# Submission on the Information Communication Technology Policy Green Paper

31 March 2014

## 1. About Media Monitoring Africa

Media Monitoring Africa (MMA) celebrates 21 years of media monitoring this year. MMA has developed from a pure monitoring based project to an organisation that implements successful media strategies for change, using the latest technologies, social media and data tools.

MMA has the following priority areas, each of which the organisation has developed significant experience in:

- Media Policy and Quality;
- Children and Media;
- Democracy and Governance;
- Gender and Media; and,
- Other media-related areas.

Through its Media Policy and Quality unit, MMA focuses on media policy, regulation and quality journalism thereby empowering the country's media landscape. MMA is one of the few civil society organisations that have been making rights based submissions to Parliament, Government, ICASA and other bodies since we became a democracy.

MMA's most comprehensive programme is around Children and Media. This is precisely because children are among the most vulnerable and marginalised in society, with rights that need to be promoted, respected, protected and facilitated.

Aside from the work around Children and Media, MMA contributes to Democracy and Governance through monitoring the media's coverage of all of South Africa's National and Provincial elections as well as Municipal elections.

Since gender is a critical issue not only in South Africa but also in other parts of the world, MMA focuses on gender-related issues in the media in order to inform discourses around the representation and interpretation of masculinity and femininity.

MMA also carries out other media-related research outside the remit of the areas mentioned above. Such research contributes to ethical and responsible media.

## 2. Introduction

Information and communication technologies (ICTs) are increasingly widespread in the world and are of growing importance to economic and social development. The international community has recognized the potential benefits of ICTs and encouraged governments to elaborate comprehensive, forward-looking and sustainable national ICT strategies as an integral part of their development plans and poverty reduction strategies. Many developing countries have already put in place one or several national ICT plans and others are in the process of doing so.

It is against this backdrop that Media Monitoring Africa (MMA) welcomes the call for submissions on the ICT Policy Green Paper by the Minister of Communications. MMA believes that in the same way a fire can only exist with three key elements (air, heat and fuel), for a democracy to thrive, it is essential that there is freedom of expression, and for freedom of expression to be realised there are three key elements which cannot be ignored.



These are:

- Access to information;
- Transparency in all respects in institutions, processes and people, and,
- Accountability mechanisms.

MMA also believes that South Africa and the African continent can learn from the mistakes made by countries that are further developed technologically and instead of making the same mistakes; we are therefore able to 'leapfrog' ahead and implement an ICT Policy that will not

only do justice to the values enshrined in our Constitution but also that we are able to take a lead on ICT on the continent and the global stage.

MMA also urges the Minister and the panel that the ICT Policy Review process moves swiftly ahead and is as open, inclusive and participatory as possible. Further, MMA would like to ensure that the issues of broadcasting and net neutrality are dealt with at length and are not sidelined. MMA agrees that the right to freedom of expression is an essential right which should be promoted to the maximum extent possible given its critical role in a democracy and public participation in political activities. MMA also believes that the right to opinion, receive and impart information are equally important so that we have better accountability.

MMA is a founding member of the SOS Support Public Broadcasting Coalition and a member of the Right to Know. Accordingly, unless otherwise stipulated, MMA endorses and supports the submissions made by both the SOS Coalition and the Right to Know Campaign.

### 3. MMA's Guiding Principles for the ICT Policy Green Paper

MMA has developed the following five key areas which speak directly to the underlying foundational principles which should be reflected in the ICT Policy:

3.1 Children and ICTs;

3.2 Broadband as a human rights issue;

3.3 Digital information and digital literacy;

3.4 Broadcasting and Diversity, and,

3.5 Issues of accountability and transparency.

### 3.1 Children and ICTs

The future is hard to predict especially when it comes to technology. We do however know two things, firstly. Children in Southern Africa account for 52%[1] of the population and the number of young people on the continent continues to grow (in stark contrast to Western European

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[1] 37 to 39% in South Africa are under 18years of age

nations for example where populations are ageing). Secondly we know that children and young people are early adaptors of technology and are quick to see its capabilities.

