts of facts rather than conveyors of political messages or upholders of the status quo. A number of good journalists have left the corporation over the years because they could not accept this unprofessional blurring of identities.

Despite clear managerial shortcomings, quite a number of media workers on the ground seem to be doing their level best to produce news which are credible and fair.

This goes especially for radio. Radio, by means of a large number of popular talk shows, is also being successfully used as a means of communication for people from all walks of life to express their opinions on all sorts of topics and across the spectrum of possible views.

SCORES:

Individual scores: 4, 3, 2, 2, 3, 3, 2, 4, 3

Average score: **2.9** **(2006 = 3.3)**

Sector 4: The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies.

ANALYSIS:

Print Media

Print Media South Africa has set up a new self-regulatory mechanism in addition to the previous one-person body, the Press Ombudsman. In August 2007 the industry established a Press Council which adjudicates complaints from the public through the Ombudsman and the Press Appeals Panel.

Participation is voluntary but nearly 700 publications subscribe to this system, including all major newspapers and magazines.

The Press Council consists of six public and six media representatives. Media organisations nominate their representatives. An appointments panel comprising three council members and a judge appoints public representatives on the basis of nominations in response to advertisements in the press.

The Ombudsman will deal with complaints in the first instance. If he cannot resolve the case, he will hold a hearing with two Appeals Panel members. Any of the parties may take the decisions at the Ombudsman's level on appeal to the full Press Appeals Panel, headed by a retired judge.

On average some 200 more serious cases are being handled per year.

Findings are based on a code of conduct which was developed by media stakeholders. Given the inclusion of public representatives in the Council in 2007, it may be necessary to review this code in a process which ensures participation of the public at large.

In addition to the common body, some newspapers such as the *Mail & Guardian* and the *Saturday Star* have set up their own in-house complaints mechanism or ombud.

The ruling party ANC in December 2007 announced plans to look into the need for setting up a statutory body at parliamentary level, a Media Appeals Tribunal, which would deal with appeals against findings of the Press Council's Appeals Panel. The concept is still very vague. Legal experts are of the view that the ANC's plan will not fly because it goes directly against the constitution. The media are determined to fight it right up to the Constitutional Court, because any regulation from outside the media would limit freedom of expression.

Broadcast Media

In broadcasting, there are two complaints bodies – one statutory and one voluntary – and broadcasters themselves decide which one they want to fall under. The statutory Complaints and Compliance Committee (CCC) is part of ICASA. The Broadcasting Complaints Commission of SA (BCCSA) is a self-regulatory body under the National Association of Broadcasters (NAB). Both bodies have essentially the same code and similar sanctions. SABC and commercial operators, being members of the NAB, have opted for self-regulation. Most community broadcasters fall under the CCC, because they cannot afford membership in the NAB.

The CCC comprises eight members who are appointed by ICASA after a public nominations process and are supposed to be independent from ICASA (although presently one ICASA councillor also sits on the committee). With ICASA being in charge of regulating broadcasting and telecommunications, CCC deals with complaints from both sectors. - For some strange reason, the NAB commission is currently chaired by an ICASA councillor, a fact which puts the independence of the BCCSA into question.

There is also the Advertising Standards Authority, which is self-regulatory. It seems to be truly independent, given the fact that its decisions are frequently criticized by the advertising agencies which make up the membership of the authority.

SCORES:

Individual scores: 4, 4, 4, 3, 3, 3, 5, 5, 3

Average score: **4.2** **(2006 = 4.2)**

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

ANALYSIS:

Since the advent of tabloids two years ago, there seems to be less concern with facts **also** in mainstream media and a tendency to sensationalise stories in order to outstrip the competition. There are sometimes screaming headlines which do not match the story. Billboards also use misleading headlines to sell papers, such as “Zuma: Shower cures AIDS”, referring to the admission of Jacob Zuma in court that he had taken a shower after having sex with an HIV positive woman – implying to the innocent reader that showers might indeed be an effective antidote to AIDS.

