



FREEDOM OF THE PRESS 2010

Draft Report—Embargoed for April 29, 2010

South Africa

Status: Partly Free

Legal Environment: 9

Political Environment: 13

Economic Environment: 10

Total Score: 32

Survey Edition	2005	2006	2007	2008	2009
Total Score, Status	26,F	27,F	28,F	28,F	30,F

Status change explanation: South Africa declined from Free to Partly Free to reflect the threat posed by media-hostile rhetoric on the part of top government officials, as well as official encroachments on the editorial independence of the South African Broadcasting Corporation, which dominates the national broadcast landscape. An additional worrying factor in 2009 was the passage of the Film and Publications Act, which legitimizes some forms of pre-publication censorship and creates a legal dichotomy between government-recognized publications and others.

Freedom of expression and the press is protected in the constitution and generally respected, and South Africa has vibrant press freedom advocacy and journalists' organizations. Nevertheless, several apartheid-era laws that remain in effect—as well as a 2004 Law on Antiterrorism—permit authorities to restrict the publication of information about the police, national defense forces, prisons, and mental institutions, and to compel journalists to reveal sources. In September 2009, the controversial Film and Publications Amendment Bill was signed into law. Introduced by the Home Affairs ministry to protect against child pornography and hate speech, the bill was widely criticized by press freedom advocates as opening the door to pre-publication censorship. The Bill requires any publisher not recognized by the Press Ombudsman—or any person who wishes to distribute, broadcast, or exhibit a film or game—to submit a wide range of potentially pornographic or violence-inciting materials to a government board for approval, and allows for the banning of such materials. In February, then-President Kgalema Motlanthe refused to sign a version of the Broadcasting Amendment Bill because of a clause allowing parliament to fire an

SABC board member or dismiss the entire board; an amended bill (pending at year's end) requires 'proper inquiry by parliament' before such dismissals.

Members of government and other political figures continued to display sensitivity to media criticism in 2009. There has been an increase in the use of interdictions and gag orders by both governmental and non-state actors in recent years. Since 2005, the independent weekly and online daily *Mail & Guardian* has received at least three government gag orders to stop reporting on corruption scandals. In December 2008, Jacob Zuma, president of the ruling African National Congress (ANC) party, launched a US\$700,000 defamation lawsuit against cartoonist Jonathan Shapiro (known as Zapiro) for a September cartoon in the *Sunday Times*; the suit also targets the *Sunday Times* itself and Johncom, the newspaper's holding company. Journalists are occasionally harassed and assaulted.

A number of private newspapers and magazines—including the *Mail & Guardian*, the *Cape Times*, and the *Sunday Times*—are sharply critical of the government, political parties, and other societal actors. The US Department of State notes that 46.4% of South Africans have access to print media. Though a variety of publications exist, their content tends to lack diversity as a result of the concentration of ownership among large media groups. The state-owned South African Broadcasting Corporation (SABC) dominates broadcast media. While officially editorially independent, the SABC has come under fire for displaying a pro-ANC bias, for reflecting internal ANC rifts in management struggles, and for practicing self-censorship. In April, the SABC axed a scheduled program on political satire in the country, inspired by the "Zapiro" controversy. After the *Mail & Guardian* broadcast a leaked copy of the program on its website, the SABC accused the paper of theft. In October, SABC internal auditors investigating the leak searched the offices of the SABC investigative reporting unit Special Assignment and subjected staff to lie-detector tests. In a separate vein, the entire SABC board was dissolved by parliament in 2009 amid a R839 million loss for the 2008/09 financial year and wide-ranging reports of fiscal mismanagement. In December, a new 12-member board—headed by former minister of arts, culture, science and technology Ben Nugubane—was appointed (in consultation with opposition parties).

For primarily socioeconomic reasons, most South Africans receive the news via radio outlets, the majority of which are controlled by the SABC. While ICASA is involved in efforts to expand the number and broadcasting range of community radio stations, the process is slowed by lack of bandwidth and bureaucratic delays. While the SABC's three stations claim most of the television market, the country's two commercial television stations, e.tv and M-Net, are reaching growing proportions of the population. According to governance watchdog Global Integrity, the government has threatened to withdraw advertising from newspapers that report on corruption and other scandals. Internet access is unrestricted and increasing rapidly, with approximately 10 percent of the population enjoying regular access during the year. However, access costs remain prohibitive for many South Africans.