

# Challenges to media freedom in South Africa

As World Press Freedom Day was celebrated on 3 May 2016, marking 25 years since the adoption of the Windhoek Declaration on Promoting an Independent and Pluralistic Media, The Right2Know Campaign issued its comments on the day and its importance.

The organisation would like to underscore the important work of the country's journalists, editors and other media workers who, under often trying circumstances, deliver critical coverage, inform public debate, and play a vital role in the democratic life of the country. Media freedom, free expression and the free flow of information are vital to a healthy democracy and in this country, they have been especially hard-won. However, there are times when the wind is against us, pushing us back towards the days of paranoia, secrecy and censorship.

## Threats from the State

The legal protections of the Constitution risk being undermined by a range of new legislation and the revival of Apartheid laws. We hear echoes of the past in, among other things, the use of the apartheid-era National Key Points Act to obstruct the work of critical journalists and in the Film and Publications Board's proposed regulations and legislation for online content that would amount to internet censorship. The Broadcasting Amendment Bill threatens to undermine the independence of the SABC, giving the Minister greater power to appoint the Board. The Secrecy Bill, under the guise of protecting national security, would criminalise whistle-blowers and investigative journalists for doing their jobs. All across the world, even in countries regarded as being among the most democratic, open-ended notions of state security are used to cover up information that is of tremendous public interest and silence critical voices.



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Journalists also face harassment and intimidation from police and security personnel for simply doing their jobs. In 2014, in an extreme case of police brutality, Mike Tshele became the first journalist to be killed on the job in two decades (his murderer has finally been found guilty).

Threats to media freedom do not just come from the state and ruling party. Opposition parties in recent times have also exhibited paranoid and hostile attitudes towards the media. Helen Zille's directive to provincial departments in the Western Cape to boycott the *Cape Times* sounded a lot like the ANC's "don't buy *City Press*!" Julius Malema's recent threats to journalists of Gupta-owned news organisations were also a threat to press freedom that ignored the fact that good journalists sometimes work for shoddy news outlets. For a party that claims to represent the interests of workers, one would

expect the EFF to be more conscious of the difficult conditions facing media workers, especially those who are lower level workers and predominantly black.

## **Big Brother is watching**

Surveillance is a growing threat to journalists. The Snowden leaks were a warning in bold of just how widespread mass surveillance abuses are among so-called established democracies. In South Africa, journalists should be concerned about the same. Our intelligence services are notoriously opaque and are not immune to political interference. Problems in the law, in particular RICA, as well as weak and inefficient oversight mechanisms (we have been without an Inspector General of Intelligence for over a year now) makes it easy for those within state security structures to spy on journalists and media workers for political ends.

On 6 May 2016, the Specialised Commercial Crime Court will hear the first case of illegal surveillance against journalists in post democratic South Africa, in which members of the police's Crime Intelligence Division are accused of tapping the phones of two *Sunday Times* journalists, Mzilikazi wa Afrika and Stephan Hofstatter, while they were reporting on scandals in the security structures. In the past year, it has also emerged that members of the intelligence structures bugged the phone of former *Mail & Guardian* journalist Sam Sole, now with Amabhungane Centre for Investigative Journalism, while he was reporting on Jacob Zuma's corruption charges. The surveillance of journalists is a clear threat to media freedom, and the safety of their sources and points to the need for urgent reforms to RICA to prevent such abuses from taking place.

## **Media diversity vs. commercial interests**

Right2Know has consistently said that media freedom and media diversity are inextricable and that one without the other is meaningless. Media ownership in South Africa remains highly concentrated and so it is important that we have better funding, with no strings attached, for community and alternative media. We need a media landscape that is more inclusive and that fosters more platforms for more voices, especially those that are the most marginalised. Moreover, we need to put an end to the predatory business practices of media giants like Naspers, which has actively undermined media diversity by undercutting small local competitors, as was the case with Gold Net News in the Free State.