Tabloids obviously do not adhere to codes of professional journalistic standards. Although there may be reasonable doubt that these products are indeed newspapers, people buy them as such – with the result that their reckless treatment of facts and ‘news’ tends to damage the reputation of the entire profession.

There is subliminal bias and racism in many papers. Inaccuracies occur by omission of important facts.

There is a high level of awareness of these problems in all sections of the media industry and all media assert that they are striving for accuracy and fairness. They are hampered in part by a severe skills shortage and the ongoing juniorisation of news rooms. Retiring full time employees such as experienced subeditors are often replaced by contract workers.

Sometimes editors seem to have lost touch with realities on the ground. A case in point is the coverage of the run-up to the ANC's Polokwane elective conference in December 2007. Most editors totally misjudged the prospects of the incumbent president Thabo Mbeki even though to close observers it was quite clear that the mood in the ANC branches had decisively turned in favour of Jacob Zuma. Wishful thinking obviously coloured too many comments ...

SCORES:

Individual scores: 3, 2, 3, 2, 3, 3, 4, 4, 2

Average score: **2.9** **(2006 = 2.8)**

4.3 The media cover the full spectrum of events, issues and cultures, including business / economics, cultural, local and investigative stories.

ANALYSIS:

Generally, the media are seen as covering the full spectrum of events. But there are serious gaps.

Events in rural areas and small towns are only rarely covered. Television news – both on the SABC stations and even more on e-tv - concentrate mainly on events in big cities such as Johannesburg, Cape Town or Durban.

The specialised beat system seems to have been abandoned because it is regarded as unprofitable – the consequence is a lack of in-depth stories. Overall the number of journalists working in the news rooms has been reduced to cut costs.

Many managers of publishing companies see their job as no different from that of running any other profit-oriented business, rather than as a mission coupled with a special kind of responsibility like old-fashioned publishers did.

On the other hand, in recent years investigative journalism has become a lot stronger. Examples for this positive trend are *Mail & Guardian*, *Sunday Times*, *Noseweek*, *City Press* and SABC's *Special Assignment*. Investigate reporting is being encouraged through lucrative awards.

SCORES:

Individual scores: 4, 3, 3, 3, 3, 3, 3, 4, 3

Average score: 3.2 (2006 = 3.2)

4.4 Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.

ANALYSIS:

There are still pay and position disparities that disadvantage women in the work place.

The last few years, however, have seen an increase of women in leading positions of media houses. Newspapers appointed a number of women to posts in the upper echelons and there are more women in the news rooms. In the broadcasting sector in particular more women now work as reporters and presenters as well as producers. Even traditionally male jobs such as those of cameramen are now increasingly taken on by camerawomen.

At broadcasting houses there are now more female board members than two years ago. The SABC has gender mainstreaming policies in place and transformation has become more visible. These improvements have been helped by the fact that gender equity is part of the licence conditions for all broadcasters.

The Employment Equity Act requires that equity targets be met in all industries. In the print media, though, there is still a tendency to fast-track black males at the expense of women.

SCORES:

Individual scores: 3, 4, 3, 4, 3, 4, 4, 4, 3

Average score: 3.6 (2006 = 2.6)

4.5 Gender mainstreaming is reflected in the editorial content.

ANALYSIS:

With the rise of women to elevated positions in government and business in South Africa, more women's voices and images are appearing in the media. There has been much publicity around this area and most media make a conscious effort to be more sensitive about women's issues.

Despite this positive development, women are still not consciously sought out as sources for news and views. Commentary is still coloured by male perspectives as most of the commentators and columnists are men.

There are also many examples of women still being portrayed as sex objects, for example on the back pages of some newspapers, through sexy images in tabloids and advertisements and in the way women are directed to move, dress and act in music videos.

