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Promoting human rights and democracy through the media since 1993

MMA's Submission on the SABC Editorial Policy Review

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1. Introduction

The SABC Editorial Policies were developed in terms of the Broadcasting Amendment Act (2003) and came into effect in 2004 following public consultation and input. This established a specific link between the public broadcaster and the South African public and allows for direct participation and input in the affairs of the SABC. These policies are intended to ensure compliance with the ICASA code of conduct, the corporation's licence conditions, and the provision of the Act, and should be reviewed (in consultation with the public) every five years. However, due to ongoing management and Board problems at the SABC, the first revision process was only initiated in 2013. This process, too, was found to lack the substantive consultations required and on the 8th of March 2017, ICASA declared that the editorial policies were invalid and the 2004 policies were reinstated. Our comments are therefore based on the 2004 editorial policies.

Media Monitoring Africa welcomes the opportunity to comment and make a written submission to the SABC on the 2004 Editorial Policies. Should oral hearings take place, MMA would like to request the opportunity to present our submission.

MMA believes that the SABC Editorial Policies are generally very good, particularly taking specific interest in children. This specific interest has taken print media over 8 years to realize, and for this we commend the SABC. MMA also welcomes the fact that the SABC takes editorial independence and public accountability as two of its core editorial values. Having said that, though, there is great concern about the implementation (or lack thereof) of these codes and particular policies such as the implementation of the policy of upward referral.

Gross financial mismanagement at the SABC is a critical issue to note as it directly affects the quality of programming and the overall ability of the public broadcaster to fulfil its mandate. The appointment of the acting Chief Operating Officer, Hlaudi Motsoeneng, exacerbated the problem, and under his tenure, management, staffing, financial and editorial crises escalated. It is critical that the implications of financial mismanagement at the SABC are adequately addressed. As MMA, we are of the view that the effectiveness of editorial policies is only as good as the financial management of the institution.

MMA would also like to reiterate and fully endorse submission made by SOS: Support Public Broadcasting Coalition's submission on the SABC Editorial Policies.

MMA realises that editorial policies that reinforce the importance of digital and online media are essential in order for the public broadcaster to remain relevant and a public institution that leads the way in digital media. Therefore, MMA would also like to endorse the submission made by SABC's Digital News division.

MMA's written submission is divided into broad categories but will also first briefly discuss online/digital media recommendations. MMA will also re-emphasise various elements of both endorsed submissions in relevant sections. The three categories MMA would like to draw on include:

1.1 Good Governance: MMA is of the view that the three principles of accountability, transparency and independence are all fundamental to the effective functioning of any public broadcaster. We believe the lack of reporting mechanisms and clear policies on editorial decisions have increased the level of unaccountability. MMA therefore recommends possible solutions including a transparent complaints procedure, effective implementation of an upward referral policy as well as proposes the creation of both a public editor and an editorial advisory committee. MMA also wishes to submit that adherence to the editorial policies should be a part of every SABC employee's contractual obligations and thus accountability is ensured through contractual obligations.

1.2 Programming: MMA believes that SABC programming has been failing to adhere to the mandate of Broadcasting Act which states that the SABC should show South Africa in all its diversity. SABC TV stations have been battling to retain audiences mainly due to poor programming and the repeating of old programmes. MMA is also concerned about the low number and type of programs available for children. With this, we fully endorse a submission compiled on behalf of children (attached separately) by Media Monitoring Africa. In addition, over the years there have been multiple editorial decisions that have not been in line with the mandate of the SABC, such as the questioning of positive vs negative news as well as the banning violent protest imagery. MMA believes that if good editorial

policies are in place, and are adequately adhered to, there would be no need to implement further 'questionable' editorial changes.

1.3 Threats to journalists: According to the editorial policies, SABC staff should not allow their professional judgement to be influenced by pressures from political, commercial or other sectional interests. This specific editorial code makes reference to the way in which the SABC should be reporting the news. MMA is concerned that a long-term culture of intimidation has been established and that journalists have been victimised for reporting factually. One chilling aspect of the Motsoeneng regime was ongoing journalist intimidation that later led to the formation of the SABC 8, who were a group of journalists who were illegally fired from SABC after refusing to abide by a policy to not show images of violent protests. MMA calls for the end of the culture of intimidation to reporters and further call to adhere to the best ethical principle of journalism when reporting on children.

