

Press Freedom Commission Presentation: SA Print Media Regulation Matters of Quality and Ethics?

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About Media Monitoring Africa (MMA)

Formerly the Media Monitoring Project (MMP)

□ Vision:

A responsible media that enables an informed and engaged citizenry in Africa and across the world.

Promoting Human Rights and Democracy through the media since 1993

About MMA (cont.)

- Work to build ethical, quality media and promote media freedom;

- Conducted over 120 media monitoring projects:
 - Race and xenophobia (SAHRC, CSV),
 - Elections (all democratic ones);
 - Gender (GMMP, MME:G);
 - Children (ECM);
 - HIV (WITS, MAP), and more

MMA & SUBMISSIONS

- Impact media policy, submissions:
- Courts
 - Constitutional Court Divorce Media Amicus;
 - High Court, media access Terreblanche trial;
- IBA and ICASA
 - Broadcasters Code of Conduct;
 - SABC Licence Conditions;
 - Elections report;
 - Disability code of conduct, and more!
 - Individual media, SABC Editorial Policies;
 - Press Council Review;
- Parliamentary Committees;
 - Broadcasting Bills;
 - Advertising & Transformation Hearings;
 - Indaba on Media Transformation

MMA Bias and Assumptions

- MMA work has a Human Rights Bias;
- We LOVE our Constitution – so much we organising celebration of it;
- Print and broadcast media and Government intend to do good;
- Public and Citizen participation essential for democracy;

The State of Our Press Council

- We are all here because of the criticism leveled against the self regulatory system of our Print Media.
- MMA supports more independent self regulation.
- MMA is of the view that although the current system of self-regulation is in principle appropriate, it can still be improved and strengthened in a variety of aspects.
- We also think that the debate around the role of the Press Council, its functions and Constitution is a robust one.

Our Key Submissions:

- To tackle which regulatory system which will best suit South African Print Media

- MMA did an exercise that tabled each system against the highest principles set by our democracy and constitution

- These principles are:
 - Freedom of Expression;
 - Accessibility;
 - Efficiency;
 - Fairness and Independence;
 - Proportionality and minimisation of Harm and
 - Development of Journalism

Our Key Submissions:

- ❑ These are some of the conclusions we reached during our exercise:
 - ❑ **Independent Regulation:** This ideally would work, where the regulation is free from both government and the media. However a question arises; how independent is independent? Who will make sure that this structure is independent and how?
 - ❑ **Co-Regulation:** Under perfect circumstances the media and government can hold each other accountable however this is never the case. There is always the possibility of imbalance of power. Hence making this type of regulation not practical
 - ❑ **Statutory Regulation:** The biggest threat of this model is the enormous likelihood of state interference. This model poses a threat to the freedom of expression and the diversity of views
 - ❑ **Self Regulation:** MMA supports self regulation. This is not to suggest that it is perfect or the best but it is by far the most efficient. International best Media practice operate on a self regulatory system. Evidence for this systems efficiency over other forms is overwhelming.

Our Key Submissions:

Press Council Review: (Many detailed issues but) for there are four key issues that according to MMA will ensure a more independent, credible, effective functioning press council.

1. Knowledge and awareness of the system;

- Needs to be national – knowledge will promote greater use;
- also need to take into account new social media trends allowing for corrections sooner etc;

2. Informal, speedy cost effective and transparent;

3. Press Code:

- Children's section – can still be improved;

4. Crucial Area: Independence...

Our Key Submissions:

Creating an arms-length relationship – creating meaningful independence;

- ❑ Need more independent appointment process and procedure. Public process and transparency are minimal in current process . Central to credibility and independence: openness and transparency. Crucial Press Council has greater credibility in terms of perception and operation - must adhere to the same standards.
- ❑ Follow the money: Ombudsman needs to have some level of control of budget beyond preparing a reasonable budget that is covered by the PCSA. Also no idea where finances currently come from, who pays what etc. This is problematic for openness and transparency

Fix these and we will have a world class system!!

