

19th OCTOBER 1977 – BLACK WEDNESDAY & MEDIA FREEDOM

**“OWNERSHIP & CONTROL OF MEDIA, GENDER & THE MEDIA, TRANSFORMATION
THEREOF”**

Preparation of the 19th October 2009 seminar

CONCEPT PROPOSAL – Draft 5

1. PREAMBLE

In South Africa, the Constitution Act of 1996 protects and provides for the freedom of the media, freedom of expression and access to information. This is further supported by the legislative framework giving effect to the constitution, including the MDDA Act of 2002, ICASA Act of 2000, Electronic Communications Act of 2005, Broadcasting Act of 1999, Access to Information Act of 2000, etc. including Chapter 9 of the Constitution which sets up institutions to support democracy.

In 1977, October 19 three newspapers were banned by the apartheid regime. Veteran journalists fought for higher values in the dark days. Thirty two (32) years ago now, South Africa is celebrating legislative guarantees of press freedom and editorial independence.

But still, a few questions remain in respect of transformation of media in South Africa. These include gender and the media, ownership and control, hence the focus of this year’s seminar.

2. BACKGROUND

South Africa has undergone profound political and economic transformation over the last 14 years, resulting in new and strong political institutions that underpin democracy and a macro economic framework that encourages greater freedom and competition.

The country has moved from racial discrimination to a non racial democracy where the rights of ordinary citizens are now protected and enshrined in a Constitution which provides a balance between the freedom of expression and the right to dignity and equality.

Free speech and a free media are entrenched in the Constitution Act NO. 108 of 1996 and the media operate in an environment free of oppression, persecution and the repressive legislation which sought to restrict and control the media. The democratic transition catapulted South Africa into playing a major role not only as a regional economic and political power in Africa, but also an influential player in the emerging markets. These dramatic changes are also reflected in the media industry. It is an industry characterized by a new energy of growth and greater access with a diversity of voices reflective of ethnic and racially diverse people.

The Commission for Gender Equality (CGE) believes that the media has an immense role to play in transforming gender relations in South Africa. Anecdotal evidence and more systematic studies suggest that the media is, in part to blame for the continued perpetuation of gender stereotypes in our society. At the same time, the media has to operate in a commercial environment and under time pressures which are sometimes not fully appreciated by its critics.

The ground breaking Gender and the Media symposium convened by the Commission for Gender Equality (CGE) on the 26 September 1997, with the support from the United Nations Children's Fund (UNICEF) and the Commonwealth Secretariat, marked the beginning of the Commission for Gender Equality's efforts to engage the media in a dialogue on its role in transforming gender relations in South Africa.

The CGE has recognized the important role that advertising plays in perpetuating or breaking down negative gender stereotypes. In 1998 the Commission for Gender Equality called for research to be conducted into gender and advertising, particularly in the broadcast media. This need had risen out of experience with the Advertising Standards Authority (ASA) which required guidance on how to deal with complaints about gender and out of an invitation from the Independent Broadcasting Authority (IBA), now known as ICASA (Independent Communications Authority of South Africa) to assist in incorporating gender perspectives into the code of Conduct it was drafting. The outcome of this research process was a research report entitled: Gender, Advertising and Broadcasting, which contains a series of proposals and recommendations for policy and advocacy. The overall message of the report is that the Commission for Gender Equality must work towards transforming the industry both by working within the industry and with the

Advertising Standards Authority (ASA), as well as by mobilizing organised (consumer and women's groups) and the general public awareness and support around the issue of gender portrayal in advertising.

From this dialogue emerged four main conclusions:

The Media in South Africa is guilty both of failing to transform itself from a gender perspective and of perpetuating gender stereotypes. All editors spoke of the gross imbalance between men and women in their organizations at the present time, especially at senior management level.

The media does have a key role to play in transforming gender relations in South Africa. As conceded by John Battersby, former editor of the Sunday Independent newspaper, writing stories and carrying photographs that portray women in all their diversity would not necessarily lead to a drop in sales, greater racial and gender sensitivity could well lead to increasing sales. This contention is supported by research and changes which have taken place in countries such as Australia.

Regulatory bodies such as the Independent Broadcasting Authority (IBA), currently known as ICASA (Independent Communications Authority of South Africa), Press Ombudsman and the Advertising Standards Authority (ASA) have a key role to play in challenging stereotypes of women. Yet in the case of the Press Ombudsman and ASA, very few cases of a gender nature have been taken up with these bodies, pointing to the absence of an effective gender and the media lobby. In the case of the IBA (Independent Broadcasting Authority), the challenge to a license granted to Radio Islam which had forbidden the voices of women on its station raised the potential weakness of regulatory authorities with regard to advancing gender equality, as well as the more fundamental issue of the clash between the provisions for gender equality and religious freedom in the Constitution.