2. About Media Monitoring Africa

MMA is a non-profit organisation that promotes democracy and a culture where media and the powerful respect human rights and encourage a just and fair society. MMA acts in a watchdog role to promote ethical and fair journalism that supports human rights.

MMA's vision is a just and fair society empowered by a free, responsible and quality media. Through a human rights-based approach, MMA aims to promote the development of:

- Media that is transparent, diverse, ethical and accountable to its audiences;
- Critical and constructive communications by the powerful; and
- Informed, engaged and connected citizenry.

MMA aims to contribute to this vision by being the premier media watchdog in Africa to promote a free, fair, ethical and critical media culture. MMA has over 20 years' experience in media monitoring and direct engagement with media, civil society organisations and citizens. MMA is the only independent organisation that analyses and engages with media according to this framework. In all of its projects, it seeks to demonstrate leadership, creativity and progressive approaches to meet the changing needs of the media environment.

MMA's Policy and Quality Unit focuses on issues around media policy, regulation and quality journalism. In the last 24 years we have conducted over 200 different media monitoring projects – all of which relate to key human rights issues, and at the same time to issues of media quality. In this time MMA has also been one of the few civil society organisations that has consistently sought to deepen democracy and hold media accountable through engagement in policy and law making processes. MMA has made submissions to the DJCD on matters relating to Public Broadcasting, as well as numerous presentations to Parliaments Portfolio Committee on Communication as well as the National Council of Provinces. In addition, MMA has made submissions to Broadcasters, the Press Council, the South African Human Rights Commission and the Independent Communications Authority of South Africa (ICASA). MMA also actively seeks to encourage ordinary citizens to engage in the process of holding media accountable through the various means available – all of which can be found on MMA's website (www.mediamonitoringafrica.org).

MMA welcomes the fact that steps have been taken to ensure that there is broad public consultation process with respect to the editorial review process this time around. MMA is of the view that it is essential that people feel a sense of ownership, not only of the Editorial Policies themselves but also more broadly of the SABC. Accordingly, we call on the SABC to host national public consultations to help establish the mandate of the SABC as these are not clear to the public. This will ensure that it is not only the editorial policies that are widely disseminated for public comment. This process is vital as it improves the SABC's accountability to the public who now understand and have helped develop the SABC's mandate of the SABC, who have taken ownership of their SABC and who are equipped to keep SABC answerable in serving their interests. To meet its mandate, it is equally important that the Editorial Policies of the SABC promote diversity and quality of content.

3. What we like about the current policies

Although MMA will be focusing this submission on recommendations for the Editorial Policies, there are various sections of the current policies that we think are worth noting as being good policies. The following sections are to be commended:

Programming Policy:

- Audience Advisories (pg.8)
- Discrimination and Stereotypes (pg.11)

- Race (pg. 12)
- Gender (pg.12)
- SABC's policy on violence (pg.13)
- Privacy and Dignity (pg.13)
- Intrusion into Grief; Coverage of Suffering and Distress (pg.13)

Editorial policies are a crucial element for asserting great values for a new society and loosening the chains of the past. Editorial policies can help assert common understanding among different people and in reconciling identities. In our view, the above section of the editorial policies conforms to the values of Ubuntu in society and reinforce the principles outlined in the Constitution with its demands for respect for human rights and dignity.

The historical legacy and the ongoing tensions and conflicts within South African societies and the racialised and ethnic identities imposed by the oppressive colonial regime still have a serious impact of society today. Gender Based Violence (GBV) have had detrimental implications for South Africa and we are of the view that the policies that focus on women need to be retained.

MMA is also of the view that certain sections of the editorial policies on programming including Privacy and Dignity (pg.13) and Intrusion into Grief, and Coverage of Suffering and Distress (pg.13) should be moved to News and Current Affairs. This should be made a special compliance clause so that public broadcaster can claim it in place of restoring values and Ubuntu in society. However, we believe that as is essential that these editorial policies are in News and Current Affairs.