There are numerous implications for the population of our continent getting younger, and of the ability and potential for all to be connected and have access to the internet. Again what is clear is that unless we take the opportunity now and develop our policy in a manner that seeks to harness the potential of these trends it will not only be a lost opportunity and potentially deeply destructive one but it may see South Africa recede even further in terms of our ICT competitiveness and capabilities.

As the New Wave Research[2] shows, access to technology is increasing.[3] We are likely to follow the global trends in terms of media use by young people. Media, from television to the internet, continue to expand their areas of influence in children's lives. Although radio and television are still the predominant medium for children and teenagers, new technologies are increasingly popular. It is concerning that in such a digital arena (and children becoming more associated with digital platforms); the current green paper discusses children in a limited number of areas, including the Broadcasting Complaints Commission of South Africa (BCCSA) code and the ICASA's Complaints Commission Code.

While the codes are important MMA submits that the green paper does not go far enough in discussing children in the media and children and the media. It does not discuss how the media represents children and how children consume media. This gap in the green paper means that the 37% to 39% of the population have effectively been marginalised. It is critical that children's voices and views are solicited as the ICT process moves forward. MMA encourages the Minister and the ICT policy review panel to expand its focus on children and look into the following: Children and the news; Children and the internet; and, Digital literacy for children.

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[2] See: http://www.networksociety.co.za/report-highlights.php
[3] The research also highlights critical barriers to access. (see above ref).A crucial issue is that just because access is generally increasing unless we have a clear goal of ensuring access to all we are likely to continue the recreation and reinforcement of our unequal society.

### 3.1.1 Children and the News

To be clear, it is not the place or role for policy and policy makers to interfere with editorial control. Most reputable news organisations have their own polices regarding covering news and in highlighting this issue MMA is seeking to highlight the importance of children and the news agenda, and NOT to encourage the inclusion of policy that may undermine media freedom and editorial decision making.

MMA has been carrying out work with children on children in the news for over a decade. Even though children make up 37% of the population in South Africa, and despite their high levels of media use and that we have a responsibility to act in their best interests, children continue to be marginalised in the news. According to MMA's research on children and the media,[4] children are only seen in ten percent of the news stories and only seven percent of the news stories monitored accessed (directly or indirectly) children's voices. MMA continues to work with children, media and civil society and government departments to help ensure children can engage meaningfully and are more accurately and diversely portrayed in the news. In terms of the current context however the marginalisation of children illustrates the critical need for ICT policy to help realise children's rights to receive and impart information as well as their rights to freedom of expression.

The implications are that for our future ICT policy and broadcasting it is essential that the needs of children and young people are considered in term of diversity, local content, access and language. To this extent it is clear that ICT policy needs to be much more than seeking how to protecting children but to push boundaries of ICT, ensuring access and to play a role in realising children's rights.

MMA thus urges the Minister and ICT policy review panel not to only look into content and child protection but to also look into issues around the representation of children in the media.

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[4] See: http://www.mediamonitoringafrica.org/images/uploads/Children_in_the_news_Seen_but_still_not_heard.pdf

### 3.1.2 Children and the Internet

There are often two approaches to children and the internet. One seeks to limit it and the other suggests unlimited access. Like so many other areas relating to children's policy what is required is nuance and shades of grey. Critically however we must ensure that the policy that relates to children seeks to maximise the potential of their access and engagement with the internet and media for the fulfilment of their rights and potential but also ensure that we also minimise harm that may be caused. It is imperative that children acquire the skills necessary to engage with the internet and media, and that they are given the freedom to use and access them and also be protected from the dangers associated with them. MMA submits that the Minister and the ICT policy review panel must explore ways to balance these priorities.