A number of opportunities exist for the media to expand its coverage of gender issues without compromising its independence, and still providing readers, listeners and viewers with thought provoking stories. Examples of controversial issues which have hardly been touched by the media include: the contradictions between customary law and the bill of

rights, the potential conflict between religious freedom and gender equality (mentioned above), the challenge by sex workers to the Sexual Offences Act in terms of the new constitution and the frustrations faced by women in parliament.

The Human Rights Commission (SAHRC) investigated racism in the media in 1998. It looked at both representivity within the newsrooms and the manner in which news was reported. This inquiry led to a vigorous debate and contributed towards the changes that have subsequently taken place. By the end of 2003 the majority of the editors of the country's daily and weekly newspapers were black South Africans. However gender remained an untransformed area with only two women as editors of a mainstream newspaper. This process confirmed the dominance of race as the fulcrum of discrimination and exclusion. As a result, this investigation of racism in the media brought into bold relief the fact that the effects of racism are worsened where race and gender intersect, exacerbating the extant problem of discrimination and exclusion.

In 2009, the Media Development and Diversity Agency (MDDA) launched the research report on Trends of Ownership and Control of the Media in South Africa, which was commissioned to Z-coms in 2008. The aim of this research was to assist the MDDA to have an in-depth understanding of the current media landscape (as well as an historical overview) as a baseline on which to assess the extent to which there are changes in media ownership and control in pursuit of media development and diversity. Section 3 (b) (i) of the MDDA Act No. 14 of 2002 requires that the Agency ensures amongst other things, encouraging ownership, control and access to media by historically disadvantaged communities.

Given this background, the Commission on Gender Equality (CGE) and the MDDA, together with the South African Broadcasting Corporation (SABC) held a brief meeting on the 23rd July 2009 to discuss collaborating together to host a seminar on transformation and gender issues in the media. At this meeting, it was suggested that the partnership be extended to include the SAHRC (in light of its mandate and as opportunity to follow up on the research it undertook in 1998), South African National Editors Forum (SANEF) (was also identified as another crucial strategic partner) and the Independent Communications Authority of South Africa (ICASA).

3. The Partners

The Media Development & Diversity Agency (MDDA)

The Media Development and Diversity Agency was established by an Act of Parliament (Act 14 of 2002) to enable "historically disadvantaged communities and persons not adequately served by the media" to gain access to the media. Its beneficiaries are community media and small commercial media. MDDA was established as a partnership between the South African Government and major print and broadcasting companies.

MDDA's objectives are to:

- Encourage ownership and control of, and access to, media by historically disadvantaged communities, historically diminished indigenous language and cultural groups;
- Encourage the channelling of resources to community and small commercial media;
- Encourage human resource development and capacity building in the media industry, especially amongst historically disadvantaged groups;
- Encourage research regarding media development and diversity.

The Commission for Gender Equality (CGE)

The Commission for Gender Equality is one of the 6 (six) state institutions supporting constitutional democracy as called for in the 1996 Constitution. Its main aim and focus is to promote gender equality and the enhancement of the status of women. Its mandated role is to:

- monitor public and private bodies with regard to gender equality,
- advise and make recommendations to Parliament and provincial legislatures in respect of proposed legislation that affects gender equality and the status of women in the country,
- receive and investigate complaints of gender discrimination,
- conduct research, and

- undertake public education and information initiatives.

The CGE Act requires the Commission for Gender Equality to monitor and evaluate the practices of organs of state at any level, statutory bodies or functionaries, public bodies and authorities, private businesses, enterprises and institutions in order to promote gender equality (Section 11 (1.a-e)). In this regard, in relation to media institutions, the CGE seeks effective engagement with the media and advertising agencies with a view to enabling these institutions to become more gender sensitive and to increase women's representation within these institutions.

Furthermore, the Commission intends to monitor the state of the media in our country, to see whether they has been any progress since the last research findings of the Global Media Monitoring Project and SANEF "glass ceiling" reports. The Commission seeks to examine issues of gender stereotyping in the media, and promote gender sensitive reporting, in particular within the context of 2010 World Cup coverage. Also of concern is the Advertising Standards Authority's response to gender discrimination and promotion of stereotypes in the media. The Commission's interest is to ensure that the South African media is compliant with the provisions of the Constitution, and international instruments and conventions which South Africa has ratified.