4. Recommendations

Bearing in mind the many parts of the 2004 SABC Editorial Policies that are in line with international best practice, sections therein should be immediately amended to ensure that the SABC continues to fulfil its mandate as a public broadcaster. It is critical to note that the 2004 editorial policies under review did not make any reference to SABC digital and online media offering. However, it is safe to say that in 2004 digital and online media were not central elements of the media environment at the time nor was there a focus of how technology would impact how we consume media. The ever-changing landscape of the media, with the increasing use of

the internet and mobile devices, means that many people are accessing media content via the internet. It is essential that this is taken into consideration at all levels.

In this regard, the public broadcaster activities are mainly on their YouTube channel which is mostly used to livestream important events, for example parliament and courts proceeding of public. The SABC online strategy needs to be well formulated to improve their online presence to include among other things, SABC's presence on social networks, increasing online access of their archives including public and educational content for children. The SABC should also consider developing apps for all SABC platforms to enhance their level of public engagement.

4.1 Online/Digital Media

MMA is of the view that the time now presents the perfect opportunity to address some of the tough question about the future role of the public broadcaster in the digital era. The answer to these questions will determine the future of the SABC going forward, given that the public broadcaster must be able to adapt to changing consumer demand while continuing to serve its public mandate with diverse and fresh local content.

4.1.1 MMA Recommendations on Online platform:

- That SABC evaluates its current state of availability in all social media platform to identify areas of strength and challenge, and implements strategies to improve their presence.
- That user-generated content become a policy itself so that SABC offers a plurality of views as well as a variety of news and analysis by the members of the public.
- That editorial policies should infuse common issues from BCCSA and Press Code to ensure consistent in editorial treatment of issues across all SABC platform. **(See page 4 SABC Digital News submission – Annexure One)**

MMA would therefore also like to endorse the whole submission on online platform from SABC Digital News (2017) **(SABC Editorial Policies: online platforms – also attached as Annexure One.)**

4.2 Principles to Ensure Good Governance

The three principles of accountability, transparency and independence are all fundamental to the effective functioning of any public broadcaster. As such, measures to ensure the implementation of these three criteria is critical to this process. MMA therefore outlines below, in more detail, how this can be effectively achieved.

4.2.1. Accountability

As noted earlier, there are various elements of the policies that are very positive and in line with best practice both locally and internationally. MMA would like to highlight the issue of accountability. While the clauses are good, there is very little, if any, guidance on how breaches of the editorial policies will be dealt with. Page 17 of the Policy states that complaints about the contravention of the SABC's Editorial Policies must be referred to the Policy and Regulatory Affairs Department or to the Manager: Broadcasting Compliance without delay.

This section does not stipulate what "without delay means", or what form this complaint should take, how it will be adjudicated, who will be held accountable for such breaches, what process will be followed or whether there is a review process. It is critical that this weakness is clearly and comprehensively addressed.

4.2.1.1. *Recommendation on Transparent Complaints Procedure:*

Further where a breach of the Policies does occur it is essential that it is addressed in a fair and transparent manner - similar in many respects possibly to existing self-regulatory methods where complaints are heard in a public forum and decisions and processes are transparent and available to the public. The advantage of such a system is that it will help build public trust in the system and in the effectiveness of the policies. It will also help ensure that decisions are open for public scrutiny which will also assist in ensuring less potential for undue interference. MMA submits that such a process should be set up and administered by an SABC public editor and the ruling should be made available in an online format similar to that used by the BCCSA and the Press Council.

While effective and transparent methods of accountability must be strongly and clearly incorporated, it is critical that they work in such a manner that they promote responsible risk taking, and that efforts to be ethical and tell important stories are developed and incentivised

instead of them being shut down. In this regard, consideration should also be given to formally including the concept of “green light ethics” in the editorial policies. See: <http://www.poynter.org/uncategorized/58912/red-light-green-light-a-plea-for-balance-in-media-ethics/>

4.2.1.2. Effective implementation of the Upward Referral Policy

A further concern regarding the current editorial policies is the concept of upward referral. As it is currently practiced, there are contradictions with regard to editorial power and editorial independence. MMA, in the article *100% Unhappy with Editorial Interference* makes reference to an example where the issue of upward referral is highlighted, and in this case, questions the responsibility of any of the executive to make editorial decisions. As stated in the article: “There is NO mention of the role of this executive in the SABC editorial policies. Indeed, the roles of heads of news are clearly stated. The concept of upward referral is included, for those occasions where a decision is passed upward in order to address especially challenging dilemmas”. The policies do not spell out how control by the GCEO-cum editor-in-chief would work in practice and the impression created is that the GCEO will have full and final editorial power.

