



# AFRICAN MEDIA BAROMETER

A home-grown analysis of the  
media landscape in Africa

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## SOUTH AFRICA 2021

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The African Media Barometer (AMB) is a perception index. The findings, interpretations and conclusions reported are those of panelists drawn from civil society and media organisations for the purposes of conducting the AMB, and do not necessarily reflect the views and opinions of *fesmedia* Africa, the Friedrich-Ebert-Stiftung or the Media Institute of Southern Africa (MISA).

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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 20 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, 2013 and 2019 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 only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

By the end of 2019 the AMB had been successfully completed 121 times in 32 African countries, in some of them for the sixth time already.

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# African Media Barometer

## SOUTH AFRICA 2021

### Summary

Freedom of expression and media freedom is protected in Article 16 of the constitution, with reasonable and justifiable limitations. Access to information is also guaranteed in Section 32(1) of the constitution and protected under the Promotion of Access to Information Act of 2000, allowing access to any information held by the state and private bodies that is required for the exercise and protection of any rights. Since its adoption on 1 July 2020, the Protection of Personal Information Act has bolstered freedom of expression and the right to privacy. This legislation aims to protect citizens' personal information and balance the right to privacy with other rights, such as access to information. In February 2021, the Constitutional Court upheld the 2019 High Court decision that declared certain sections of the Regulation of Interception of Communication and Provision of Communication-Related Information Act unconstitutional as they violate the right to privacy. The Act had allowed for surveillance and the interception of communication.

These positive developments were hampered by the COVID-19 pandemic, which affected freedom of expression and the operating environment of the media and journalists. As in other countries, journalism was considered an essential service in South Africa, which meant that with permission, journalists could continue reporting and were exempt from restrictions that kept most of the population in lockdown. Despite this, journalists found it difficult to access information, making first-hand news-gathering difficult. The Disaster Management Act of 2002 was also applied to manage the lockdowns. Under this Act, essential workers (including journalists) were required to have permits to travel to cover stories. In addition, the government's attempts to prevent the spread of misinformation related to COVID-19 affected the free flow of information, as information became centralised within the Covid Command Centre. This had a chilling effect on freedom of expression and media freedom in South Africa. Journalists also faced further challenges regarding access to personal protective equipment and training on reporting safely during a pandemic.

COVID-19 also affected the sustainability and viability of the media. Both the structure of newsrooms and business models were disrupted. The pandemic accelerated the pre-existing and long-term structural decline in print media, resulting in a devastating impact on the already fragile operations, with significant decreases in both circulation and advertising. The sudden downturn in advertising reduced revenues, which contributed to the closing of news outlets, job losses, and pay cuts. Caxton and CTP Publishers and Printers closed its magazine division, which affected at least ten magazines, some of which were household names that had been in circulation for decades. Media24 also

announced several closures and restructuring in its newspaper and magazine portfolios. The planned interventions are expected to affect around 510 staff members (with a proposed reduction of close to 660 positions) out of a total staff complement of 2971, mainly across the print and distribution divisions.<sup>1</sup> The *Sunday Sun* and *Drum* magazine, amongst others, stopped their print versions and moved online. The print edition of the popular tabloid *Daily Sun* was cut back to four provinces: Gauteng, Limpopo, North West and Mpumalanga. One of SA's most well-known independent media houses, Associated Media Publishing, closed permanently. The small independent newspaper sector was affected as advertising dried up due to the lockdown. The broadcasting sector also experienced job cuts. As part of its turnaround strategy, the South African Broadcasting Corporation (SABC) engaged in organisational restructuring, which saw 621 employees losing their jobs.

South African media is concentrated and controlled by a few big conglomerates. This concentration, coupled with the COVID-19-induced closure of media outlets, has heavily impacted media diversity and pluralism. The range of news sources has also narrowed due to print media moving to digital publishing and adopting paywalls — the affordability of data and reduced money for spending means that many people cannot access these print publications. The media in the country is also urban-based, thus excluding millions of people who live in rural and peri-urban areas. Community media has also been affected by the economic downturn and COVID-19. Support from the Media Development and Diversity Agency and the government has been minimal. This has also led to increased reliance on the public broadcaster, the SABC, which remains the country's largest news channel on radio and television. However, retrenchments and restructuring at the broadcaster might affect its mandate to keep the nation informed. The SABC is the only broadcaster with the capacity and capability to broadcast content from all provinces. Some communities depend solely on the radio for news and information, so these retrenchments will have a negative impact on them.

Inclusion of all voices across class, race, gender and ethnicity remains a challenge in South Africa. Although the mainstream media generally follow the basic principles of journalism and conduct investigative journalism, a diverse range of opinions, ideas, world views, beliefs, voices, and standpoints are left out of the media. For instance, the numerous stories and interests of the working class and the poor are largely marginalised. A lack of African language media and the high cost of media means that most South African citizens remain marginalised in terms of access. Women's voices remain faint, despite the country having an increased number of women editors; the *Reuters Digital News Report 2020* found that women comprised 47% of these positions, the highest percentage of the ten countries covered in the report, ahead of leaders in gender parity like Finland and Germany. Representation of non-binary and gender non-conforming

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1 "Covid-19 hits Media24 hard – considers closures, reduced frequencies, and accelerates digital. Media24. <https://www.media24.com/covid-19-hits-media24-hard-considers-closures-reduced-frequencies-and-accelerates-digital/> [Retrieved on 03 November 2021]

individuals, however, remains low. Although the media attempts to cover a broad spectrum of stories and news, political stories (i.e. those dealing with formal politics and politicians) dominate. Investigative reports also disproportionately focus on state corruption at the expense of reporting on white-collar financial crime.

Digital technologies have opened additional avenues for expression for many South Africans. South Africa's smartphone penetration was over 90% in 2019, while mobile users increased overall, according to the 2020 State of the ICT Sector Report.<sup>2</sup> By January 2021, there were 38.19 million internet users and 25 million social media users in South Africa.<sup>3</sup> Despite this growth in access, digital inequality is exacerbated by high data costs, connectivity issues in some areas, and digital illiteracy.

*The panel discussion took place at Kopanong Hotel & Conference Centre, Benoni, South Africa from 8-10 October 2021.*

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2 ICASA (2020). "State of the ICT Sector Report." Accessed at <https://www.icasa.org.za/uploads/files/State-of-the-ICT-Sector-Report-March-2020.pdf>

3 Digital 2021 South Africa. Accessed at <https://datareportal.com/reports/digital-2021-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.

There is firm constitutional support for freedom of expression, namely in Section 16(1), which states that:

*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.*

Notably, this support is equivocal because of the condition in subsection (2) that statements must ‘not cause harm’. Thus, if a statement is harmful, hateful or incites violence, it will not be protected by the constitution. In this way, the legislation aims to strike a balance.

The newly adopted Protection of Personal Information Act (POPIA) has limited freedom of expression to some extent. It requires a person to seek permission from a source before quoting them. As a result, some lobby groups have requested that journalists be made an exception to this rule, if they adhere to the Press Code.

The Press Code itself has been amended but is not restrictive. It requires journalists to be ‘reasonable’. One panellist noted, “If you adhere to the code, then you don’t have to worry about POPIA.” However, there is a need for the Broadcast Complaints Commission to adjust its broadcasting code to adhere to the requirements laid out in POPIA.

On the issue of President Ramaphosa’s bank statements, which allegedly revealed the source of political party donations to his CR17 election campaign, the president’s legal team argued that confidentiality was guaranteed under POPIA, even though, at that stage, the bill had not yet passed into law.<sup>4</sup> In addition, donors should have been protected by the Financial Intelligence Centre Act and the Political Party Funding Act. The courts eventually found in favour of the CR17 statements remaining sealed. However, the Constitutional Court will likely need to weigh the right to privacy against public interest in the future.

Another relevant case concerns Pauli van Wyk, a journalist with the online newspaper *Daily Maverick*, who wrote about Brian Shivambu<sup>5</sup> in the context of the VBS Bank scandal. It was influential journalism, but Shivambu should have been better protected by the POPIA Act to maintain his privacy. The investigation

4 POPIA was enacted on 1 July 2020, but organisations were given a one-year grace period to comply with the law, meaning the Act was effectively implemented from 1 July 2021.

5 Brian Shivambu is brother to the Economic Freedom Fighters’ (EFF) deputy president Floyd Shivambu. The EFF is the third largest political party in South Africa.

revealed information about Shivambu's bank statements regarding the transfer of funds to Floyd Shivambu and Julius Malema, the deputy president and president of the Economic Freedom Fighters, respectively, which went beyond the scope of what was relevant.

There were also intensive forensic articles by Peter-Louis Myburgh of the *Daily Maverick* on the former Minister of Health, Zweli Mkhize. However, as noted by a panellist, "We need to ask whether it is acceptable to dig through people's trash in order to get a story."