SCORES:

Individual scores: 4, 4, 3, 2, 3, 2, 4, 3, 3

Average score: 3.1 (2006 = 2.4)

4.6 Journalists and editors do not practice self-censorship.

ANALYSIS:

Editors and journalists are aware of the potential pitfalls of reporting unpopular news especially when it concerns prominent people or where it involves advertisers. Editors in particular weigh the consequences of their decisions – is it worth the risk to publish a certain story? The facts in the exposé on the health minister's alleged unbecoming behaviour during a hospital stay, for example, had been known to many in journalistic circles for some time but it was left to a powerful newspaper like the *Sunday Times* to actually publish them. Corruption stories around the preparations for the 2010 Soccer World Cup are frequently spiked – to protect the interests of the country.

SCORES:

Individual scores: 3, 1, 3, 2, 3, 3, 1, 1, 3

Average score: 2.2 (2006 = 2.3)

4.7 Owners of private media do not interfere with editorial independence.

ANALYSIS:

Editors are increasingly being roped into managerial decisions at board level. Managements of media houses underline the fact that they, too, must play their part in making their publications profitable. This leads to the danger of editors paying more heed to commercial considerations rather than editorial commitments, with all the negative impact on their independence and the quality of stories.

What used to be known as the “Chinese wall” - the strict separation between editorial and advertising content – seems to have broken down, in both print and broadcast media (with the exception of the *Mail & Guardian*). Stories with a possible negative impact on advertisers (and thus on advertising revenue) are not as readily published now as they were perhaps a decade ago.

Advertorials are on the increase and all too often not distinguishable from editorial content, for example in the *Financial Mail* and *Tribute* magazines.

Budget issues and commercial pressures to appeal to particular audiences are also seen as limiting an editor’s ability to choose her/his editorial mix.

SCORES:

Individual scores: 3, 1, 3, 1, 2, 4, 2, 1, 2

Average score: **2.1** **(2006 = 2.5)**

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.

ANALYSIS:

Salaries in the media industry are generally high enough to discourage corruption. An SABC survey showed journalists’ salaries to be market-related or better.

On the other hand, in a bid to save money and increase profits media companies are increasingly hiring non-permanent staff as reporters or sub-editors, people who might be more vulnerable to temptations. It does not help the situation that there is no trade union for journalists in place.

The biggest problem in this regard is one experienced by all media: a lack of resources to cover stories. In order to travel and cover stories, financial help for accommodation and transport is accepted. This relates to political stories, coverage of government activities, sports, travel, motoring, entertainment, arts and culture etc. This constitutes a serious threat to journalistic independence as journalists feel indebted to their sponsors and under pressure not to be too critical. It also results in editorial choices being made not because of news value but because of the generosity (or otherwise) of the organisers of events. Occasionally, some print media acknowledge the fact that it was possible to realise a particular story thanks to such financial help – but this is not a widespread practice except in relation to travel stories.

Freebees (such as cash, cellphones or free travel) from the motor, sports and entertainment industries are quite common and readily accepted by many journalists.

Print media and broadcasting have codes and processes meant to prevent corruption. No promises are allowed to be made regarding coverage in exchange for trips. The rule is that coverage and reviews will be critical but balanced, and news choices will be based only on news values. Many newspapers have ethics codes in place which, for example, prevent journalists from accepting gifts valued at more than R100 (an unrealistically low figure) or from going on trips when they are not covering a story.

Cases of “brown envelope journalism” (stories that are paid for) are rare but they do occur.

SCORES:

Individual scores: 3, 2, 3, 3, 2, 3, 3, 4, 3

Average score: **2.9** **(2006 = 2.9)**

4.9 Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.

ANALYSIS:

Journalism and/or media studies qualifications are offered at most universities and technikons. A few universities also offer post-graduate journalism degrees.

The media industry complains, however, that tertiary journalism qualifications are not of sufficiently high standard, that practical skills are not adequately imparted and that those who received tertiary training have been found to lack competency when put into newsrooms. It seems that institutions like the previous Technikons have a more hands-on approach than the traditional universities. The latter, though, are also introducing more and more practical components into their curricula and the quality of their graduates is improving.