Linked to the above, MMA is of the view that it is not suitable for editorial review plans to be submitted to the Minister of Communications, as it was done in the 2013/14 process. It should be the role of the SABC’s board to keep political interference at bay, not to invite them into editorial decisions and matters of the SABC.

MMA would also like to support the following statements made by the SOS Coalition (2017) in their submission to the SABC:

“8.2 The Coalition notes the perspective that it is not appropriate for the GCEO to play this role because s/he is involved in the business and sustainability of the Corporation, and that this could have an adverse effect on the editorial policies of the SABC. One of the suggestions thus put forward was that the appropriate person to play the role of editor-in-chief was the head of news. The argument against this, however, is that the SABC’s editorial policies do not include only news and current affairs programming but also other programming including drama, soapies, sport etc. Given this issue the Coalition believes that a new group executive position should be created, that of an

editor-in chief, to oversee the editorial direction and policies of the SABC. The role of this position must be clearly defined.”

“8.3 The Coalition believes strongly that the role of Group Chief Operating Officer (GCOO) should be clearly defined in terms of its emphasis on operations. The GCOO should thus play no role in editorial decisions. The Coalition notes that structures put in place under Mr Motsoeneng to ensure that editorial decisions are made by the GCOO must be immediately disbanded.”

“8.4 The Coalition notes the controversies around the SABC’s editorial policy of “upward referral”. Present editorial policies state that individual producers and commissioning editors have editorial control but that, if difficulties arise, they should “consult” their direct supervisor. This process of upward referral can extend as far as the GCEO. The Coalition notes serious problems with these policies given the fact that the GCEO is effectively (through the SABC’s Articles of Association) appointed by the Minister of Communications. This undermines the independence of the SABC. The Coalition believes – although this is not a matter for the editorial policies – that the Articles of Association should be amended to ensure that the Minister has no role to play in the appointment of SABC executives; this should be the sole prerogative of the SABC Board. In light of the present arrangement the Coalition’s suggestion for a new editorial post to be created is all the more critical.”

4.2.1.3. MMA Recommendations on Upward Referral Policy:

Instead of the existing policy of upward referral, which is currently not regulated nor is it operating effectively, MMA submits that an SABC Public Editor post as well as a high-level Advisory Council should be created to aid in decision-making processes. These two new groups will help the SABC become more accessible and accountable to its audience members and staff, and, thus, ultimately contribute to building its credibility. Crucially having a Public Editor will improve the quality of news reporting by monitoring accuracy, fairness and balance, while the Advisory Panel will provide independent input and advice to the editor-in-chief, as and when challenging editorial decisions arise.

It is critical that editorial decision-making is independent of all sectional, political, commercial and personal interests. It is therefore NOT appropriate for the CEO or COO to play this role.

They are compromised due to the fact that the Minister has a say in their appointments and further that their job descriptions dictate that they are involved in commercial activities and sustainability issues and are therefore not free to only consider the public interest.

Importantly, we are of the opinion that an editor-in-chief position at the Board level is not appropriate as it would simply create another post at senior management level that is detached from the journalism and editorial work on the ground.

MMA's proposal for editorial decision making:

- 1)** Editorial decision-making needs to rest as far as possible with programme heads and commissioning editors, and they need to be trained and empowered to actively play these roles. This means that the editor-in-chief for news and current affairs should be the Head of News. Editorial decisions for all other programming should rest with the station and channel heads.

- 2)** MMA propose a group executive position for the Editor in chief should be created and be filled through a public nomination process where all South Africans of good standing and possesses the required experience for job stand a chance to be appointed for the position. The nominations should be transparent with where all CV's of candidates can be accessed by the public on the SABC website. The responsibility of the editor in chiefs should be to oversee the editorial direction and policies of the SABC. The role of this position must be clearly defined.