There have also been legal challenges to the Regulation of Interception of Communications and Provision of Communication-Related Information Act, which was allegedly used to target journalists. The High Court and the Constitutional Court, in 2019 and 2021, respectively, agreed that sections of this surveillance law were unconstitutional.<sup>6</sup> The law effectively allowed authorised state officials to intercept any person's communications and allowed for what one panellist termed 'bulk interception' by intelligence services. The case was brought by Sam Sole, managing partner of *amaBhungane Centre for Investigative Journalism*.

In 2018, additional potentially problematic bills were discussed, namely the Prevention and Combating of Hate Crimes and Hate Speech Bill and the Film and Publications Amendment Bill. The president assented to the Films and Publications Amendment Act in September 2019. It was heavily criticised as an attempt by the Film Publication Board to regulate 'harmful content'. Critics argued that the legislation contravened the right to freedom of expression, as provided for in South Africa's constitution.

The Prevention and Combating of Hate Crimes and Hate Speech Bill does make an exception for reporters but still creates challenges. If a racial comment is made, lawyers can use it in court, but in publishing that comment, the context would be different with a broader public audience.

"How do you write about a hate crime without yourself perpetuating that hate crime?" asked one panellist.

The COVID-19 crisis saw the application of the Disaster Management Act of 2002. Journalists had to have permits to travel to cover stories like other essential workers.

Journalists were also urged by the South African National Editors' Forum to obtain a 'media card' from the Publishers' Support Services. On some occasions,

<sup>6</sup> On 4 February 2021, the Constitutional Court upheld a finding of constitutional invalidity of the Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 ((hereinafter RICA). The Court declared RICA to be unconstitutional, due to lack of privacy safeguards. The court also held that the collection and monitoring of individuals' communications under RICA contravened Section 14 of the Constitution of the Republic of South Africa.

police asked to see this documentation, even though media cards had not been previously required by law.<sup>7</sup>

“The chilling effect was that information was centralised, and journalists now had to go through hoops, making it difficult for them to report on the pandemic.”

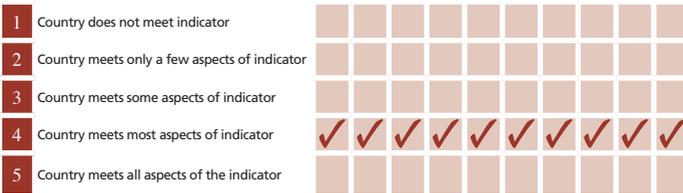
The deployment of the military during COVID-19 also resulted in journalists being forbidden from reporting in certain places. The military would, seemingly at random, identify locations as security areas and deny access. These locations included hospital wards, although international broadcaster CNN was later able to gain access and expose what was happening inside.

“The restrictions were literally being unfolded day by day. The centralisation of control wasn’t blatant, but done in a sneakier manner.”

The distribution of information became centralised. Officials and politicians would be contacted for comments, but no response was given, and journalists were told that they had to wait for the official COVID-19 briefings.

**Scores:**

**Individual scores:**



**Average score:** 4.0

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

During the 2019 national elections, problems arose as young journalists had a shallow understanding of their own rights, and politicians, in turn, tried to exert pressure on these inexperienced journalists. Intimidation by the police can, in the words of one panellist, “sit in the mind of the reporter”, which can result in self-censorship.

7 A SANEF alert released on 26 March 2020 stated: “Media workers and support staff will need the following to go out on assignment during the lockdown: ID document; a media card; and a permit – a short document included as annexure C in government gazette No. 43148 – The Disaster Management Regulations released by Cooperative Governance and Traditional Affairs, 25 March 2020.” (<https://sanef.org.za/sanef-alert-media-cards-and-documentation-for-lockdown-final-information/>)

In 2019, the late journalist Karima Brown received threats from Economic Freedom Fighters (EFF) party supporters. Her personal details, including her cell phone number, were distributed by party leader Julius Malema on social media. This act opened her up to a firestorm of abuse and death threats.

Female journalists in particular (including Brown and newspaper editor Ferial Haffajee) have suffered at the hands of individuals in a media space that has become severely restricted. “Women journalists are working in a fearful environment and must now take precautions to protect themselves.”

There is also a connection between exercising journalistic rights and gender-based violence, with women journalists facing severe cyberbullying. Women journalists have reported negotiating with officials to gain access to locations or be released from potential arrest. This results in fewer women wanting to follow the journalistic career path.

In another case, radio personality DJ Fresh instituted a court order restraining poet and musician Ntsiki Mazwai from mentioning him in a defamatory matter. This has set a precedent, and since then, there have been similar attempts to silence people who speak out on issues, partly because of the success of this case. Panellists felt that people in positions of power muzzle victims. “As a citizen of this country, I am now careful about what I say. People with state support might attack me,” said one panellist.

There is also a need to understand the intersectional identities of targeted people. While people want to speak their minds, a black woman – like Mazwai – or a trans woman may feel especially vulnerable to this kind of retaliation.

Journalists have also received death threats for commenting on the arrest of former president Jacob Zuma, threats which SANEF condemned. One panellist said the threats were not anonymous but “came from people with names and faces.” The SABC crew have been threatened on several occasions, and their equipment was stolen at the Zondo Commission of Enquiry in 2018 and in Alexandra in 2019.<sup>89</sup>

Because of parliamentary privilege, open criticism can be made within parliament. Nevertheless, even in this space, the EFF has argued that the Speaker of the National Assembly has unduly restricted them. There have even been reports of the electronic blocking of communications within parliament. For example, in 2016, a signal jammer was activated by the Department of State Security, purportedly for security reasons. This made it impossible for the media to report from the National Assembly because all cell phone and internet signals had been blocked.<sup>10</sup>

8 “SABC camera equipment stolen during #StateCaptureEnquiry.” *News24*. <https://www.news24.com/News24/watch-sabc-camera-equipment-stolen-during-statecaptureinquiry-20181126>

9 “SABC reporters accosted by robbers in Alex, equipment stolen.” *EWN*. <https://ewn.co.za/2019/04/16/sabc-reporters-accosted-by-robbers-in-alex-equipment-stolen>

10 “Signal jamming in Parliament ruled unlawful.” *BusinessTech*. <https://businesstech.co.za/news/government/138483/signal-jamming-in-parliament-ruled-unlawful/>

Therefore, it is vital that journalists know their rights and that bullying or intimidation on social media is exposed. However, there is currently no institution with the capacity to deal with these issues.

There have, however, been welcome arrests of social media activists who use platforms such as Twitter to incite unrest, including Zamaswazi Majozi, the voice behind the ‘Sphithiphithi Evaluator’ Twitter account. She was one of the instigators who ignited widespread unrest and looting in July 2021.

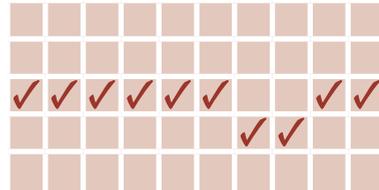
Since COVID-19, the situation has deteriorated. A potentially dangerous precedent is being set in clamping down people’s rights to opinions, such as those against mandatory vaccinations. Dialogue from the government on this issue is not taking place and is instead replaced by fines and arrests.

Journalists’ mental health and well-being have also been negatively impacted by COVID-19. SANEF partnered with the South African Depression and Anxiety Group to assist with mental health issues, but there have been cases of journalists ‘burning out’ from covering these stories. “Something must be done to assist their mental well-being.”

**Scores:**

**Individual scores:**

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



**Average score:** 2.8

### 1.3 There are NO legal restrictions to freedom of expression or laws that interfere with the functioning of the media.

South African singer Sunette Bridges was accused of allowing racist posts on her Facebook page under the Equality Act. However, she did not write the posts herself. The judgement, in effect, placed the burden on individuals and the media to constantly monitor what comments are made on their social media pages and the comment sections of their web pages. This could be regarded as a curtailment of the public’s right to freedom of expression.

However, there was another position from the panel that there is no country in the world without restrictions, and these particular restrictions are generally acceptable in a democratic society.

The Regulation of Interception of Communications and Provision of Communication-Related Information Act initially allowed the state to conduct surveillance on citizens through bulk interception. But after interventions to the Constitutional Court from investigative journalism organisation *amaBhungane*, amongst others, these provisions have been declared unconstitutional.

Similarly, with the draft Hate Crimes Bill, the original definition of hate was overly broad and vague. That definition was eventually struck off, and the bill is currently being amended and resubmitted.

In the case of the Film and Publications Amendment Bill, the original intent was a strict regulation of online content. However, the final amendments made exceptions for publications from members of the Press Council of South Africa.