Media are a public good – a constitutional right that is the key to the realisation and defence of other rights. If media consumption and production opportunities remain in the grip of monopolies, they will continue to be enjoyed disproportionately by the economically powerful. In a country with such high levels of poverty, unemployment and inequality, appropriate interventions may be necessary to counter market forces that contribute to this phenomenon. We should not have to choose between media that are beholden to political interests and media that are beholden to corporate interests. We need more media, not less; more voices, not fewer.

## **Media owners vs. media freedom**

Savage cost cutting in the newsroom has left fewer journalists, carrying a greater workload. In recent years, bureaus have been shuttered and newsrooms, especially in the print sector, have been haemorrhaging staff, leaving those who stay on to do more work for less pay and greatly strengthening the hand of spin doctors in the public and private sector.

Then there is the perennial tug-of-war between managers and editors. Managers continue to interfere with editorial content: in an important case this month, former *Cape Times* editor Alide Dasnois will face her bosses at Sekunjalo Group in court. The ostensible reason given for Dasnois' sacking was that she refused to lead with a story on the death of Mandela. It is clear, however, that she earned the wrath of her bosses with coverage that was critical of their company's business dealings with the ANC.

In the last year, we have seen a string of resignations of editors from major national newspapers, most notably the *Mail&Guardian* and *Business Day*, amid rumours of editorial interference from management and owners. This points to the urgent need to bolster newsrooms' independence not only from outside influence and attacks but also from interference from their owners.

## **The public vs. state broadcaster**

Our public broadcaster, the SABC, has by far the widest reach of any media organisation in the country and its independence from powerful interests is crucial for the wellbeing of our democracy. The recently introduced Broadcasting Amendment Bill threatens to undermine the independence of the SABC, giving the Minister greater power over the Board.

Those in charge at the SABC have revealed themselves to be no friends of press freedom, with the broadcaster' conceited yet woefully incompetent and scandal prone COO, Hlaudi Motsoeneng, demanding 70% of stories aired to be positive. With his every ham-fisted move, our once proud SABC that was a flagship of transformation is more at risk of running aground and reverting to a state mouthpiece. Political interference, maladministration and self-censorship have had a crippling effect and have meant that the broadcaster is increasingly unable to deliver high quality programming and news that reflects a plurality of views, is fair, accurate and independent of government and commercial interests.

For many South Africans, the SABC is pretty much their only source of news. It is an impressive feat that the SABC reaches into the farthest corners of the country and delivers programming in all official languages, with local language radio stations that have audience figures in the millions and dwarf even the largest print publications. Nevertheless, we need more diversity. The country's massive inequalities are replicated in media consumption. While the middleclass have a rich media experience and access to a wide range of local and international media on a variety of ever-improving platforms, those in poor rural parts of the country may have to make do with just a local language SABC radio station at best.

## **Lost opportunity of digital TV**

The migration to digital TV has the potential to transform South Africa's media because many more TV channels available could add to diversity of content and ownership. However ICASA (the regulator) wants to give two-thirds (66%) of the channels to the private sector. The SABC has been given a quarter of the channels (25%). The SABC does not have the resources to produce all these extra public interest channels and is likely to run them as profitable partnerships with the private sector. ICASA's proposed privatisation of the airwaves will see only 5% of stations being community non-profit.

Commercial stations will compete for existing advertising funds. There will be less advertising to go around so we can expect to see many re-runs, old shows and low budget American productions.

## **Relative freedom**

It is not all bad news. South Africa ranked 39 out of 180 countries in the World Press Freedom Index, above the US and one place behind the UK, though that does say as much about the deteriorating state of press freedom in other parts of the globe as anything else. Nevertheless, in commemorating this day, we can celebrate our vibrant and often critical media and we can take some comfort in the knowledge that our progressive constitution promotes and protects media freedom.

Compared to most of our neighbours, and indeed many old western democracies, our press freedom record is not very

bad, but this is only because with every attempt by the powerful to restrict media freedom, the public is able to keep pushing back.

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