- 3)** The creation of an SABC Public Editor should be along the following lines:
 - appointed by and accountable to the Board.
 - S/he should not be part of the day-to-day editorial decision making at the SABC.
 - His/her role is rather to adjudicate on editorial disputes and problems and to ensure programming compliance with SABC licence conditions, editorial policies, the SABC Charter and the BCCSA Code.
 - Further, his/her role is to open up channels of communication between the SABC and its audiences. In line with this, the post of Public Editor needs to be

widely publicised in order for the public to know exactly what the role and responsibilities s/he will have.

- The public editor should consult extensively with the editorial staff at the SABC. S/he should draft an annual report for the Board and for the public, to be published on the SABC website on editorial directions, trends and challenges with clear recommendations as to ways forward.

4) The creation of an Advisory Council for the editor-in-chief should be as follows:

- This Council is created so that when it comes to challenging and controversial editorial decisions, the editor-in-chief has access to a diversity of opinions from independent well-established professional editors and journalists who can offer advice before the critical decision is made. It must be stated, however, that the suggestions from the Council are not binding and the decision ultimately still rests in the hands of the editor-in-chief. Any potential backlash from that decision therefore also falls on the editor-in-chief.
- The role of the advisory council is therefore to advise the editor-in-chief when the need arises. This will be to include provide unbiased insights and ideas from a third point-of-view (as they are not involved in the day-to-day running of the newsroom) and act as a resource for editor-in-chief.
 - The Council consists of three highly qualified media practitioners (journalists, editors etc.) who each have extensive experience in the broadcasting sector for Television and/or Radio.
 - One member of the advisory council must come from the SABC board sub-committee of News and Current Affairs while the other two are external to the SABC, but still from the wider broadcasting sector.
 - The advisory council should be appointed by the well-functioning board.
 - The appointment should be made through a clear and transparent public process.

4.3 Transparency

The second key principle, that goes hand-in-hand with accountability, is the concept of transparency. While the Editorial Policies are available, they are not prominently located, nor is

there a simplified version easily available on the SABC's different platforms. Further there is little evidence to suggest that they are widely known or distributed within the SABC itself. It is crucial that if they are to be successful and to help the SABC not only meet its mandate but also to ensure that the higher standards of reporting are undertaken, that the policies are widely disseminated. It is also crucial that accountability mechanisms are widely publicized as this will assist not only in effective implementation but also with building public trust in the system.

One of the negative consequences of the lack of accountability systems in place has been a concomitant absence of transparency. This has been seen not only in how news decisions are made but also in what action, if any, has been taken where there have been clear breaches of the code. Such acts contribute to negative stereotypes and rumours of interference at the broadcaster and these serve to also undermine public trust and credibility of the institution.

From this, it is crucial that the editorial policies formally address and encourage transparency across the SABC from decision-making in News and Current Affairs through to scheduling.

MMA submits that issues of transparency around the SABC TV schedules needs to be a priority. We have attempted on multiple occasions to examine the schedules, and it remains unclear what is repeated and what is not. There is also inconsistency between schedules published on the SABC website, and the schedules published in print media. The issue of repeated programming also needs to be addressed within the editorial policies.

MMA has noted that some programmes are repeated twice in a day, for example the South African Sports Awards broadcast on SABC 1. MMA calls for public reporting by the Public Editor.

4.3.1. MMA Recommendation to ensure transparency:

It is recommended that simplified versions of the new policy are widely disseminated. It is also recommended that posters detailing an easy-to-understand summary of the policies are distributed. Training courses on the implementation of these new policies could also be conducted in order for staff to accurately understand these policies.

4.4 Independence

Editorial independence is an imperative that pulls a public service broadcaster away from external interests such as commercial and governmental institutions. The Broadcasting Act (1999) stipulates that the SABC executive management and board are responsible of the operations and governance of the SABC, with the Parliamentary Committee of Communications playing an oversight role. The roles of the different stakeholders should be respected where there is no interference from one another. SABC management should be left to run the show in the interest of the public and audiences without pressure from commercial interests. With this, the Minister(s) should not have ANY role, directly or indirectly, in editorial decisions and thereby ensure that the editorial independence of the broadcaster is not compromised. We reiterate that need for a Public Editor in order to ensure that the SABC serves the public's interest. It should also be emphasised that SABC board members are accountable to the public rather than the government, through the representatives of parliament.