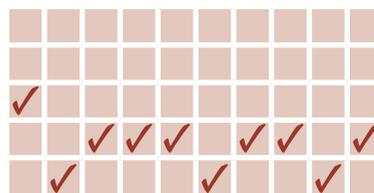
Regarding the laws on defamation, the common law is reasonable. Still, it has been misused in the past, for example, to intimidate victims of sexual violence and place the burden on them to defend themselves.

The self-described 'irreverent' investigative magazine *Noseweek* faced civil defamation lawsuits following the publication of an advocate's alleged wrongdoing. A court established that they published these allegations without enough evidence.

## Scores:

### Individual scores:

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



Average score:

4.2

## 1.4 Government honours regional and international instruments on freedom of expression and freedom of the media.

South Africa recognises instruments such as the African Charter on Human and Peoples' Rights, the Declaration of Principles on Freedom of Expression in Africa, and the SADC Protocol on Culture, Information and Sport.

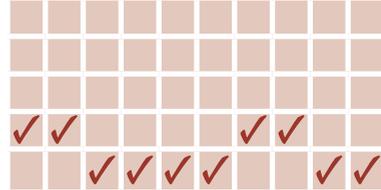
In South Africa, there is no sense of impunity among officials regarding these instruments. There is, however, sometimes a lack of understanding of them by the general public.

As a member of the African Union, panellists felt that South Africa should be firmer in holding other countries accountable for violations of these principles.

**Scores:**

**Individual scores:**

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



**Average score:** 4.6

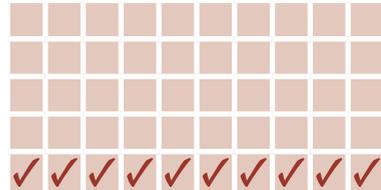
**1.5 Print publications are not required to obtain permission to publish from state authorities.**

Permission to publish is not required in South Africa.

**Scores:**

**Individual scores:**

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



**Average score:** 5.0

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

During the State Capture Commission<sup>11</sup> hearings, witnesses were allowed to appear before the commission and discuss sensitive issues, but they were ultimately not protected. Whistle-blowers need to have protection.

Section 205 of the Criminal Procedure Act regulates how a witness is called to provide evidence in court. A Section 205 court order compels a person, including journalists, to testify in a criminal case. However, it has now been agreed that

<sup>11</sup> The Judicial Commission of Inquiry into Allegations of State Capture is a public inquiry launched by the government of former president Jacob Zuma, in January 2018, to “investigate allegations of state capture, corruption, fraud, and other allegations in the public sector including organs of state”.

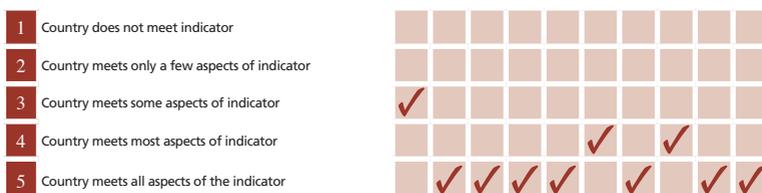
journalists are not the first and only source of information. They will only be forced to reveal sources as a last resort. Although no law specifically protects journalists' confidential sources of information, there have been no recent cases of unreasonable court rulings against journalists.

The Protected Disclosures Act has provisions for witness protection. However, it is inadequate, and people under this protection have been killed. For example, Babita Deokaran allegedly provided information about a multi-million-rand scandal involving personal protection equipment supplies.<sup>12</sup> She was murdered outside her home on 23 August 2021.

The Labour Relations Act protects employees. If an employee reports fraud, management is prohibited from taking punitive action against them.

## Scores:

### Individual scores:



Average score:

4.6

## 1.7 Public information is easily accessible, guaranteed by law, to the public.

Access to information legislation is in place in South Africa. However, the process involved in obtaining information is often tedious and time-consuming, and thus the information is not easily accessible. As noted by one panellist, "Some bodies will play games with you and delay giving out the information."

Even relatively simple searches on, for instance, the issuing of traffic fines in the country are difficult because the information is neither centralised nor computerised.

There are other challenges in accessing information for the average citizen, including language barriers. Because of this, civil society and the media have often borne the burden of providing civic education to citizens about what is happening regarding ward activities, progress on the Integrated Development Plan at the municipal level, etc.

<sup>12</sup> It is noteworthy that after this AMB panel was held, State Capture witness Athol Williams left South Africa after receiving death threats. He released a statement saying he does not feel safe. Civil society organisation, Defend Our Democracy, led by Reverend Frank Chikane, called on the state to strengthen its witness protection programme and incentivise Williams to return. (<https://www.news24.com/news24/southafrica/news/we-need-them-to-make-offer-to-athol-to-come-back-out-a-ceo-at-launch-of-anti-corruption-week-202111108>)

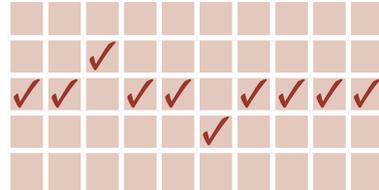
The Promotion of Access to Information Act (POPIA) offers searches through a portal, which requires people to register. Thus, there is now a record of who searched for what information and on what date. This Act has also barred radio stations, for example, from keeping records of callers to phone-in programmes.

POPIA allows a person to obtain information from a public body without giving reasons for why the information is required.

**Scores:**

**Individual scores:**

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



**Average score:**

**3.0**

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

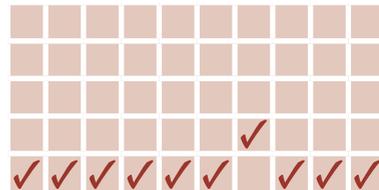
Permission is not required to operate digital platforms. However, if a blog generates revenue, it must be registered as a business. Currently, online revenue (such as from YouTube or the Google AdSense platform) is not taxed in South Africa. However, there are discussions with the South African Revenue Service to introduce this.

There is also ongoing discussion about the need for regulation by the Treasury of online advertising, which might be political, contain pornographic material or promote nefarious activities.

**Scores:**

**Individual scores:**

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



**Average score:**

**4.9**

## 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 Film and Publications Amendment Act of 2019 regulates the online distribution of films and games. It also seeks to have pre-publication ratings and classifications, although there is a question of whether this is constitutional. The Constitutional Court has already ruled that prior classification is unconstitutional in the context of print media.

YouTube can also block certain LGBTQI+ content. However, this is out of the hands of South African regulation. What is of concern is that, generally, the Film and Publications Board will often automatically classify LGBTQI+ content as only suitable for viewers over 18.

There was also action taken by Twitter against Duduzile Zuma-Sambudla, for tweets she published concerning the July 2021 unrest. There is no proof that the state had an 'indirect' role in influencing Twitter to shut down certain Twitter accounts.

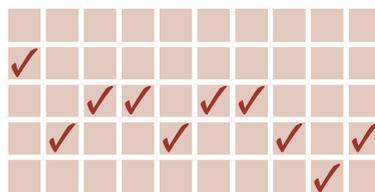
One panellist shared that the former minister of state security sent her a message on Twitter to state that what she had tweeted about the minister coming from the state capture commission was untrue. The journalist was live-tweeting the state capture proceedings. "This implies some level of surveillance of social media posts by the state," suggested one panellist.<sup>13</sup>

The Zondo Commission into State Capture revealed that the State Security Agency had spent money, including R20 million (US\$1.4 million) paid to the African News Agency as part of Project Wave, intended to recruit media workers. In some cases, students' online debates involved participants whom the state had directly paid.

### Scores:

#### Individual scores:

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



#### Average score:

3.5

13 Also see Heidi Swart (2018) "Government surveillance of social media is rife. Guess who's selling your data?" *The Daily Maverick*. Retrieved at <https://www.dailymaverick.co.za/article/2018-04-25-government-surveillance-of-social-media-is-rife-guess-whos-selling-your-data/>, accessed 12 November 2021

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

Media lobby groups such as SANEF, the Freedom of Expression Institute, Media Monitoring Africa, Save our SABC, and the Right to Know campaign actively promote media freedom. Civil society organisations such as IRANTI (assisting local and regional lesbian, trans, intersex and gender non-conforming – LTIGNC – movements) also advance the cause for freedom of expression and media freedom. However, there is sometimes a lack of visibility.

One panellist noted, “Civil society was notably absent when the EFF was publicly berating the ANN7 television news channel and the *New Age* newspaper. During the event, there were even journalists who were laughing when it was happening. Nobody came to the defence of ANN7. When the ANN7 and *New Age* shut down, the media fraternity did not show support.”

On the other hand, civil society was highly active when Mmusi Maimane of the Democratic Alliance party challenged the National Prosecuting Authority for not prosecuting Jacob Zuma. “But they were quiet when President Ramaphosa announced that information [on party funding] would not be released,” said a panellist.

There are challenges in the relationship between civil society and media lobby groups, where there is sometimes a lack of co-operation on broader issues. There is little coalition building, and civil society is still fractured.