Its really a question of Quality & Ethics

- ❑ Some may view debate as threat to democracy and freedom of expression, there is also strong view that it has helped improve our system – this is also valid;
- ❑ While debate is important the target and emphasis on Press Ombudsman system is unfortunate and places the cart before the horse;
- ❑ Complaints system is there to address harm caused. It is retrospective action, like most laws. But like most laws, ideal is to prevent violation. We have various systems to ensure law abiding citizens, culture of human rights etc;
- ❑ Current critique seeks to fix the complaints system, when it is too late. The solution to crime in South Africa is not only about how many prisons we have but about preventing people from committing crime to begin with.
- ❑ It is the same with media in addressing legitimate concerns. Why do we want to start when it is too late?

Quality & Ethics of South African Print Media

- MMA encourages the strengthening of the press Council and press Code
- However MMA is also aware that the biggest problem highlighted by the critics of self regulation in South Africa is not self regulation itself but the quality and ethical practice of content print media produces.
- The criticism is centered around unethical journalism, bias coverage, capitalism (profit overlooks public interest) and lack of citizens voices.
- Some of these allegations are true.
- We agree a lot needs to be done to improve quality and ethical reporting.
- Will other forms of regulation improve quality and ethical practice? Will state regulation or co regulation improve quality and ethical practice?
- We have seen African countries such as Zimbabwe where print media operates under state regulation, journalists are tortured and quality of stories is nothing desirable
- We think it is better to inform someone rather than offending no one
- We think the questions that need to be asked in SA are, is the media the only industry/institution getting it wrong? For every ill in society can we really blame the media?**

Case Study: Quality

Over 50 arrested for Free State protest violence

Friday 13 January 2012 06:43

Palesa Matshane.



The community vandalised the local municipal offices in Clarens.(SABC)

More than 50 people have been arrested for public violence and malicious damage to property following violent protests at Clarens, in the eastern Free State.

Case Study (Cont.): Ethical practice

MADODA FINDS LOVE!  SEE PAGE 5
 PRICE: R2,50 nationwide •• FORWARD WITH THE PEOPLE! Thursday 26 January 2012

The moment horror hit two innocent kids!

BURNED BY LIVE CABLE!



ONE MOMENT these two kids were playing together in an open trench, laughing happily. The next, their laughter turned to screams as a mighty blast from a live electric cable ripped off their clothing and burned the skin from their bodies.

THE SHOCKED AND DAZED KIDS CAN BE SEEN IN THIS HORRIFYING PICTURE - TAKEN MOMENTS AFTER THE BLAST.

Yesterday Thabo Mchunane (11) and Kichavo Chauke (10) from Mayibane, Tzaneen, outside Johannesburg, were fighting for their lives in Tzaneen Hospital. And angry residents were demanding

to know who was to blame for the terrible accident which happened on Monday.

Marvin Leroux (26) said he was sitting on a corner of Theresa Street opposite 24 when Thabo and Kichavo were jumping to get out of the trench.

"The next thing I just saw one of them flying out the hole screaming," said Marvin.

"I was so shocked I called my friend and we rushed to the trench because the other one was still inside."

"He was still holding the cable and we had to use a pole to pull him out."

Thabo's distraught mother, Ntshay Maitsoke (27), told Daily Sun it didn't

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COPS BUST LIMPOPO HIT SQUAD! FULL STORY PAGE 2

FREE COMIC IN!  THIS WEEKEND!
 PRICE: R2,50 nationwide •• FORWARD WITH THE PEOPLE! Friday 27 January 2012

WHO LET THIS HAPPEN?

Bid to find out the truth of shocking cable blast!



TERribly INJURED: Eleven-year-old Thabo Mchunane (11) and Kichavo Chauke (10) in hospital yesterday. Thabo is still in intensive care but Kichavo is able to eat and speak after being shocked by a live live cable. *Photo by Richard Taylor*

DEMANDS were made yesterday to find out who was to blame for the live cable blast which badly injured two young boys.