MMA believes that children should be able to benefit from the Internet according to their age. Children must have opportunities to use the Internet to access information that can help them easily understand and exercise their rights. These include rights to access to health, education, information as well as freedom of expression, freedom of association privacy, and equally importantly their right to play. MMA also submits that all policies around children, the internet and ICTs' as well as media should be in line with our Constitution and ensure that the best interests of the child are paramount.

### 3.1.3 Digital Literacy for Children

It is self-evident that children today face risks that are closely linked to their exposure to the internet and new media formats and platforms.

Traditionally, concerns about the internet focus on the potential hazards of children's new found ability to communicate far more broadly and widely. While communication with family and close friends is considered essential for children's social development, what is less desirable and very troubling for parents especially, is children communicating with unknown or undesirable contacts through the internet using platforms such as chat rooms, social media or emails.

In such instances, MMA believes that restrictions on the internet or access to social media will not provide long-term solutions. Rather MMA encourages the Minister and ICT policy review panel to look at various mechanisms that will encourage children to be aware of both the benefits and risks associated with the use of the internet, that is, encourage children to self-regulate.

Prior to the explosion of the internet and exponential development of the internet it was a lot easier to try and regulate, protect and limit access to harmful material to children. The age of information and content abundance means that not only do our children need new skills in learning (sifting through information rather than the mere act of trying to find and access it in a book) but they also need new skills in engaging with and critically analysing the content they are exposed to.

It is critical for example, that issues of cyber bullying, exposure to harmful content are addressed in our ICT policy.  MMA submits that research on how these and similar issues are addressed in other countries is drawn on in developing appropriate options for our own policy. We may need for example to consider an option for a one-stop reporting mechanism where if children are exposed to or receive harmful content they are able to quickly report it, and appropriate action taken.

One of the ways children can easily self-regulate is when they completely understand the digital environment.  Much has been made, and appropriately so, of the importance of basic literacy skills.  While these remain critical national priorities it is equally vital that digital literacy[5] skills are mainstreamed.  MMA therefore submits that it is essential the Minister and the ICT policy review panel look into ways of integrating digital literacy into the school curriculum for all

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[5] We understand digital literacy in these terms digital literacy = digital tool knowledge + critical thinking + social engagement. Then it's worth knowing its main characteristics. It supports and helps develop traditional literacies; It's a life-long practice; It's about skills, competencies and critical reflection on how these skills and competencies are applied; It's about social engagement" From: http://www.theguardian.com/higher-education-network/blog/2012/may/15/digital-literacy-in-universities.
See also http://www.jisc.ac.uk/media/documents/funding/2011/04/Briefingpaper.pdf  For understanding digital literacy in capability terms.

children. Obviously this will require all schools to have computers and internet - a goal South Africa has been struggling for years to achieve[6].MMA submits that our success, in economic, rights based and social terms as a nation will be deeply impacted by the capability of our children of all ages to be digitally literate.  Further ensuring digital literacy will also go a long way in minimising the risks associated with the internet and digital media.

### 3.2 Broadband as a Human Rights Issue

The potential for access to the internet and broadband to bridge the developmental gap is backed by numerous research projects undertaken, from developmental improvements to job creation and the ability to impart and receive information.  It is for these reasons that MMA agrees and endorses decision by the United Nations Human Rights Council to declare access to the internet as basic human right.  Access to fast cheap and affordable internet can easily be used as a "catalyst" to bring about improved access to healthcare, education and improved inward investment and job creation.

MMA submits that the Minister and the ICT policy review panel view the internet as a tool that can be used to help South Africa meet the Millennium Development Goals (MDGs). This has been done by other countries in Africa. For example, Ghana has adopted a broadband model that is based on effective public-private partnerships, guided by what works on the ground. This has helped the country to deliver services efficiently in education, health, finance, banking and other sectors. Currently Ghana's focus on connectivity is around the appropriate infrastructure that will connect citizens to the digital world. As a result, Ghana has the fastest internet connectivity on African continent. Perhaps we have to ask what Ghana is doing right and why we are not doing it.