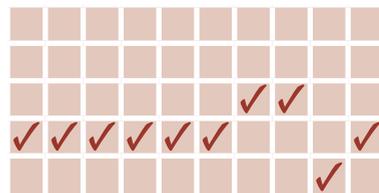
There is also a civil society credibility crisis. In the DJ Fresh issue (where he placed a restraining order on a local artist and musician), a very small and relatively unknown civil society organisation took the case to court.

Right to Know is a coalition between civil society and media lobby groups. They are highly active in terms of the gains they have made. There is also official lobbying from SANEF to parliament on specific bills, and these interventions are generally taken seriously by parliament.

### Scores:

#### Individual scores:

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



#### Average score:

3.9

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

Over the last three years, minimal consultation has occurred. Previously, citizens voiced concern over the Protection of State Information Bill and a suggestion made by the ANC to institute a Media Appeals tribunal.

During the introduction of POPIA and the Films and Publication Amendment Act, there were proposals to parliament from SANEF and the Press Council. Afterwards, there were positive outcomes, including an amendment to the Press Code.

Regarding the SABC, there was concern when Hlaudi Motsoeneng was the Chief Operating Officer about interference and suggestions that there were, in the words of one panellist, "Certain things you can say and certain things you can't say," during live programmes.

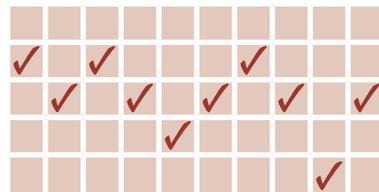
During this period, the suggestion to commit to playing 90% local music content was also proposed, but without any prior preparation or consultation, and archival material was sold to pay-TV channel company *MultiChoice*, again without consultation.

"The fact that the SABC was taken over to such an extent and so easily is scary," shared one panellist.

### Scores:

#### Individual scores:

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



Average score: 3.0

Overall Score for Sector 1: 4.0



## **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 the public.

As part of its turnaround strategy, the SABC engaged in organisational restructuring. This also meant budgets were cut and reporters dismissed. At the end of March 2021, 621 employees lost their jobs.

In the print media, Caxton closed magazines, Associated Media closed publications, and Media24 restructured newspapers and magazines, affecting 1,100 positions. The *Sunday Sun* and *Drum* magazine, amongst others, discontinued their print versions and moved online.

COVID-19 accelerated the decline in print media, causing significant decreases in both circulation and advertising. This had a devastating impact on already fragile print media operations.

According to the Association of Independent Papers, community newspapers were the most affected during COVID-19 due to decreased readership and government advertising. Most of these publications are distributed for free and therefore rely on advertising revenue.

Even the move to digital publications is a challenge, with increased use of paywalls by publishers. One panellist commented, "On digital media, a headline from a respected publication will come up, but the content is then blocked by a paywall. This pushes people to more unreliable sources of free news, such as WhatsApp."

Digital subscriptions to publications such as *News24* can cost R69 per month (US\$5). Other online publications, such as *Daily Maverick*, allow readers to access current stories for free, but accessing older stories costs R1 each (US\$0.06).

The cost of purchasing print publications is relatively high, with weekly publications such as the *Sunday Times* and the *Mail & Guardian* priced at R27 (US\$2) and R39 (US\$3), respectively. *Daily Maverick 168*, launched in 2020, was initially distributed for free through Pick 'n Pay supermarkets but now costs R25 (US\$2) per copy.

There are also newspapers, such as *Isolezwe* and *Daily Sun* (each priced under R5 – US\$0.40 per copy), which are widely distributed. Nevertheless, with current economic challenges, one panellist said, "People have to decide either to buy a loaf of bread or a newspaper."

The funding of community radio by the Media Development and Diversity Agency has faced continuing setbacks, with 43 stations facing closure in 2019. Other stations collaborated to stay operational. This has led to a diminished diversity of news sources.



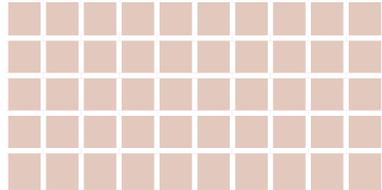
### 2.3 The editorial independence of print and online media published by a public authority is protected adequately against undue political interference.

Not applicable. No print or online media is published by a public authority apart from information sheets from the government’s Department of Communications and Digital Technologies.

**Scores:**

**Individual scores:**

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



**Average score:**

n/a

### 2.4 Transparency of news media ownership is guaranteed by law and enforced.

In 2019, the Sunday Times’ ownership shifted from Tiso Blackstar Group to Arena Holdings (owned by Lebashe Investment Group, which also publishes *Business Day* and *The Sowetan*).

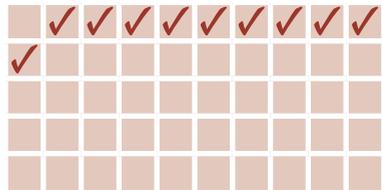
There was no discussion with readers about this move – it was merely a corporate takeover. Lebashe Investment Group chairman, Tshepo Mahloele, is also the Executive Director of Harith Group, the ‘strategic equity partner’ behind the relaunch of the national airline, South African Airways.

In South Africa, unless you are a listed company on the Johannesburg Stock Exchange, there is no legal requirement to reveal ownership.

**Scores:**

**Individual scores:**

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



**Average score:**

1.1

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

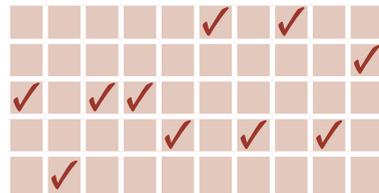
In 2019, three media organisations (SABC, Ster-Kinekor and Primedia) admitted to the Competition Commission that they had colluded on price-fixing for advertising. The commission fined the three organisations over R150 million (US\$10.3 million).

There are also examples of concentration of media ownership. For instance, online retail multinational Naspers owns a stake in the Media24 group and *MultiChoice* (the satellite television subscription service).

### Scores:

#### Individual scores:

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



#### Average score:

3.0

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

The *New Age* newspaper was reported, in one year, to have generated R125 million (US\$8.6 million) from government advertising. In 2019, the Free State government was 'persuaded' to take out 4,000 subscriptions to the newspaper.

Some radio stations benefit from government advertising, but such advertising is not distributed fairly amongst stations.

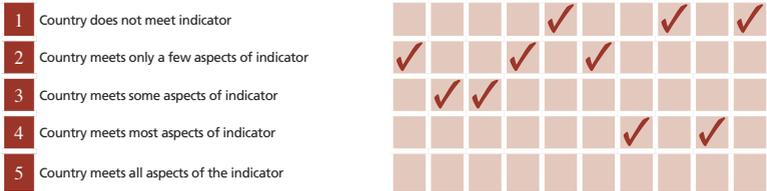
During the July 2021 unrest, several community radio stations, including *Alex FM* in Johannesburg, *Westside FM* in Kagiso, *Intokozo FM* in Umlazi and *Mams Radio* in Mamelodi, Pretoria, were destroyed during the looting.

However, they were not supported by the government or the Media Development and Diversity Agency to rebuild their infrastructure. *Alex FM* and *Westside FM* eventually received support from a commercial media group, Primedia, and the SANEF Media Relief Fund to replace equipment.

In July 2020, SANEF, in conjunction with the Social Justice Initiative, launched a relief fund for journalists who had lost their livelihoods due to the COVID-19 pandemic. However, this initiative had limited funds and a strict application criteria.

**Scores:**

**Individual scores:**



**Average score:** 2.3

**2.7 All media fairly represent the voices of all genders.**

In a study of media coverage of the 2019 national elections, Media Monitoring Africa revealed that only 20% of sources were female, and 80% were male.<sup>14</sup>

The voices of women are being heard, but they are faint. “This was a critical failure of the media,” said one panellist.

On a more inclusive level, if one includes non-binary and gender non-conforming individuals, they do not appear on television. “Trans men, for instance,” noted one panellist, “just do not exist in this space.”

An example was given concerning Jade September, a trans woman held at a male correctional centre in Caledon, who turned to the Equality Court for her right to live her identity openly. Although in 2020, she was allowed to express her gender identity, there remain issues of sexual harassment in prison. However, very few media houses reported this story without misgendering September. “Voices should include the outer and inner voice – a voice that a lot of people are not given. In effect, the voices of some people are being erased in the media,” explained one panellist.

There are also struggles in newsrooms with the use of language. LGBTIQ+ people are only interviewed about LGBTIQ+ issues, but not about other societal issues such as economics, which seem to be reserved for the so-called ‘normal’ genders.

“There needs to be a linkage between the topic (e.g. the budget) and how it affects specific groups of people in the LGBTIQ+ spectrum.”