Daily Sun published pictures of the boys moments after the blast, showing them shocked and dazed, with their clothing and skin burned off.

The boys - Thabo Mchunane (11) and Kichavo Chauke (10) - were playing in a trench dug at Theresa Street 19 km SA, Tembisa, outside Johannesburg, on Monday when they were hit by an electric flash from a live cable.

They are both being treated in Tembisa Hospital, where the full extent of their injuries were apparent yesterday.

Thabo is still gravely ill, breathing with difficulty from his hospital bed - with bandages covering severe burns over most of his body. Kichavo told Daily Sun he was at first reluctant to play in the trench.

"But me and my friend Thabo got inside and played."

"While we were playing I suddenly heard him screaming and he was getting shocked."

"I didn't know what to do, but then I was also hit by the electricity," said

CONTINUED ON PAGE 2

I heard a scream as Thabo was getting shocked. Then the electricity hit me too.

- Kichavo Chauke yesterday

DO SEX TEXTS MAKE YOU HORNY? SEE SUNDAY SUN!

Case Study (cont.)

- The examples are about marginalized people;
- They are clear examples where “the media” in terms of quality and ethical practice got it wrong...
- The question is: did the government in those two scenarios get it right? **NO**
- These citizens were failed by both media and government

- Quality example: citizens concerns ignored for a long time. They had approached the Municipality repeatedly seeking help but were ignored. Their only option was to protest...then they became newsworthy. Previously they fell under government & media radar.

- Ethical example: In this example two boys were hit by electricity cables...the pictures of this particular story are disturbing, they show these children in their most vulnerable. Did in this case the media consider the best interests of the children...Again how long have the cables been there...did the media or government bother before the boys got hurt...**NO**

- In most cases it is not only the media that get it wrong but the government does too;**
- Is the solution a new government? No but rather to fix what we have – same goes for media;**
- Quality and ethics, quality and ethics quality and ethics**

Conclusion

- ❑ The risks of other forms of regulation of print media may fundamentally undermine the quality and ethical practice of print media and the democracy of our country;
- ❑ As much as the debate around our Press Council and Press Code is important, there needs to be more debate on the overall quality and ethical practice of news in Print and Broadcast Media;
- ❑ We need to look at processes before print:
 - ❑ Tertiary education, some world renowned, so is it a disconnect or are we only seeing the few errors?
 - ❑ What is happening with social media? How can and does it play a role in improving?
- ❑ As we all agree the media tends to get it wrong sometimes but in most cases they get it right;
- ❑ Where we are now to where we were is chalk and cheese – no doubt huge improvement;

Conclusion

Value of print media:

- Former police commissioner corruption charges might not have surfaced if it was not for the committed investigative journalism by some of our print media;
- Unlawful tapping of phones in Mail & Guardian;
- Recent capture of a fugitive as a result of being recognized from one of the newspapers;
- Even in tough economic times some media houses have still set aside resources for investigative journalism to improve the quality of journalism; for example Mail and Guardian has a unit called Amabhungane that is now operated for non profit making but for investigative journalism;

Way Forward

- ❑ Propose further debate on ways to improve quality and ethics of reporting – including how complaints can be fed back into the system;
- ❑ Also encourage media owners, editors, journalists, government and civil society to meet and discuss quality and ethics, and concrete ways of improving them
- ❑ Government initiatives such as the National Electronic Media Institute of South Africa (NEMISA) and others should find other ways to encourage the improvement of the overall quality and ethics of reporting.
- ❑ Parliament and media should encourage joint annual indaba's focusing on the quality and ethics of news, that can be fed to media

We spend too much time on divisive and oppositional responses to valid concerns, or fear mongering.

We should spend more looking at improving quality and ethical practice – so the ombudsman has less work not more.

THANK YOU

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