4.4.1 Enforceability of code of conduct

MMA is of the view that SABC code of practice serves to clarify the Association's mandate, values, and principles that the public broadcaster needs to honor at all time. The importance of enforcing the code of practice by SABC employee can no longer be ignored given the recent leadership crisis and the shenanigan by some staff members.

Enforcement and accountability mechanisms are important for effective performance in the SABC because staff will need to show the public that they are implementing the editorial policies as they are outlined. There will be transparent accountability while using the resources provided. MMA would like to reiterate that adherence to the editorial policies should be a contractual obligation for every SABC employee.

4.5. Programming

4.5.1 Local Content

A key element of the SABC's mandate is also to encourage, support and advance the development and distribution of locally developed content. Not only is this critical to capacity

building in the sector, but it also allows for the diversity of groups in South Africa to have their voices, views and experiences shared with the nation. Offering a plurality of views as well as a variety of news and analysis also form part of the requirements set out in various sets of related legislation and commitments, including the Broadcasting Act and ICASA licence conditions.

In order to achieve these conditions, an amendment to the current policies that looks at the inclusion of user-generated content in programming and news inserts should be considered. Social media platforms, such as Twitter and FaceBook, have become powerful and important communications tools, both in terms of gathering information as well as disseminating it. MMA believes that it is critical for the SABC to explore strategies that could potentially enhance the use and value of user-generated content and promote community reporting.

Importantly, too, though is that when the SABC is using social media as an information gathering and dissemination, it must apply the same standards as those for any other source of newsgathering.

MMA would also like to highlight the following from the SOS Coalition's (2017) submission, and would like to reiterate the points and fully endorse the following sections:

7.4.1 "The Coalition calls on the SABC to rather ensure a much stronger "public-emphasis" by ensuring more "user generated content" and content focusing on user / public / audience perspectives."

7.4.2 "In terms of a user-generated content - the Coalition notes that the Thai public broadcaster, for instance, has pursued user-generated content with much success in its news broadcasts. All news broadcasts include an insert generated by members of the public themselves. Users are given training and an annual award is given to the best user insert."

7.4.3 "In terms of a public / audience focus – the Coalition believes that the SABC should generate - in partnership with civil society, social movements, labour and business organisations - new lists of alternative sources to be used in addition to their present sources. The Coalition believes that the role of the SABC as our public broadcaster is to ensure a greater diversity of views particularly from individuals and groupings that are presently marginalised in the media, including the unemployed, the youth, children, the elderly, the rural poor, LBGTIAQ groupings and so forth."

7.4.4 "The SABC should explore options of ensuring more user-generated content is broadcast."

7.4.5 “The editorial policies should focus on the importance of this “public”, “audience driven”, “citizen-orientated” content perspective.”

4.5.2 Programming for Children

First and foremost, MMA fully endorses the submission made on behalf of children about the SABC editorial policies. In South Africa there is an ever increasing number of children who are consuming audio-visual content through a variety of devices and platforms, including smartphones. While we must bear this in mind, the South African landscape also means that many children only access news and information through what is broadcast on their televisions at home. With this, SABC remains one of the most popular across all age ranges of children of South Africa and it is therefore critical that their views and opinions on the types of programmes available to them are heard and incorporated in this public consultation process.

Therefore, there remains a strong case for children’s public broadcasting service that informs, entertains and educates on all platforms that children use in their languages and the need for local content for this group. Our recommendations follow three workshops held with children in September 2017 to gauge their opinions and ideas about the state of the SABC in terms of its children’s programming. To reiterate, we fully endorse the ideas and views proposed by children outlined in their submission.

4.5.2.1. MMA Recommends the following Policy for Children’s programming:

- We recommend that the SABC come up with an inclusive language policy on children programmes, than the one which is based on the assumption that one language has sufficient reach to be an adequate medium of communication of all children across the country.
- We further recommend that SABC come up with a comprehensive strategy for programmes that can stimulate children’s curiosity about science, news or information or the arts.

