

**Professional and ethical standards of journalism -the case for voluntary self-regulation of the media in Africa Presentation to AFMD Grahamstown
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My presentation will concentrate on South Africa, simply because it is the system I know best. The presentation will look at the structure of the self-regulatory system and then we will turn to the guiding principles behind it.

Structure

There are two parts to our system: the umbrella that covers it, the Press Council, which has six representatives of the press and six public representatives; and the adjudicating mechanism consisting of the Press Ombudsman and the Press Appeals Panel.

The council has four major aims and objectives:

- To promote and preserve the right to freedom of expression;
- To promote and develop excellence in journalistic practice and ethics;
- To promote the concept of press self-regulation and set up the office of the Press Ombudsman and the Press Appeals Panel; and
- To accept a Press Code enforced by an independent non-statutory, mediating and adjudicating structure.

The adjudicating mechanism is the Press Ombudsman and the Press Appeals Panel. The Appeals Panel also has six press representatives and six public representatives and is chaired by a retired judge.

When a person lodges a complaint against a newspaper or magazine, the Press Ombudsman first attempts to mediate and find an amicable solution between the two parties. If this fails, we move to the stage where we have a formal hearing where I sit with two members of the Press Appeals Panel – a press representative and a public representative -and hear the evidence and arguments from both sides before making a ruling on the matter.

Either party can appeal against our ruling and the appeal is heard by the chairman of the appeals panel and two other members of the panel. Their decision is final.

The council does not get involved in the adjudication.

Code

The foundation of the system is the South African Press Code, voluntarily adopted by almost 700 publications in the country.

The code acknowledges Section 16 of the Constitution of the Republic of South Africa, which enshrines the right to freedom of expression as follows:

“Everyone has the right to freedom of expression, which includes freedom of the press and other media, freedom to receive or impart information or ideas...”

I find this a particularly interesting construction: *Everyone* has the right to freedom of expression, *which includes* freedom of the press...” It suggests to me that press freedom is a part of everyone’s right to freedom of expression. We in the media hold press freedom in trust for all the citizens of the country.

Our code puts it another way: “The basic principle to be upheld is that the freedom of the press is indivisible from and subject to the the same rights and duties as that of the individual and rests on the public’s fundamental right to be informed and freely to receive and to disseminate opinions.”

The code goes on to say why we have journalism: “The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the time” and “freedom of the press allows for an independent scrutiny to bear on the forces that shape society”.

The code sets out standards for reporting news – truthful, accurate, fair, in context and in a balanced manner – for commentary and the writing of headlines and the use of pictures. It also prohibits some practices.

The primary purpose of this code is “to promote and develop excellence in journalistic practice and ethics”.

Voluntary

The code is adopted voluntarily by the publications that subscribe to it. If it had been imposed by the government or any other external institution it would have diminished the freedom of editors to decide what they publish. It would have taken away their freedom of expression. This voluntary system acknowledges the right to freedom of expression that every citizen has.

It is in line with the 2002 Declaration of Principles on Freedom of Expression in Africa that states: “Effective self-regulation is the best system for promoting high standards in the media.”

This system, which has been alive since the 1960s in various permutations, had a major revamp in August 2007 when we responded to criticism by injecting public representation into it. The press still holds the majority in the council and in the appeals panel to ensure that it remains as *press* self-regulation and not control from outside. The judge at the pinnacle of the adjudication mechanism ensures that our rulings are fair.

The ANC

Our efforts notwithstanding, the African National Congress is threatening to impose a statutory Media Appeals Tribunal. It appears we are headed for the same battle that the press in Botswana is fighting.

At its conference last year, the ANC resolved to create this MAT, which we believe will be in conflict with the press freedom guarantees in the country's constitution.

The Press Council, the South African National Editors' Forum and Print Media South Africa are in dialogue with the ANC to prevent a fight in the Constitutional Court.

The irony is that the ANC, cabinet ministers and government departments continue to use the self-regulatory system to get redress from print media.

In the year that I have been in this position, the ANC has brought a complaint against a Sunday newspaper, a provincial premier has used the system and extracted a front page apology from a tabloid newspaper, two cabinet ministers have accepted apologies from newspapers, and so on.

Joe Thlooe