

There are no degrees of free speech

An important set of meetings will be held this month by the Press Council of South Africa - under which the press ombudsman falls - and we in the media industries need to make an effort to attend and make our views heard. [[<https://www.bizcommunity.com/ZAMediaFreedom.html> twitterfall]]

 By Gill Moodie: @grubstreetSA⁹ Feb 2011



Starting next week on 17 and 18 February 2011 at Wits University in Johannesburg, the council ([@PressCouncilSA](#)) is inviting the public to discuss the review of its press code, complaints procedure, constitutions and the role of the press ombudsman in South Africa's print media. Public meetings will also be held in Cape Town, Durban, Port Elizabeth and Bloemfontein throughout late February and early March.

Dates and venues

([Click here](#) for the full list of dates and venues. Those who would like to give evidence should phone or write ahead. For more information, contact Taryn Mackay on tel +27 (0)11 484 3612/8, fax +27 (0)11 484 3619 email Tarynm@ombudsman.org.za.)

Wits's Journalism.co.za website asks: "Please participate in this endeavour to improve self-regulation in South Africa's print industry!" That's very polite but I'm going to spell it out: **If there were ever a time you need to get out from behind your PC and get your complacent hack's arse down to a meeting, then this is it.**

Follow live tweets from the public hearings through the Bizcommunity [#zamediafreedom Twitterfall](#) or via Twitter Search ([#presscouncilhearings](#) OR [#pcph](#) or [Press Council public hearings](#)).

If you've lost the plot lately in the fight against the [media appeals tribunal](#) (MAT) and the [Protection of Information Bill](#) aka [Secrecy Bill](#), then here's the long and the short of it.

The long and the short of it

The press ombudsman [called for submissions](#) late last year from the public in a complete review of its processes amid attacks on the country's print media from certain quarters of the ANC and the government.

It's hard to read what - and who in the ANC - want to achieve as members are not all singing from the same hymn sheet but, basically, the party is arguing that the print media does not adequately reflect the aspirations and lives of all South Africans and, to protect the public from the press, self-regulation through the ombudsman is not enough.

Consequently, the ANC wants some sort of statutory oversight of the print industry: a media appeals tribunal

It is too expensive for most South Africans to sue newspapers through the courts, the party says, and though it doesn't cost a cent to complain to the ombudsman, the ANC seems to doubt the ombudsman's independence.

Findings are binding

The ombudsman's office does not dish out fines but its findings are absolutely binding - usually taking the form of ordering a newspaper to apologise if a ruling goes against it. It also publishes all of its findings in full on its own site, www.presscouncil.org.za.

([Click here](#) to read a guide to the proposed media tribunal and the Secrecy Bill.)

Press ombudsman Joe Thloloe - who has vowed that the council will never make concessions to simply appease the ANC and that any changes to its processes will be made only if they are in the interest of the media - told Bizcommunity.com last week that the ANC's own submission on the ombudsman's processes came from its national spokesman, Jackson Mthembu. It said the party welcomed the ombudsman review and it would wait to see if the outcome would improve the self-regulation, integrity and professionalism of the media and strengthen democracy... but that it would nevertheless press ahead in its proposal for Parliament to investigate statutory oversight.

This is consistent with the ANC's Durban resolution on media last year.

Meetings in addition to written submissions

And so the Press Council's task team, which sat down to look at all the submissions, decided that in addition to written submissions, it would also hold the forthcoming meetings. The meetings will broaden the public participation in the review of the ombudsman's office and all of this will be compiled in a document that can be presented to Parliament when the time comes and the ANC instructs one of the portfolio-committee hearings to consider a media appeals tribunal.

Deputy press ombudsman Johan Retief said about 30 submissions came in last year and that they were a well thought-out and useful.

I'm glad to hear they were thoughtful but, really, people, only 30?! More of us - myself included - need to say something formally. It is not enough to talk and write about it. I will certainly be at the Cape Town public meeting and this is what I intend to say:

1. In my experience of many different newsrooms over the past 15 years, the majority of reporters and news editors err on the side of caution. No one wants to be sued and, apart from a few very experienced managers who know the defamation laws backwards and can therefore ride the fine line, most stories tend to withhold information that could get newspapers into trouble. The majority of reporters and news editors do follow the key ethical mantra, which is to "minimise harm".

Even at the tabloids, they do not throw caution to the wind. They may look sensational - which is what tabloids are meant to do - but the *Daily Sun*, for instance, is very thoughtful in how it presents potentially inflammatory stories, for example, when it writes about [witchcraft](#). And let us not forget this seemingly distasteful sensationalism is precisely what has netted the *Daily Sun* so many first-time newspaper readers in the LSM 5-7 group. I would say that, with its 4.6 million readers a day, the up-your-nose *Da*

Sun reflects the lives of the majority of South Africans more than any other paper.

2. Either you have free speech or you don't. There are no degrees of free speech - and our Constitution entrenches every South African's right to this.

Anyone who knows their history will tell you that a statutory body with oversight over the press is a slippery slope. The hallmarks of democracy are a separate executive and legislative, an independent judiciary and a free, independent press. Introducing legislative oversight of the press creates an imbalance on a par with executive oversight of the legislature or the judiciary.

In South Africa, the media is - and has been - by far the least influential of these four entities. Just look at how the government largely ignores exposes of corruption and maladministration. It is quite rare, for instance, for a government official of any level to lose their jobs after revelations of wrong-doing. Frankly, the executive and legislative arms of government need to be more accountable to the press rather than the reverse.

3. Further, where would a tribunal stop - with the newspapers? In today's world any blogger, for instance with a laptop is a publisher, though they are also private citizens exercising their right to freedom of expression.
4. Which brings to be my last point: Never mind about the "[Fourth Estate](#)"; in today's South Africa where cellphones are ubiquitous and broadband has arrived, we have the "Fifth Estate": the millions of ordinary citizens who talk to each other freely through social networks such as Facebook and Twitter.

As we have seen in Tunisia and Egypt, government attempts to limit the flow of information and ideas like shouting into a hurricane. In fact, attempts to interfere with the social networks can even be galvanising, for example, when the Egyptian government pulled the plug on the Internet and the economy ground to a halt, the protesters' ranks swelled with the people who could not be paid and who would have ordinarily watched the revolution on television.

Alarming and backward

The ANC ideas about the press are as alarming as they are backward - if I do say so myself - and our blessed Constitution gives me the right to just that.

I look forward to seeing you at the Cape Town meeting on 24 (or 25) February on the 26th Floor of Naspe Building.

For more:

- Journalism.co.za: [Twitter will save Africa: what does it mean?](#) by Chris Roper at the *Mail & Guardian*, Feb 2011
- Bizcommunity: [SANEF condemns illegal police attacks on photographers](#) 7 Feb 2011
- Bizcommunity: [Defenders of the laws?](#) editorial column 7 Feb 2011
- Mail & Guardian Online: [Freedom is freedom of speech](#) by Franz Kruger, 16 Oct 2010
- Bizcommunity: [Powerful journalism is easy peasy \(and here's how to do it\)](#) by Gill Moodie, 29 Sept 2010

- Bizcommunity: [Grahamstown media project connects people with power](#) by Gill Moodie, 20 October 2010

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