There are some training institutions, in particular the Institute for the Advancement of Journalism, that run short courses for on-going training of working journalists. Most of these previously offered only certificates of attendance, but with the institution of the National Qualifications Framework and the Sector Education and Training Authorities (Setas), a basic journalism qualification has been drawn up with three possible areas of specialisation. Setas are supposed to be financed by the National Skills Levy obtained from the industry which in turn can claim expenses from this fund for skills programmes and training towards qualifications.

In practice, however, the Seta has all but collapsed. This had a negative impact also on in-house training. But most media houses have continued their efforts to provide journalism training, e.g. cadet courses, and further education to staff.

SCORES:

Individual scores: 3, 5, 3, 2, 3, 4, 5, 5, 4

Average score: **3.8** **(2006 = 4.0)**

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

ANALYSIS:

The South African National Editors' Forum (SANEF), a professional organisation for editors and senior journalists, is active and most editors are members of the forum. The Media Institute of Southern Africa (MISA) has an operational South African chapter. Other organisations are the Forum of Black Journalists (FBJ) which was revived in early 2008, the Association of Independent Publishers and the National Community Radio Forum (NCRF).

However, there are presently no specialised trade unions which would look after the interests of journalists and media workers in general.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 3, 2, 2, 2

Average score: 1.7 (2006 = 3.4)

OVERALL SCORE FOR SECTOR 4:	3.0	(2006 = 3.0)
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OVERALL COUNTRY SCORE 2008	3.5	(2006 = 3.2)
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Developments since 2005 and the Way Forward

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

- Succession battle in the ANC opened up more space for open and vigorous debate; more politicians make themselves available for comments and information.
- More newspapers and publications on the market, especially in languages other than English or Afrikaans.
- Number of South African blogs on the internet is rapidly increasing.
- Litigation in courts of law resulted in judgements supporting freedom of expression and the media.
- Parliamentary Ad Hoc Committee recommended that real independence of the regulator ICASA be re-established.
- More community radio stations thanks to an easier licensing process.
- Debate on race relations is more vigorous and more honest.
- Improvement in quantity and quality of investigative stories.

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

- All media (with the exception of community radios) are increasingly run as commercial businesses.
- ICASA Amendment Act infringes on the independence of the regulator.
- Editorial independence of SABC in question due to unwarranted interferences by chief executive news and current affairs and the board.
- Weaknesses in the Access to Information legislation.
- No specialised trade unions looking after the interests of journalists.
- Failure on the part of media lobby groups to project freedom of expression as a public issue.
- Lack of coverage of social movements protests.
- Lack of understanding of the real meaning of democracy among top political leaders.

Activities needed over the next few years:

- Protection and enhancement of the independence of ICASA and SABC.
- Initiating revival or establishment of trade unions for journalists.
- Comparative survey on journalists' salaries and working conditions.
- Improved monitoring of community radio stations to check whether they really fulfill their mandate.
- Review of Access to Information legislation.
- Awareness campaign with the objective to improve the understanding of the role of the media amongst the general public, e.g. through regular public meetings with media editors.
- More interaction between judges and the media.
- Encouragement of more specialised in-depth reporting.

The panel meeting took place at Zulu Nyala Country Manor and Conference Centre, Fourways, Johannesburg, 12 to 13 April 2008.

The Panel:

Ms Amina Frense, broadcaster and media activist; Ms Libby Lloyd, media consultant; Mr Cyril Madlala, editor and publisher; Ms Virginia Magwaza-Setshedi, social movement activist; Mrs Thoko Makhanya, health and environment activist; Ms Jeannette Minnie, freedom of expression expert; Mr Simphiwe Sesanti, media lecturer Stellenbosch University; Mr Mfanafuthi Sithebe, former trade unionist; Mr Tseliso Thipanyane, human rights lawyer.

The Rapporteur:

Ms Joan Chomakhidze

The Facilitator:

Mr Hendrik Bussiek