The South African Human Rights Commission (SAHRC)

The South African Human Rights Commission is amongst the six constitutional institutions established to strengthen constitutional democracy in the country. For the South African Human Rights Commission specifically, the central mandate is to promote respect for human rights and a culture for human rights; to promote the protection, development and attainment of human rights; and to monitor and assess the observance of human rights in the Republic.

As can be deduced from the above, the concept of human rights promotion, protection and monitoring implies a much broader mandate for the South African Human Rights Commission, relating to the Bill of Rights in its totality. The SAHRC is tasked with ensuring that the State, as well as private individuals and entities, meet their obligations in respect of the rights listed in the Bill of Rights.

More importantly, the South African Human Rights Commission (the Commission), is founded on the principle of independence from the State, being subject only to the law and the constitution. In its provisions regarding the establishment and governing principles for these institutions, the constitution emphasizes that 'no person or organ of state may interfere with the functioning of these institutions' (s 181(4)). This provision, together with the broad mandate that the Commission carries, is in line with the Paris Principles, which emphasize the need for national institutions for human rights to be independent, to be adequately funded, and to carry out their mandate without fear, favour or prejudice.

The South African Broadcasting Corporation (SABC)

In Terms of the Broadcasting Charter, which is set out in the Broadcasting Act, the objectives of the SABC are:

- To make broadcast services available throughout the Republic.
- To provide radio and television broadcasting services, by analogue or digitally, and programmes of information, education and entertainment, funded by advertisements, subscriptions, sponsorships, licence fees or any other means of finance.
- To acquire from time to time a licence or licences for such period and subject to such regulations, provisions and licence conditions as may be prescribed by the Independent Communications Authority of South Africa (ICASA).
- To provide, in its public broadcasting services, radio and television programming that informs, educates and entertains.
- To be responsive to audience needs, including the needs of the deaf and the blind, and be able to give account on how it is meeting those needs.
- To provide other services, whether or not broadcasting or programme supply services, such services being ancillary services.
- To provide television and radio programmes and any other material to be transmitted or distributed by the common carrier for free-to-air reception by the public subject to section 33 of the Act.

- To provide to other bodies by such means and methods as may be convenient, services, programmes and materials to be transmitted or distributed by such bodies and to receive from such other bodies services, programmes and materials to be transmitted by stations of the company for reception as above.
- To commission, compile, prepare, edit, make, print, publish, issue, circulate and distribute, with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact disks, video tapes, audio-visual and interactive material, whether analogue or digital and whether on media now known or hereafter invented, as may be conducive to any of the objects of the company.
- To establish and maintain libraries and archives containing materials relevant to the objects of the company and to make available to the public such libraries and archives with or without charge.
- To organise, present, produce, provide or subsidise concerts, shows, variety performances, revues, musical and other productions and performances and other entertainment whether live or recorded in connection with the broadcasting and programme supply services of the company or for any purpose incidental thereto.
- To collect news and information in any part of the world and in any manner that may be thought fit and to establish and subscribe to news agencies.
- To carry out research and development work in relation to any technology relevant to the objects of the company and to acquire by operation of law, registration, purchase, assignment, licence or otherwise copyright and designs, trade marks, trade names and any other intellectual, industrial and commercial property rights.
- To nurture South African talent, train people in production skills, and carry out research and development for the benefit of audiences.
- To develop, produce, manufacture, purchase, acquire, use, display, sell, rent or dispose of sound recordings and films and materials and apparatus for use in connection with such sound recordings and films.
- To develop and extend the services of the company beyond the borders of South Africa.

Partnership Levels / Categories

1. **Platinum:**

The platinum partners are the key organisations that conceptualized the project; they convene the Steering Committee (incl. Task Team) meetings and are responsible for putting together the project plan and ensure its success.

This category consists of:

Media Development & Diversity Agency (MDDA),
Commission on Gender Equality (CGE),
South African Human Rights Commission (SAHRC)
South African Broadcasting Corporation (SABC),

2. **Gold:**

The gold partnership level includes media stakeholders, respondent speakers and industry bodies.

Independent Communications Authority of South Africa (ICASA),
Cape Town Festival,
Naspers (publishers of City Press, Sunday World & Sunday Sun)
Independent Newspapers (publishers of The Star, Cape Argus,
Cape Times etc.)
Print Media Association of South Africa (PMSA)
Association of Independent Publishers (AIP)

3. **Silver:**

The silver partners are industry bodies, regulator authorities, and other participants invited to engage in the dialogue. Their contribution will shape the discussions and inputs in the areas outlined.