<sup>14</sup> Media Monitoring Africa. “So much choice, but not enough voice.” 2019 electionsFinal\_v2.pdf (mediamonitoringafrica.org)

There is also a challenge for journalists regarding the language used when interviewing LGBTIQ+ people. There is a style guide in print media, but it needs updating. Media advocacy organisation Irlanti-org has conducted training on LGBTIQ+ issues, mainly on diversity issues. The Triangle Project in Cape Town is also active in this space.

There are, nonetheless, women who do secure airtime on serious issues such as economics or politics. Only a small number of LGBTIQ+ people appear on television to discuss issues. Still, because they are not always overt about their sexual orientation, it is difficult to identify them as such. A suggestion was made for newsrooms to have a list of experts of various gender identities to use in all fields.

Producers and editors will rarely specifically request non-binary experts to appear in a programme. There seems to be a lack of commitment.

One panellist expressed that, in addressing news reporting, one “doesn’t look at a person’s gender identity or sexuality, but rather their overall competence in covering a certain topic.”

On the other hand, it was felt that the shift needs to be one not of mere representation but also education, so the media can be equipped to handle a diversity of issues. “Representation at all levels is important, and so perhaps it requires an element of ‘outness’ in terms of performing one’s identity.”

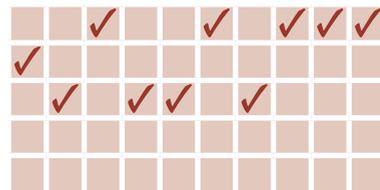
It was put forward that gender identity resulted from socio-economic and cultural factors and background. Therefore, it was difficult to differentiate between gender roles and identity in a simple quantitative analysis.

“There needs to be a change in perspective to see the intersection of lives rather than just ticking representational boxes. I don’t lesbian for a living,” said one panellist.

## Scores:

### Individual scores:

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



### Average score:

1.9

## 2.8 All media fairly represent the diversity of voices of society.

From a civil society perspective, it is essential to look at the diversity of voices. Work needs to be done to bring more variety into the media space. Omitting such diverse voices reflects society's attitude, and such representation is vital, especially for young people, who see it as a source of inspiration and affirmation. It was noted, for example, that there is comparatively more diversity and representation on the *Newzroom Afrika* channel.

According to some panellists, the word 'other' can also be discriminatory. There are also people who, in these media spaces, seem to feel entitled, but there is no requirement for one's 'trans-ness' to be 'performed' for an audience. Sometimes the conversation turns into a debate because of an imbalance in panel members, and it becomes a 'majority' and 'minority' situation with 'us' and 'others'.

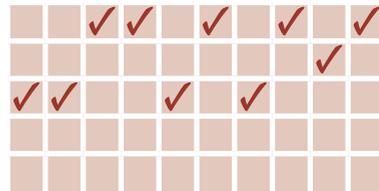
The unrest in July 2021 also led to conversations within society as to whether the media represented all voices, especially across different economic classes. In covering the events, the press generally invited speakers who had a mastery of the English language and an academic background. Sometimes, even people who were not directly impacted by the riots would appear as guests to discuss the issue simply because they could express themselves.

There is also a lack of diversity regarding staffing levels in media houses. Only one black woman in the country, for example, is trained as a sound operator in the film industry. "If a woman appears on a television programme, it is a man who will be the one who puts his hand up her blouse to attach the microphone," noted one panellist.

### Scores:

#### Individual scores:

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



#### Average score:

1.9

## 2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives, including through investigative reports.

“Reporting is all too often focused at a grassroots level, dealing with basic bread and butter issues, rather than the broader issues of national and factional politics,” said one panellist.

If there is a tragedy, and a child passes on in a low-income household, the news production team will easily have access to film the family’s grief, with cameras zooming in on the family’s tears. But is this coverage fair, or is it gratuitous?

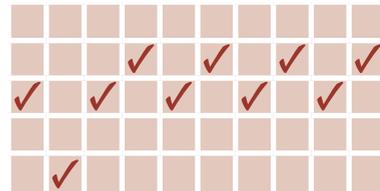
With the murders of lesbians in Gauteng in 2011, some television stations, such as eTV, would focus on visuals of bricks covered with the victims’ blood. This was verging on ‘victim porn’.

There is a continual focus on corruption at a high level of government, but this leaves out other stories, such as the cartels in the bread industry or the non-payment of workers in mines. Underlying this is a philosophy that ‘we can’t upset our advertisers’. White-collar financial crime is generally played down when reported in the media. An example is the case of multinational retailer Steinhoff, South Africa’s most prominent corporate fraud case, which has resulted in no arrests to date.

### Scores:

#### Individual scores:

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



Average score:

2.8

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

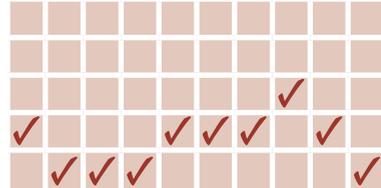
*YFM* is an example of a youth radio station with a lot of diversity in its news, approach to stories, and presenters. On the other hand, *Kaya FM* is perceived to have lost its identity in appealing to younger listeners.

Many private broadcasters face intense competition, and they also know that the public broadcaster dominates the market. Therefore, private broadcasters work harder to bring a diversity of programming, including public interest programmes.

**Scores:**

**Individual scores:**

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



**Average score:**

**4.3**

**2.11 The country has a coherent and comprehensive ICT policy framework and/or the government promotes and implements measures, which meet the information needs of the public, including underserved communities.**

With the ongoing delay in the digital migration, South Africa is still reliant on analogue broadcasting technology. The State Capture Commission revealed that deals between the SABC and MultiChoice in 2013 could have been partly responsible for this delay.

Currently, there is concern among private broadcasters about the rushed implementation of digital migration when the Minister of Communications and Digital Technologies, Khumbudzo Ntshavheni, announced in early 2021 that the process would have to be finalised by March 2022. However, it is ironic that the same broadcasters who are now complaining about this rushed implementation were the ones who were demanding digital migration for many years.

There are also plans for Wi-Fi centres to be created, especially in rural areas, but this has not yet been successful. In Tshwane, although R180 million (US\$12.4 million) had been spent, the contract was cancelled because the Auditor General exposed unlawful and irregular expenditure on the project.

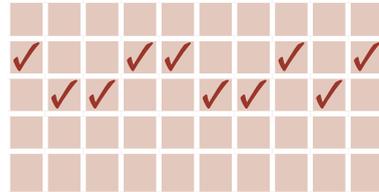
Generally, data is expensive in South Africa. For those buying large bundles of data, it is cheaper, but consumers who buy in small amounts pay more. Gaining access to open internet connections is a challenge.

“You will see long rows of young people standing next to shopping malls or libraries. They do this to gain access to the free Wi-Fi. It is often their only source of information,” noted one panellist.

## Scores:

### Individual scores:

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



**Average score:**

**2.5**

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

In 2018, it was revealed that the Department of Social Development had paid the SABC approximately R500,000 (US\$34,000) for a ‘humanising’ interview with the then Minister of Social Development, Bathabile Dlamini.

In 2021, Minister of Tourism, Mmamoloko Kubayi-Ngubane, appeared on a television celebrity cooking show, allegedly paying R150,000 (US\$10,300) for the exposure.

The influence of government over advertising spending is normally presented as positive. “We will spend more if you do what we want,” said one panellist.

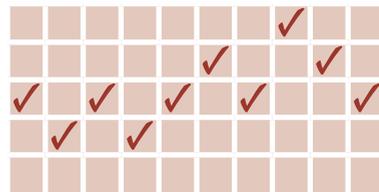
Radio presenter Karima Brown also alleged that she was ‘censored’ by the management of Primedia after ANC National Chairperson and Minister of Minerals and Energy, Gwede Mantashe, complained about one of her programmes. Brown lodged a formal complaint of censorship against the radio station.

However, despite these incidents, it is felt that the situation has improved during the past three years since the days of more direct government interference in publications such as the *New Age* newspaper.

## Scores:

### Individual scores:

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



**Average score:**

**2.8**

## 2.13 The size of the advertising market can support a diversity of media outlets.

The major conglomerates such as *News24* and the *Sunday Times* survive on advertising and subscriptions, and have now launched paywalls for their digital content.

Other publications attempt to survive on advertising revenue, but, since the 1990s, the amount of advertising has completely collapsed.

Revenue from advertising is now being spent on social media influencers and apps. There is also an increased blurring of media roles. “Radio stations will now sell you tweets and Instagram posts as part of their advertising packages,” explained one panellist. And the *Mail & Guardian* are aggressively selling webinars as a means to supplement their income.

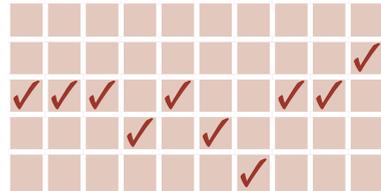
Although the size of the advertising market has grown, competition has also increased.