4.5.3 News Reporting

MMA believes that it is critical that SABC is the leader in thinking which challenges the status quo and which 'rocks the boat'. It is also fundamental that the SABC moves away from being scared of this concept of "rocking the boat" and instead strives to be the leader of the standard for excellence in news and reporting in South Africa. The SABC, in its current editorial policies, state that, "the Code of Conduct for Broadcasters also requires the SABC to report news truthfully, accurately and objectively. In this regard, SABC staff may not allow their professional judgement to be influenced by pressures from political, commercial or other sectional interests". This specific editorial code makes reference to the way in which the SABC should be reporting news.

Importantly instances of intimidation as highlighted in previous sections of this submission highlight the institutionalized culture of self-censorship brings into question the credibility of the SABC and ultimately undermines its role in a democratic South Africa. Editorial policies need to promote best practice and responsible risk taking. SABC needs to stop focusing on how not to report, but rather on what can be done?

MMA continuously monitors the quality and diversity of SABC news, both during random periods, and during specific periods, such as the elections broadcast period.

MMA made both written and oral submission to the Parliament Portfolio Committee for Communication on the media coverage of the 2016 Local government by the SABC, <http://elections.mediamonitoringafrika.org/2016/southafrica/> . One of the most distressing findings was the systematic bias that was revealed in some SABC programme in the lead up to the elections. In one news programme (17:30 news bulletin), one in three stories on average was identified as biased. Of all biased stories, 84% identified favoured the ANC. This proves that the public broadcaster failed to meet their public service mandate & threatened our democracy. The SABC has clearly failed in its basic duty of balanced and fair reporting. The programmes in question have also served to undermine the mandate of the SABC and its credibility.

South Africa as a nation has challenges far too great to not have the kind of thinking which challenges general perceptions and causes citizens to question the status quo. MMA believes that kind of reporting has no place in today's democratic South Africa. This requires reporters

to be brave and to take responsible risks, and know that they have the full support of the editor in doing so.

4.5.4 Reporting on Children

The Editorial Policies as they currently stand only deal with children in the context of programming for children and not children as a class who deserves special protection - as afforded to them under Section 28(2) of the Constitution of the Republic of South Africa, which states:

“A child's best interests are of paramount importance in every matter concerning the child¹.”

A child is a person who is under the age of eighteen years old.²

The Policies need to ensure that the SABC takes steps to: -

- Guard against any practice that may exploit or violate the rights of any child;
- Encourage reporting on a diversity of matters involving children;
- Understand that children, taking into consideration their age, maturity and stage of development, are capable of participating in decisions that affect them and that views expressed by children must be given due consideration³;
- Play a positive role in portraying children and their rights, and therefore support better attitudes and opinions about children and their rights.

MMA Recommends the following Editorial Policy for Children:

- Always respect the best interests of the individual child, even when trying to tell people about harm to children in general or another children's issue or promote children's rights.
- Always respect children's dignity and well-being.
- When interviewing and photographing children, respect their privacy and confidentiality and make sure to protect them from harm and potential consequences.

¹ The Constitution of the Republic of South Africa Section has been utilised as it expands on the “best interest of the child” principle encompassed in both the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

² Children's Act 38 of 2005, Section 17 defines the age of majority as 18 years old.

³ Children's Act 38 Of 2005: Section 10: Child Participation.

- Children have a right to have their views heard on matters that affect them.
- When writing a story on children ask those who know or work with them, or are experts on the issue, about the potential consequences of telling their story.
- Always hide a child's identity where the child might be at risk.
- Children involved in legal proceedings need even more protection, and are at greater risk so make sure to always protect their identity.
- Before naming or showing the identity of a child, make sure you are allowed to do so by law, that you have informed consent from both the child and caregiver and that you still protect them from potential harm.
- Make sure to protect a child's HIV status. If in doubt leave it out.
- Challenge negative stereotypes about children and conventional roles children occupy in the media whenever you can.
- Treat girls and boys the same in your stories, with equal care, dignity and respect.
- When doing a story on a vulnerable child make sure to be extra careful.
- Do not portray children in a sexual manner.
- Do not make promises you cannot keep and don't bribe children for your story.