South African Gender and Media Network (SAGEM)
Southern African Media and Gender Institute (SAMGI)
Freedom of Expression Institute (FXI)
Media Institute of Southern Africa (MISA-SA)
Marketing Association of South Africa (AMASA)
Media Workers Association of South Africa (MWASA)
Communications Workers Union

4. KEY ISSUES

Media plays an important role in society as a source of information, education and entertainment. It turns the world into a single village saturated with information. Media is a powerful tool that influences the understanding, perception, and views of the world, as Edward Bulwer-Lytton wrote in 1839, "The pen is mightier than the sword"¹.

Gender and the Media

In 1995 the Global Media Monitoring Project (GMMP) monitored newspapers, radio and television news in 71 countries around the world for one day in January. The study found that only 17% of the World's news subjects were women i.e. newsmakers or interviewees in news stories². The results of the second Global Media Monitoring Project, carried out in 70 countries on the 1 February 2000 suggested that the world of news might have been standing still for five years. On the 1 February 2000 women accounted for just 18% of news subjects. Television had slightly more women than radio or newspapers³. The Global Media Monitoring Project (GMMP) study in which South Africa participated in 2005 found that women constitute 21 percent of news sources globally (26% in South Africa).

A study conducted in 1998 by the Federation of African Media Women- Southern African Development Community (FAMW-SADC)⁴ on the status and roles of women who work in the media in seven African countries (Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe) revealed that men constituted 85% to 90% of workers in the most technical positions of the media (publishers, editors, editorial bosses,

¹ "The pen is mightier than the sword" is a metonymic adage coined by the English writer Edward George Earle Bulwer-Lytton in 1839 for his play *Richelieu; Or the Conspiracy*, quoted in the *Commission of Gender Equality Concept Paper*, September 2008

² Media Watch (1995) *Women's participation in the News: Global Media Monitoring Project*. Toronto: Media Watch

³ Spears, George and Kasia Seydegart, with Margaret Gallagher (2000). *Who Makes the News? Global Media Monitoring Project.2000*. London: World Association for Christian Communication

⁴ "Employment Patterns in Media Organisations in Southern Africa". International Women's Media Foundation. <http://www.iwfm.org/resources/africastats.php>

director), whereas women hold the majority of administrative and secretarial posts. According to the study none of the countries analysed had come near equality in the access and participation of women in the media. Namibia has the highest number at thirty-five percent (35%) and Malawi had the lowest at 16%.

In South Africa, in the year 2000, the CGE conducted research and developed a report on Gender, Advertising and Broadcasting⁵. In 2006, SANEF⁶ conducted a survey on women in the newsroom. The survey was conducted as a follow-up of the “engendered” AGM of the South African National Editor’s Forum of 2003, which has now been followed up with the “Glass Ceiling II” report, which Gender Links was commissioned to conduct. The report addresses gender discrimination in the media and in media institutions.

The Glass Ceiling One found that despite having a Constitution that entrenches equal rights discriminatory practices, structural inequalities, cultural factors, prejudices, patriarchy and sexism are still alive and well in the South African newsrooms⁷. These are clearly prohibiting South Africa’s women journalists from realizing their potential.

The key findings from the both phases of Glass Ceiling reports reveal that women are still scarce in the upper echelons, they occupy less than 30% of top management positions and constitute one out of three senior managers in newsrooms. They comprise 48% of junior managers and almost 70% of all semi-skilled workers in the newsroom. The study also revealed that there are now nearly equal numbers of women and men in newsrooms with 45% women in newsrooms as compared to 33% in the 1995 study. This shows that there is some progress towards gender balance in the newsrooms.

The Gender and Media Baseline Study (GMBS) conducted in 2002 is one of the most extensive studies on gender and the media that has been taken⁸. This study has been followed up by the Gender and Media Audience Study (GMAS) which was conducted by Gender Links and MISA (Media Institute of Southern Africa). The Gender and Media (GEM) Summit in September 2004 served as an accountability forum for each country to report on what measures had been taken as well as share best practices on how to

⁵ Commission on Gender Equality, “Advertising-A Mirror of Reality...? Gender, Advertising and Broadcasting

⁶ SANEF & Gender Links (2007) Glass Ceiling Two: An Audit of women and men in South African Newsrooms

⁷ In South Africa, Women still are underdogs in the media <http://www.afrol.com/artciles/25318>

⁸ Gender and Media Baseline study (GMBS)-<http://www.misa.org/researchandpublication/gendermedia/gender.html>

achieve greater gender balance and sensitivity in the media. The summit led to the formation of the Gender and Media Southern Africa (GEMSA) Network.