There is also a lack of quantitative data on radio listenership. “Because of COVID-19, no Radio Audience Measurement Survey has been done in the past two years, so it is difficult to believe radio stations when they talk of how many listeners they have and what their LSM<sup>15</sup> segment is,” said one panellist.

### Scores:

#### Individual scores:

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



**Average score:**

**3.3**

**Overall Score for Sector 2:**

**2.8**

15 LSM i.e. Living Standard Measurement is a marketing tool used in South Africa. These measures divide the population into 10 LSM groups, where ten is the highest living standard level and one is the lowest level.

## **SECTOR 3:**

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

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

Broadcasting in the country is regulated by the Broadcasting Act of 1999 and the Electronic Communications Act of 2005; the former provides for three-tier public, commercial and community broadcasting services, while the latter regulates electronic communications to recognise the convergence between the broadcasting and telecommunication sectors.

The Media Development and Diversity Agency (MDDA) plays a vital role in community broadcasting, including organising workshops for training and helping with buildings, infrastructure and equipment.

However, the MDDA has been notable for several internal leadership struggles, with an acting CEO having to hire bodyguards “in fear of her own staff,” according to one panellist. Allegations of corruption have also been made. “The MDDA paid R1.7 million [US\$117,000] to install broadcast equipment when it was brought to the attention of the board that the equipment was worth no more than R500,000 [US\$34,400],” shared one panellist.

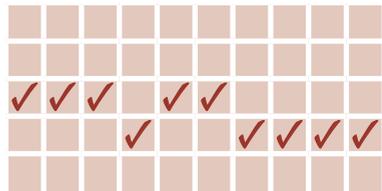
Many community radio stations rely heavily on government advertising for sustainability. The licence fees for community radio stations are also high, resulting in the closure of numerous stations, especially during the COVID-19 pandemic. A licence application costs R4,118 (US\$283), and the annual renewal of the licence is R1,372 (US\$95).

The National Community Radio Forum is active but somewhat political and does not hold the MDDA to account.

#### Scores:

##### Individual scores:

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



##### Average score:

3.5

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

The Independent Communications Authority in South Africa (ICASA) issues broadcasting licences and regulates licence conditions for broadcasters. However, broadcasters also have their own self-regulatory organisation, the Broadcasting Complaints Council of South Africa (BCCSA). ICASA thus recognises broadcasters that subscribe to the BCCSA Code.

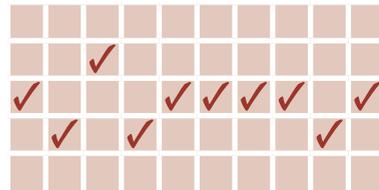
In terms of appointing ICASA council members, the National Assembly recommends potential council members to the Minister of Communications and Digital Technologies. The minister then appoints a council, and that council appoints a Chief Executive Officer.

Civil society is involved in the process and can make recommendations to parliament. However, because the ruling party dominates the National Assembly, there is political influence. Nevertheless, the current council consists of a diverse range of members, including some from industry, as well as academics and lawyers.

#### Scores:

##### Individual scores:

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



##### Average score:

3.2

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

“ICASA Councillors are often perceived as lame ducks, not really giving any direction or guidance. They are just there for the ride,” stated one panellist.

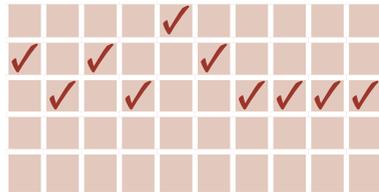
There have been cases of broadcasting stations having to pay approximately R500,000 (US\$34,500) to start their licence application process, and thereafter failing to obtain permission to broadcast, thus losing that money.

During the COVID-19 crisis in 2021, the Independent Communications Authority of South Africa announced the release of temporary radio frequencies. However, this decision was criticised because it did not go through the regular open auction process. There was also concern that, by October 2021, this temporary spectrum would expire, and the result would be an increase in congestion on the frequency spectrum.

#### Scores:

##### Individual scores:

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



Average score:

2.5

### 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 appointment of the SABC Board is generally an open process, with potential candidates interviewed by members of parliament. However, this independence was at times endangered by, amongst others, the former Chief Operating Officer, Hlaudi Motsoeneng.

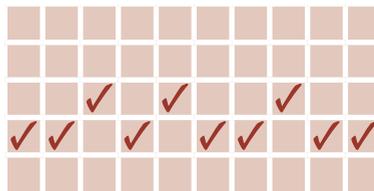
The current board was appointed in 2019 and is regarded as generally competent and making progress in key areas, although it has reduced in size (previously it

consisted of up to 25 members). Questions over the broadcasting competencies of some members have been raised.

## Scores:

### Individual scores:

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



**Average score:**

**3.7**

## 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 Broadcasting Act (Chapter 4, Section 6) stresses that the SABC 'enjoys freedom of expression and journalistic, creative and programming independence as enshrined in the constitution.'

There was a time when the ruling party had a tight grip on the SABC, with programmes suddenly being dropped from schedules simply because ministers were unhappy with them. Although this influence is now greatly diminished, there is still a line of control between the African National Congress (ANC) and the SABC.

There have also been reports of direct interference. A commission of enquiry into interference at the SABC, chaired by the former executive director of the Press Council, found in 2019 that former Minister of Communications and Digital Technologies, Faith Muthambi, gave instructions to the editorial team, despite not being mandated to do so. The commission further accused her of abusing her political influence to gain favourable coverage from the state broadcaster.

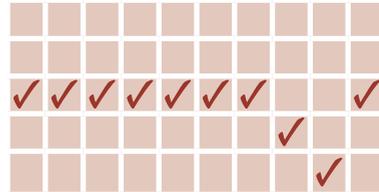
SABC news was balanced in the lead up to the 2021 local elections. Their coverage of the passing of former Zambian president, Kenneth Kaunda, was impressive, with intensive archive footage. Media Monitoring Africa also found that almost all SABC election items (99%) were balanced and fair. *SABC 1* Siswati/Ndebele evening news alongside *Thobela FM*, *Lesedi FM* and *Motsweding FM* showed exceptional balance and depth of information.<sup>16</sup>

<sup>16</sup> MMA (2019). "The public broadcaster: Impartial? Independent?: Analysing South Africa's media coverage of 2019 elections." Retrieved at [http://mediamonitoringafrica.org/wp-content/uploads/2019/06/2019SABCElectionsReport\\_v2-3.pdf](http://mediamonitoringafrica.org/wp-content/uploads/2019/06/2019SABCElectionsReport_v2-3.pdf), Accessed 3 November 2021

**Scores:**

**Individual scores:**

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



**Average score:**

**3.3**

### 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.

Although there is adequate funding for the SABC, the organisation remains tainted by corruption and mismanagement. There have been improvements, but in 2021 there were widespread retrenchments of competent staff.

There have also been numerous financial bailouts from the government amounting to over R2 billion (US\$137 million). Because of this, there is a perception that the government feels they deserve greater levels of compliance from the broadcaster. However, a view expressed that the government needs to allocate such money to ensure that the SABC remains a public broadcaster.

There are also strong commercial pressures on the SABC because it receives 77% of its funding from advertising and sponsorship and only 3% from government grants. Thus, they have to tread carefully to avoid losing advertising revenue.

Panelists felt that the *SABC 3* television channel generally broadcast good content, but other stations, such as *SABC 1*, showed a great deal of influence from marketing and advertising, to the extent of direct appointments of certain presenters by the marketing department.

Live streaming of SABC content on YouTube is also increasingly popular, with some programmes having a viewership of 500,000 or more. SABC News has 1.41 million subscribers.

The collection of the annual SABC licence fee of R210 (US\$14.50) remains a challenge. Therefore, a bill that will levy a tax on ‘content feed’ is currently being discussed.

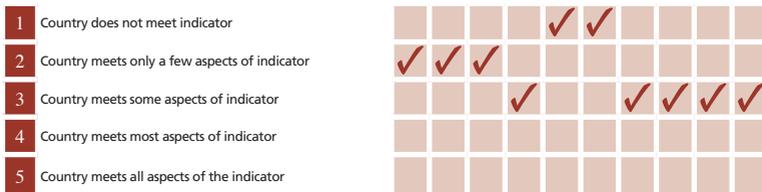
This implies that there will be no licence fee as such, but rather a general household levy, and with it, a new structure for revenue collection for the public

broadcaster. There have also been suggestions that private broadcasters such as MultiChoice be partly responsible for collecting this money, but this idea has met resistance.

Union representation at the SABC is weak, and currently, there is alleged victimisation of independent filmmakers at the corporation. There are also obstacles to paying these independent contractors by the legal and financial departments of the SABC.

## Scores:

### Individual scores:



Average score:

2.3

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

SABC radio stations are doing well. "Rural South Africa engages the world mainly through SABC radio," said one panellist. These stations are vital in connecting communities.