MMA submits that the Minister and the ICT policy review panel carefully examines and considers how the principles contained in the Charter of Human Rights and Principles for the Internet proposed by the *Internet and Principles Coalition* could be including our own ICT policy.

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[6] While we lag behind it is noted that the importance of access is noted in the National Development Plan as well as several Political parties' manifestos.

The Charter can be found here: http://internetrightsandprinciples.org/site/wp-content/uploads/2014/02/IRP_booklet_2nd-Edition14Nov2013.pdf. Among other issues, the Charter includes the following areas and principles:

- Right to access the internet;

- Right to non-discrimination in internet access, use and governance;

- Right to liberty and security on the internet;

- Right to development through the internet;

- Freedom of expression and information on the internet;

- Freedom of religion and belief on the internet;

- Right to privacy on the internet;

- Right to digital data protection; and,

- Right to education on and about the internet.

MMA submits that the Charter will be a great resource for the ICT policy review panel, and if considered, MMA encourages the review panel to use the Charter as a basis for a South African Internet and Human Rights Charter.

### 3.2.1   Spectrum Allocation

Currently Spectrum allocation in South Africa is monitored and regulated by the Independent Communications Authority in South Africa (ICASA). Spectrum allocation should remain within the Authority of ICASA.

MMA submits that the Minister and the ICT review panel carefully consider the impact of allowing spectrum to be auctioned off to the highest bidder or taking it away from the regulator.  One of the many arguments put forward around DTT is that it will free up a lot of spectrum which if industry publications are to be believed will result most likely in a bidding process where mobile companies will seek to take over most of the spectrum.  MMA urges that if an when such spectrum becomes available it is allocated and distributed in such a manner

that is clearly in the public interest and doesn't serve the vested interests of a few multinationals, and further that such a process is transparent, involves public participation and is carried out by ICASA.

While MMA strongly believes that the task of spectrum allocation is left in the hands of the regulator, there are clear concerns around ICASA that are addressed in 3.4.

### 3.2.2   Net Neutrality

Regarding the issue of Net Neutrality, MMA would like to fully support and endorse the key points put forward by SOS: Support Public Broadcasting Coalition (section 5.5.1).  The issue is in our view critical as a means of ensuring that ICT policy and actual ICT network all work to combat inequality and address the historical injustices of our past.

### 3.3 Digital Information and Digital Literacy

South African citizens have the right to impart and receive a broad range of news, information and opinions, as this ensures that all South Africans can actively and meaningfully participate in our democracy. In the future all such information should be made available too all citizens in digital formats.  All in South Africa should have access to fast cheap, affordable broadband, and also have the tools and ability to effectively engage with the potential such access affords.  We have made the point strongly above in relation to children but its importance for all citizens is so central to our success and stability in the future that it  is worth noting and highlighted again. We need all citizens to be digitally literate.

### 3.3.1   Universal Access, Digital Divide and ICT Policy

We are moving, albeit far too slowly, in a direction where access to the internet and broadband services will be as accessible as water and electricity. We must ensure however that we avoid entrenching existing inequalities and take hold of measures which will address these challenges.

In this regard particular concern should be paid to the findings of, "The New Wave" research. It notes that around one third of people in South Africa now use the internet. It then highlights some of the barriers, .in particular:

> "…the barriers to reaching the 66% who are not online. Half (50%) of these non-users say they don't know what the Internet is and only 4% of them own a computer. de Lanerolle argues that reaching these people is not guaranteed: "our research indicates that ordinary South Africans are now finding social and economic benefits from going online. But in order for most South Africans get access to the Internet we need to increase the availability of facilities at Internet Cafes, libraries, schools and colleges and we need to reduce prices of mobile data."

> "The report finds that one of the greatest impediments to Internet use is English language literacy. According to the report, about one in five adults do not read and write English easily and almost none of these people (3%) use the Internet. "The New Wave of users are not rich, but they are literate in English. Until the South African Internet becomes much more multi-lingual, and until Internet connection speeds are fast enough to easily enable access to voice and video content as well as text t hen millions of South Africans who should be part of the next wave of users are going to remain locked out"
> From: http://www.networksociety.co.za/report-highlights.php

MMA submits that the issues highlighted above are utilised in ensuring not only access but that concrete steps are taken to reduce inequality.