Another study commissioned by MISA (Media Institute of Southern Africa in 2002 found that women accounted for only 19% of known news sources in South Africa. The study found that the situation does vary between media, with the use of women as sources ranging between 29 % and 8% across the 25 print and broadcast media surveyed. The same study indicated that black women as news sources were particularly lacking, constituting only 5% of news sources,⁹ highlighting how the intersection between gender and race exacerbates the problem of exclusion.

Transformation and the Media

In keeping with MDDA's objective of encouraging ownership and control and access to media by historically disadvantaged communities as well as by the historically diminished indigenous language and cultural groups, the Agency commissioned Z-Coms to conduct a study into trends of the existing ownership and control of media in South Africa. The research was conducted with a particular focus on categorising the trends by province and where possible by district municipality.

The main objectives of the research were *inter alia* to take stock of the number of print and broadcast media in the country on a national, provincial and district municipality basis and to assess the extent to which the previously disadvantaged communities are taking up ownership and control.

In the main, issues emerging from the research are:

1. In print media space, there is a big challenge of affordability and sustainability by the new media entrants. The high cost of printing machines prohibits smaller media owners from growing into some significant operation.
2. Transformation of ownership in the media sector requires more focus. It is not enough to focus on employment equity thus ignoring shareholding transformation. Media assets are therefore still owned largely by the four major media companies

⁹ Gender Links and MISA (2002). The Southern African Gender and Media Baseline Study, 2002

(Naspers, Caxton, Independent News Media and Avusa) whose HDI ownership is below 26%. For any meaningful transformation to take place, the MDDA needs to be capacitated so as to come up with viable funding plan. This will help new print media companies to be independent of the big media operators.

3. Broadcast media has made significant strides in transforming in line with the national BEE strategy, regulatory and the legislative framework. The advent of community broadcasting also added to the objectives of diversifying the media landscape. As a result, in addition to the public broadcasting services and the private commercial broadcasting services available in the District Municipalities, they also have access to their communities own means of communication, in the form of community radio. Community radio services are owned and controlled by the communities they are serving as per their license as issued by the Authority, ICASA.
4. For example in the 52 District Municipalities, community radio is available in all 52 District Municipalities, community newspapers are available in all 52 District Municipalities. However community magazines are the less developed and the MDDA is focusing on ensuring that there is a wide choice of access to a range of diverse media for all citizens. The fact that there is a community newspaper in all District Municipality does not mean that all local municipalities have a community newspaper. Some local municipalities do not have their own community newspapers, even though they may have access to some local newspapers owned by either Media 24 or Caxton, etc and thus most of their local news is not covered by the District Municipality newspapers.
5. This report therefore found that a lot of changes have taken place in South Africa regarding the ownership and control of media. Having said so, it also means that there is a lot of challenges and a lot more work needs to still happen to transform the ownership and control of media in South Africa, in particular print media.

5. PURPOSE AND TARGET AUDIENCE

The main partners of the process: CGE, MDDA, SABC, SANEF, ICASA and the SAHRC will jointly identify a set of relevant speakers to speak to research, emerging issues and proposed recommendations for addressing the portrayal of women in the media, women's representation in newsrooms, the issues of transformation in ownership and control and other related issues.

It is envisaged that the dialogue will bring together the following constituencies:

- Media organizations in the print, broadcast and advertising sectors.
- Civil society organizations which are working on media and / or gender issues.
- Leading academics from media and journalism schools.
- Regulatory and other relevant Chapter 9 Institutions.
- Practitioners.

6. THEMES

- Ownership and control of media
- Gender and the media
- Transformation

7. KEY PARTNERS

This project is a partnership by the following organisations:

- Media Development & Diversity Agency (MDDA),
- Commission on Gender Equality (CGE),
- South African Broadcasting Corporation (SABC),
- South African Human Rights Commission (SAHRC),





PARTICIPANTS

The Transformation, Gender and the Media Dialogue would be attended by various media industry bodies, government departments, public broadcaster, regulatory bodies/authority, civil society organisations, and media and human rights activists, etc. To name a few, the invited included: ICASA, SANEF, COSATU, CWU, MWASA, MAC CHARTER, PMSA, GENDERLINKS, PANSLAB, DEAFSA, FXI, TERTIARY INSTITUTIONS, MISA SA, NCRF, NAB, IFRB, ACB, Ministry of Women, Children and People with Disabilities and the Ministry in the Presidency.