The radio stations have broad content, with storytelling and other types of programming in their schedules and language diversity. There are rural community radio stations in areas such as the Northern Cape. But there has been a reduction in current affairs staffing and content at the SABC because of budget cuts.

Radio content remains generally conservative, and although there are numerous Christian programmes, few other religions are covered.

Regarding the portrayal of the LGBTIQ+ community, one panellist stated, "The SABC is still very conservative, with a shocking absence of queer representation." At one time, it was progressive, with the first gay kiss shown on the popular television soap opera *Generations*, but members of the panel felt that such progressiveness has largely died.

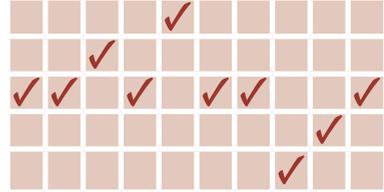
The SABC is currently planning improved streaming services via the internet. They will soon launch their own streaming platform with content from their

archive. In addition, *SABC 1* is planning a collaboration on programming with Viu, a video streaming provider based in Hong Kong.

**Scores:**

**Individual scores:**

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



**Average score:** 2.9

**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.

Although most media houses subscribe to the Press Code, some do not. Some journalists fail to follow accuracy and fairness guidelines and seek second and third sources, but they are in the minority.

From a civil society perspective, there is an assumption that all media follow the Press Code, which is the basis for monitoring the media. But there is a lack of consistency.

Other 'covert' role players influence reporting and increase proliferation of 'thought leaders' and 'opinion pieces', which sometimes appear not as opinions but in the main body of reporting. This can confuse readers. But it was pointed out that there are respected 'opinion journalists' in other countries who develop a story, create perspective and opinions, and, in the process, expose facts.

Journalists are under pressure because of increased deadlines and decreased staffing levels. One report noted that in 2008, 10,000 journalists were working in South Africa. A decade later, there was less than half that number.<sup>17</sup>

The increased deadlines and decreased staffing levels have created an environment that can promote dishonest reporting. The border between journalism and public relations becomes blurred, and some even defend their actions. "I can operate as a non-governmental organisation, own a company, and also be a representative of [the] government," said one panellist.

Some journalists also have a very 'cosy' relationship with their sources, including politicians, even joining them on retreats, etc. This relationship, in some cases, is alleged to be physical. One panellist noted, "This becomes a slippery slope in terms of ethics."

Quality control in the newsroom has also deteriorated. The decreased staffing levels mean that there are not a lot of sub-editors or fact-checkers. Those who have survived the job cuts are either poorly paid young journalists or well-paid top management. In the words of one panel member, "There has been a hollowing out of newsrooms."

The story of the woman who had given birth to 10 babies – later found to be untrue – was a blatant example of inaccurate reporting. However, the onus was then placed on readers to prove the story was false. This has set a dangerous precedent and has diminished trust in the media. However, one cannot entirely blame the editor because national and local governments originally stood by the accuracy of the original story.

<sup>17</sup> The State of the Newsroom 2018 (Updated). "Structured Unstructured: A Wits Journalism Project." State-of-the-Newsroom-report-2018\_updated-20190709.pdf (journalism.co.za)

Regarding coverage of marginalised communities, one panellist elaborated, “*Mambaonline* stood out for good reporting on the violence taking place against the LGBTQI+ community. They followed the story directly. But other publications did not follow up with the same intensity and failed to investigate the issues themselves. Therefore, there were many stories with inconsistencies, misleading information, inappropriate language, and, often, misgendering of individuals in the reports.”

There are also indications that, in covering victims and survivors of gender-based violence, “those of a certain body type will receive more focus in publications because that will attract more readers.”

The rise of social media has also led to readers finding it challenging to distinguish between recognised publications and small-scale operations merely doing secondary reporting. The regular publications also have a disadvantage in speed compared to more agile small-scale ‘citizen journalist’ operations. There is time pressure for journalists to produce up to six stories a day, meaning they have to cut corners and don’t have time to get comments to balance the story. “Under such pressure,” acknowledged one panellist, “one essentially becomes a press conference stenographer.”

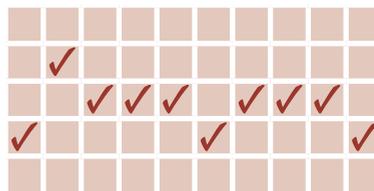
There are also what panellists referred to as “‘information black holes’. During the COVID-19 pandemic in particular, information was centralised, and many sources were reluctant to release information about, for instance, patients with medical conditions. Panellists also described cases of bargaining for information by sources who would say, “Don’t publish this – I have another story instead that you can publish.”

According to panel members, some sources dictate what questions can and cannot be asked during interviews. Journalists must sometimes engage in underhand tactics by asking questions during an interview that were not originally planned.

## Scores:

### Individual scores:

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



### Average score:

3.2

## 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.

The Press Council receives approximately 500 complaints every year, with between 60 and 80 adjudications. Although most major publications subscribe to the Press Code, it is sometimes not well understood by readers.<sup>18</sup>

The majority of complaints are from people who say they were not asked for comments before publication. This can occur when journalists, under the pressure of deadlines, request comments at inappropriate or inconvenient times (such as a Friday evening or Saturday morning).

No publications have withdrawn from the Press Council during the past three years. Many publications have their own internal ombuds, who handle complaints before they reach the level of the Press Council.

For those publications that focus on secondary reporting, there is a tendency for stories to be copied, with only one or two sentences changed and, of course, a new by-line.

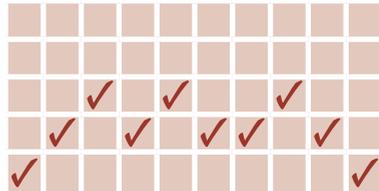
Broadcasters can voluntarily subscribe to the BCCSA codes of conduct. If a station fails to join the BCCSA, it automatically falls under ICASA's rules.

Media houses generally have internal codes of conduct, and there are also regular training sessions at some media houses on media law and ethical principles.

### Scores:

#### Individual scores:

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



#### Average score:

3.9

<sup>18</sup> All major houses, apart from those in the Independent Group, subscribe to the Press Council.

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

During COVID-19, existing pressures on journalists were heightened. In the early stages of the pandemic, with large press briefings packed with journalists, there were serious concerns about their safety and health. There were demands for journalists to be vaccinated alongside health workers, but they were not prioritised.

During this period, salaries at some community newspapers were reduced by half. At one large media house, wages were cut by a third, and at another, staff had to forgo their pension contributions and other benefits. There was also a lack of needed psychological assistance and therapy for workers.

A panel member stated, "Journalists are utterly exploited." In addition, journalists are often expected to use their own resources, including their cell phones, to carry out their work. Company vehicles are, in some cases, poorly maintained, and visibility clothing (vital when covering protests) is not provided.

The attitude from management is that 'journalism is a tough profession', which is then used as an excuse for bullying in the newsroom and the promotion of unhealthy competition and workplace dynamics. The result is that many young journalists leave the profession to move to government jobs or into public relations. Like financial journalism, niche branches have been hollowed out, and many have now become analysts for private investment companies and banks.

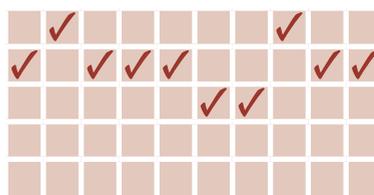
Salaries are polarised. Some talk radio presenters can earn up to R2 million (US\$138,000) a year and also benefit from engaging in other activities (such as hosting dinners or webinars). However, their producers can earn less than a quarter of this amount. At some community radio stations, staff work on a voluntary unpaid basis.

"Salaries are also racialised, with some white directors being paid double the amount that black directors are being paid," revealed one panellist. Because staff rarely divulge their salaries, there are allegations of disparity, favouritism and corruption in compensation packages.

#### Scores:

##### Individual scores:

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



Average score:

2.0

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

There is no national trade union for journalists in South Africa. Instead, there are disparate bodies such as the Communication Workers Union, the Media Workers Association, the Media Alliance, the SA Guild of Actors and the Independent Producers’ Organisation.

There are also numerous professional associations, including SANEF, the Forum of Community Journalists, the National Press Club and the Press Gallery Association.

The majority of media houses do not have enough workers representing any single union for that union to be recognised, so workers’ rights generally are actively suppressed in the newsroom. In addition, union membership has fallen. A trade union can gain recognition in a workplace if it can prove to the employer or the Commission for Conciliation, Mediation and Arbitration that it has sufficient representation amongst the employees. Fifty-one per cent of the total employees are required for a union to be legally entitled to recognition.

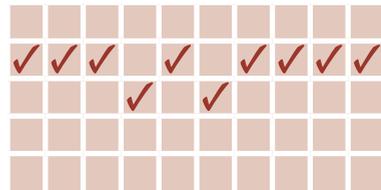
Also, with the rise of the gig economy, it is challenging to pinpoint employers, so there is no basis for collective bargaining or union representation.