### 3.4 Broadcasting & Diversity:

Again MMA endorses and fully supports the points made in respect of broadcasting and Diversity in sections 4.3 and 5. In addition however we wish to draw attention to the current state of programming available on our public broadcaster.

MMA has been carrying out research based on the schedules the SABC makes available and has been analysing the results. In our research we found the following:

- "There is a high level of repeats of recently aired programmes, SABC 1 uses 28 percent of its broadcasting time for repeats, SABC 2 utilises 21 percent of its time, while SABC 3 allocates 15 per cent of its broadcasting time to repeats.

- 64 percent of all listed programmes are produced in South Africa although these numbers are boosted by broadcasts of news bulletins. Only 41 per cent of SABC 3's programming, including news bulletins, is locally produced. This may be attributed to the fact that most SABC 3 content is produced abroad and the constant repeats across the various services. Without news the channels rely on repeats to meet local content requirements.

- SABC news is characterised by event-based reporting. Political parties continue to set the agenda as they were the most accessed sources.

- There is still an under-representation of marginalised people and issues that affect them. Voices of women and children are still not heard and gender issues are given less recognition.

- There seems to be an over-representation of English as well as White people across all SABC services, which is not representative of the demographics of the country. This however is not exclusive to the public broadcaster and can be seen across all media and is a reflection of South Africa's social context.

- Content produced is mainly targeted at urban dwellers, marginalising those who are already marginalised and disadvantaged. The news analysis also reveals that provinces with well-defined metropolitan areas receive better coverage than provinces with less developed metropolitan areas. "

    From:

    http://www.mediamonitoringafrica.org/index.php/resources/entry/lack_of_diversity_re peat_analysis_of_sabc_news_and_programming/

In our subsequent research we used an analogy of what one eats with what one views and rated the overall menu or diet available accordingly.[7]  Overall we found that

> "While SABC does not offer poisonous programming, we found that 56 percent of the programming is considered Junk Food (Coffee or Coke and Sweets or Ice Cream combined). This type of programming ranges between light adult entertainment, cartoons, sport and lifestyle programmes. Put differently, if one was to watch SABC television for 24 consecutive hours, more than 13 hours of that would be analogous to consuming Junk Food. These are all programmes considered entertaining but not educational, and certainly lacking in diversity. While it is necessary for the public broadcaster to flight such programmes, they serve purely an entertaining purpose. There must be a greater diversity of programmes that are informative, educational content and content which serves entertainment purposes only."
>
> From:
>
> http://www.mediamonitoringafrica.org/images/uploads/2013SABC_Full_web1.pdf

What the research highlights, in addition to the lack of diversity, is a public broadcaster that is unable to deliver on its mandate.  In the SOS Submission some of the core solutions and questions to these are raised.  It is imperative that they are incorporated and followed.

South Africa is a highly diverse society in relation to  for example race, languages, class, gender, political & ideological orientations, religious beliefs and a unidirectional flow of media content from the North to South Africa with consequences for identity formation and cultural diversity. It is for these reasons that MMA believes and proposes that particular emphasis should be placed on local value. Emphasis should be placed creating local news, supporting and strengthening local production industries. People should be able to see hear and hear themselves in news across issues of class, race and gender.

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[7] See: http://www.mediamonitoringafrica.org/images/uploads/2013SABC_Full_web1.pdf for full report and details on TV diet.  Or go to www.tvdiet.co.za to play.

**3.5 Issues of Accountability and Transparency**

MMA notes with concern that the concept of accountability is almost entirely absent from the green paper. As we noted at the beginning, in order to media freedom to be realised, and in order for the ICT policy to be successful and implement in line with our Constitutions aims and objectives, it is critical that in addition to the ICT policy review process being transparent, and having access to a wide variety of information it is also essential that there are accountability mechanisms built in – both to the process of the ICT review and also, critically into the policy itself.