4.6 Threat to Journalists

Linked to the three principles of good governance highlighted above is the fundamental need to protect journalists from any and all interference, both direct and indirect, in the carrying out of their work. Where journalists and editors are targeted by nefarious forces, they are at risk of not fully performing their craft and not adequately carrying out their responsibilities in an independent, ethical and unbiased way. A key example of this type of pressure was seen in the firing and ongoing intimidation of SABC journalists, who became known as SABC8, as they were openly outspoken against Mr Motsoeneng's directive to stop showing footage of violent protests in the lead-up to 2016 Municipal Elections. Although the dismissal of all 8 journalists was legally challenged in court and 7 of the 8 were immediately reinstated, ongoing threats and coercion against these journalists are well-known and continue.

The SABC as the public broadcaster, with all the resources at its disposal, must be a leader of innovation in programming, journalism and technology. However, in order to get to that position, it must ensure that its staff are independent and free to report on any and all issues.

MMA would therefore also like to further endorse the submission on from The SOS Coalition (2017) which speaks to the protection of journalists:

- 1.1 “Journalists must be protected from political, commercial and other interests so that they can play their key information gathering and dissemination roles in the interests of citizens and audiences”.
- 1.2 “The Coalition is deeply concerned that a culture of secrecy and censorship has tightened its grip at the SABC. This culture of secrecy must be fought and dismantled. Journalists in the SABC have been subject to serious intimidation and death threats. A journalist lost her life to Cardiac Myopathy that was due to the severity of the intimidation she experienced for speaking out and resisting the culture of censorship at the SABC.”
- 1.3 “To begin to reverse this culture of secrecy, fear and censorship we believe that a multi-stakeholder summit should be urgently convened including SABC journalists; senior editorial staff and leadership; ICASA councillors and relevant staff; Members of Parliament; civil society, labour and business stakeholders; and journalists from international public broadcasters. This should be held before the beginning of 2019 (i.e. before the general elections and perhaps within the first six months of the new SABC board’s term). The summit should be action and recommendation focused.”
- 1.4 “The editorial policies, specifically, need to be updated to include a clear set of policies in the SABC that ensures the protection of journalists. These policies need to be overseen and implemented by the editor-in-chief. Further, journalists should be encouraged to create their own editorial forum to ensure further collegial support.”

5 Conclusion

MMA respectfully recognises that the issues at the SABC cannot be addressed by high-quality policies, which are in line with best practice, alone. The public broadcaster will require a holistic intervention to address all the challenges facing SABC, including the following:

- MMA calls upon Parliament to ensure that Government, particularly the Minister of Communications as a stakeholder, does not exert an undue influence in the day-to-day running and appointing of the executive of the SABC.
- MMA calls for a comprehensive review process to develop lasting and in-depth solutions to the SABC funding model. There is a need for a new mixed revenue model that will

ensure more public funding as well as a new Independent Producers regime to enable a sustainable and thriving independent production sector and new funding stream for fresh local content.

- MMA reiterates the need for a comprehensive, transparent process to ensure the appointment of good executive leadership where such leaders have a solid knowledge of the broadcasting sector and where they are not susceptible to internal or external political, commercial or personal interests.
- MMA calls upon SABC to lobby Parliament to institute legislative processes that no longer lists the SABC as a national key point, taking into account that this strategy was formulated to protect the public broadcaster from external inquiry during Apartheid.
- MMA reiterates that only the non-executive members of the Board should be responsible for the appointment of the three executives of the SABC (i.e. GCEO, GCOO and GCFO). This appointment should be done in a transparent manner with due public process and specifically without the interference of any political and/or government-affiliated groups or members, including the Minister of Communications.

Media Monitoring Africa believes that what is necessary to change the direction of the SABC are real methods of accountability and transparency. This means not just holding people accountable internally but also for the SABC to be accountable directly to its audiences. Therefore, we call for less accountability to the shareholder and more accountability to the public.

Media Monitoring Africa would like to thank the SABC once again for the opportunity to make this submission, and hereby requests, that if there are any further public hearings that MMA is allocated time for another oral presentation to expand further on the importance of this submission.

Please do not hesitate to contact me at the numbers below should there be any queries over our submission, or if we can be of assistance in developing any of the recommendations further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W Bird', written over a horizontal line that curves upwards at the right end.

William Bird
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