One positive step is the Copyright Amendment Bill and the Performers’ Protection Amendment Bill, which seek to redress the unfair treatment of media workers who currently do not receive royalties and residuals for repeat broadcasts. Both bills have been passed by the National Assembly and were sent to the president to be signed into law, but the president is yet to do so.

### Scores:

#### Individual scores:

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



Average score:

2.2

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

In general, there is little evidence of corruption in major publications. In fact, there are overly strict policies for staff receiving gifts at some media houses. “Even the gift of a bouquet of flowers from an admiring listener has to be declared to management,” explained one panellist.

However, in other organisations, there is no policy in place. Panel members expressed that although “our reputation as journalists is our currency,” there are undercurrents of ‘corrupters’ and ‘corruptees’. One stated, “There is a concerted effort to destroy the media.”

At *Kaya FM*, serious allegations of sexual harassment were made against the station manager. Letters were also distributed to media professionals outlining claims of misappropriation of funds. However, apart from a single item in *City Press*, no other stories were published, although the manager in question was investigated and found guilty of improper conduct. As a result of this, he resigned.

It is easier to kill a story about private sector corruption than that of the government or the public sector. There was, for instance, a large recall of tinned foods by a major manufacturer, but there was little follow-up investigation in the media. There is a sense that white-collar financial crimes are under-reported.

In motoring journalism, it is well-known that one person controls the fleet of vehicles available for testing. “If you write a bad review of a car,” said one panellist, “then you will never review another car again.”

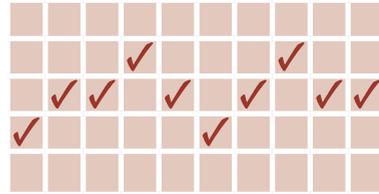
Entertainment reporters also write generally positive stories about their sources. “Some of these reporters are also themselves desperate to be famous, so they don’t worry about what they write as long as they are prominent,” said another panellist.

However, since some journalists are prominent figures, there are sometimes incorrect assumptions about their behaviour. An example given was if a journalist attends a function as a guest and later writes a positive article about the company that hosted the function, the assumption is that they did this because of influence by the company. However, the assumption is not always accurate.

## Scores:

### Individual scores:

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



### Average score:

3.0

## 4.6 All Journalists and editors do NOT practise self-censorship.

Journalists, unlike judges, have no real security of tenure. They depend entirely on their salaries, and self-censorship can find ground in such an insecure environment.

Politicians sometimes use verbal sexual harassment as a tool to intimidate. A 2019 election report noted that, “Verbal attacks and intimidation by EFF leaders and supporters against well-known female investigative journalists have been registered.”<sup>19</sup>

In addition, if a journalist wishes to write an opinion piece that does not fit in with the country’s current mood (for example, suggesting that mandatory vaccination is not a good idea), there can be an element of self-censorship. Generally, reporting on COVID-19 is presented as a one-sided story, with a dominant narrative fed by specific government sources giving out information.

Guests are also reluctant to appear on radio talk shows for fear that they may lose their positions. Journalists themselves are also unwilling to give their opinions, even though, as noted by a panellist, “One can be a journalist and an activist.”

The impression has been created of a factional media. Politicians have targeted journalists and placed them into these factions, and in this way, journalism has been politicised. This has created journalism cliques and the polarisation of journalists over politics, skills and even race.

On the other hand, some media houses have changed their standpoints on issues. This causes internal conflict, leading to uncertainty and an imbalance among reporters.

“There is the danger of being gendered within the journalism space, with journalists expected to write stories within their own perceived gender parameters,” explained one panellist.

19 Schulz-Herzenberg, C & Southall, R (eds). (2019). *Election 2019 South Africa*. Jacana Media. p.102

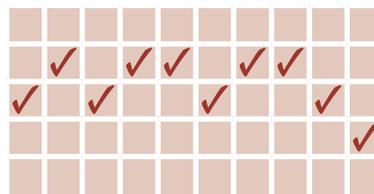
There is also tension between older and younger journalists, with the more experienced publicly humiliating those who engage in poor quality journalism. Panellists feel that there should be more co-operation and mentoring of younger journalists by older journalists.

Also, newsrooms should be encouraged to hold post-mortems, where issues and events can be analysed as a group rather than conducting direct and personal attacks on individual journalists.

## Scores:

### Individual scores:

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



Average score:

2.6

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

There are numerous institutions conducting media training at a higher level. But it is difficult for working journalists to upgrade their qualifications. The Institute for the Advancement of Journalism (IAJ) was initially established for mid-career journalists but now also offers training for corporates and other bodies. It also provides short courses broken up into modules attended by journalists from across the continent.

Online courses are offered, but these are difficult for many African participants because of the high cost of data. IAJ can also assist with training for citizen journalists to help them become integrated into community media.

For many journalists, it is difficult to attend such courses due to financial reasons and the time-intensive nature of this training. Some journalism honours courses, such as those offered by the University of the Witwatersrand, can be very intense. Even when employers assist, there are often contracts that, in the words of one panellist, “Can bind one to that organisation for a set period of time.”

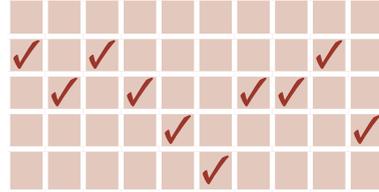
According to a panellist, “The areas where training is lacking are those concerning the Press Code, issues of ethics, multi-media training and gender diversity.” One successful training model is ‘on the job’ training, where an expert will pass on

expertise to a journalist in an actual situation and give guidance while the story is being developed.

**Scores:**

**Individual scores:**

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



**Average score:**

**3.1**

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

On a racial level, journalism has reached a point where the profession reflects society, although panellists noted, “Much of upper management in media houses remain predominantly white.”<sup>20</sup>

The SABC employs several people with disabilities, and the Employment Equity Act demands such representation. However, some disabilities, such as mental illness, are often ignored due to stigma.

The Reuters Digital News Report 2020<sup>21</sup> praised South Africa for the high number of women editors. It found that women made up 47% of these positions, the highest percentage of the ten countries covered, and ahead of leaders in gender parity like Finland and Germany.

However, sexual harassment remains rife in many media workplaces in South Africa. One study noted that 57.5% of women and 11.4% of men experienced sexual harassment in newsrooms.<sup>22</sup>

20 See “Who runs SA’s media is a black-and-white issue”, Mail & Guardian, 4 January 2019. Retrieved at <https://mg.co.za/article/2019-01-04-00-who-runs-sas-media-is-a-black-and-white-issue/>, accessed 12 November 2021

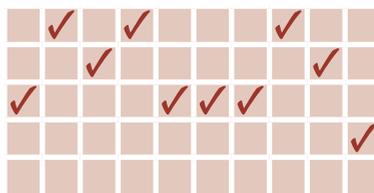
21 Reuters Digital News Report 2020. Accessed on [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR\\_2020\\_FINAL.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR_2020_FINAL.pdf)

22 Lindsey E. Blumell & Dinfan Mulupi (2021) “Newsrooms need the metoo movement.” Sexism and the press in Kenya, South Africa, and Nigeria, *Feminist Media Studies*, 21:4, 639-656

## Scores:

### Individual scores:

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



**Average score:**

**2.3**

**Overall Score for Sector 4:**

**2.8**



# THE WAY FORWARD

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

### Positive Developments:

- SABC board seems capable and committed.
- The RICA High Court and Constitutional Court judgement.
- Broadcast Complaints Commission –broadcasters can now input the codes of conduct again, and self-regulation has been strengthened.
- Investigative journalism in a strong condition has stretched across different media platforms.
- Strengthening of sustainable online paywalls.

### Negative Developments

- Shrinking of the media industry and newsrooms.
- No COVID-19 fund assisted the media.
- Increased public attacks on journalists.
- Hate news and disinformation on social media.

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

- Engagement with young people on media literacy.
- Training in Twitter and social media.

## Panellists:

### Media:

1. Oliver Dickson, TV/radio anchor and columnist
2. TV journalist
3. Siphso Hlongwane, editor
4. Khulekani Magubane, financial journalist
5. Gaopalelwe Phaleatsile, multimedia journalist

### Civil Society:

6. Sphamandla Bhengu, democracy activist
7. Dr Bev Ditsi, LGBTQI+ activist and filmmaker
8. Media self-regulation officer
9. Kwezilomso Mbandazayo, gender activist
10. Asonela Phiri, gender activist

### Rapporteur:

Robin Tyson

### Moderator:

Prof Sarah Chiumbu

*The panel discussion took place at Kopanong Hotel & Conference Centre, Benoni, South Africa from 8-10 October 2021.*