We have witnessed countless examples in our media sector where despite good policy, noble intentions or even transparent process that without sufficient accountability mechanisms, crises are reached and repeated.

If we use the SABC as a brief example: There isn't even clarity on who senior executives are accountable to, thanks to narrow self serving interest in the Broadcasting Act and the Articles of Association. Depending on the minister, accountability of senior executives might be to the Minister or in the current instance (correctly so in our view) the executive are answerable to the SABC board. Wrong doing, maladministration as highlighted in the SIU, Auditor Generals and Public Protector Report and accountability is scare. If it is there the mechanisms are not being utilised appropriately. We see its impact on ordinary citizens in the SABC editorial policies which are generally world class, but for the fact that in their breach there appears to be no mechanism for accountability. (We do not suggest these are all in the purview of the ICT Review process rather that they are illustrative of the consequences of failed, inadequate or absent accountability mechanisms).

### 3.5.1 ICASA

ICASA's independence needs to enshrined and protected, in order to achieve this, ICASA needs to be efficiently staffed as well as ensure there are effective independent operations. A solution to this lies within Parliament fulfilling its oversight duties.

ICASA is mandated to regulate in the public interest. However, ICASA has been struggling, its independence has been tainted, not only politically, but big corporations have manipulated and threatened the regulator's independence. For example, MTN and Vodacom are currently taking ICASA to court over a regulation that requires them to bring down the cost to communicate which is clearly in the public interest.

MMA strongly requests that Minister and the policy review panel look into mechanisms that will strengthen ICASA and protect its independence. MMA proposes that the following issues are dealt with:

- Financial standing of ICASA;

- Research capacity of ICASA;

- ICASA's independence; and,

MMA strongly endorses the section on ICASA in the SOS Submission

In addition it is critical that accountability mechanisms are introduced for each section dealt with in the Green paper. The framing question for each could be along the lines of:

This is our policy; we will ensure it is in the public interest, we will ensure people have access to as much information in respect of each area as possible,

How do we ensure it happens and what mechanism can we put into place if it violated, ignored, undermined, deliberately or negligently, and,

How do we ensure such a mechanism itself adhered to the principles of Access to information, Transparency and accountability?

Thus when it comes to digital literacy, it is critical that not only is it centralised in the policy but that mechanisms to hold people and bodies accountable for its implementation are created. Similarly with other essential elements of media diversity or net neutrality, what mechanisms can we put in place for those who seek to undermine the policy?

There are answers to all of these and mechanisms locally, continentally and beyond that are useful. What is critical however is that they are included in the ICT policy. MMA fears that if they are not the policy will be fatally flawed.

### 4. Conclusion

MMA is excited to be participating in such a critical policy area, one that has the potential to help ensure South Africa can realise its potential as a nation a well as the values enshrined in our constitution. As such we thank the Department of Communications, the Minister and the ICT Review panel for the opportunity to participate.

MMA submits that we are in full agreement with many aspects of the Green paper. The main focus areas of our submission have been on children and ICT's, broadband, digital literacy, broadcasting and diversity and accountability mechanisms.

The importance of the ICT policy cannot be underestimated, not only will it help shape our media environment it will also give an indication if we are to realise our nation's capabilities and grow. As we celebrate twenty years of democracy it is essential that our policies for the future, like this one, are geared toward deepening our democracy, that as we make the submission at the end of Human Rights month we honour those who fought to ensure we have a democracy to fight for and to build. To that extent it is essential that our ICT policy is one that helps set the standard for our continent, in terms of promoting, Access to information, Transparency in Process and Accountability, and as we do that we need to ensure we do it with all South Africans, but especially the marginalised, children and young people, men and women and people with disabilities.

We hereby request, that if there are to be public hearings that MMA is allocated time for an 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,

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