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Promoting human rights and democracy through the media since 1993

**Submission on the Information
Communication Technology Policy
Review Framing Paper June 2013**

15 June 2013

1. Introduction

Media Monitoring Africa (MMA) would like to thank the ICT Review Panel for the opportunity to make this submission.

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. Regular reviews of ICT policy plans, involving the different stakeholders, are important. Failure to take early steps to monitor the implementation of ICT policy measures can delay ICT developments and restrict future policy measures. At the same time, assessing the impact of policy measures and sector-specific interventions is a challenging task.

It is against this backdrop that Media Monitoring Africa (MMA) welcomes the call for submissions by the Minister of Communications and congratulates the Minister and her panel on a comprehensive and progressive Framing Paper.

We would also like to take this opportunity to emphasise that while it is focused on ICT, the policy and its impact is critical for the success and strategies of numerous other critical Departments including education, trade and industry, arts and culture, Science and Technology, as well as impacting on cultural and linguistic policies. Accordingly MMA submits that the over riding impact on critical areas of our democratic state are emphasised and that the policy review is afforded due consideration within all effected departments.

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 public broadcasting principles in particular as well as postal services are dealt with at length and are not sidelined.

2. About Media Monitoring Africa

Media Monitoring Africa (MMA) celebrates 20 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 MMA has developed significant experience in:

- Children and media;
- Elections and Governance;
- Media Policy & Quality Journalism;
- Gender and Media;

Currently MMA's most comprehensive programme is around children, the Empowering Children & the Media programme. 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. In that regard, MMA has six projects around children, namely, Children's Monitoring, Children's News Agency, MAD OAT, Adult Monitoring, Child Protection and Trafficking, and Reporting on Children in the Media.

Aside from the work around children, MMA has a Policy Unit that focuses on issues around media policy, regulation and quality journalism. At the moment, the Policy Unit has two projects, one on Television Schedules and another on Community Radio.

The organisation also has a Gender Unit, which focuses on gender-related areas. The Gender Unit is currently undertaking two projects on Masculinity and Gender Discrimination.

MMA also has a Special Projects Unit that focuses on commissioned work as well as other issues outside of remit of the units mentioned above. Currently the Special Projects Unit is undertaking commissioned work on Health coverage in the Mail and Guardian. The Unit is also preparing for the upcoming elections by developing online monitoring tools that will be useful in the digital era.

3. MMA's Position on the Fourteen Principles

3.1 Issues of Freedom of Expression

Section 3.5.1 discusses the right for South Africans to freedom of expression

MMA welcomes the special attention afforded to this principle and we concur 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 democracy and public participation in political life. MMA believes that the right to opinion, receive and impart information are equally important so that we have better accountability.

MMA proposes that the broader policy principle should also stress the need for (independent) mechanisms of recourse so that we have active citizens who are empowered to hold those in power accountable. Such mechanisms include the recognition and strengthening of existing self regulatory as well as constitutionally recognised bodies including the independent regulator, ICASA.

3.2 Diversity of content

MMA supports Section 3.5.2 and it is important that there is a diversity of sources, platforms and producers

MMA proposes the following suggestions be added to the principle:

1. MMA notes the use of the term "citizen" throughout the document. It is critical that the term is clearly defined and understood. MMA submits that the term citizen needs to be expanded and elaborated on. It needs to include those who have citizenship as a result of birth, refugees and asylum seekers and those who reside and are making a living within the bounds of South Africa.
2. That the role and importance of the SABC is recognised under this principle and that its role to maintain, promote and deepen democracy is enshrined and promoted;
3. Equally the role of ICASA to use regulation to promote freedom of expression and democracy should also not be undermined.
4. In order for this to be realised, it is important that we have independent and appropriately resourced chapter 9 institutions. The regulator, Icasa's independence needs to enshrined and

protected, in order to achieve this, it needs to be efficiently staffed as well as ensure it is able to operate effectively and without fear or favour in the best interests of the public.

3.3 Access to information

MMA agrees with Section 3.5.3 that all South African citizens have the right to access a broad and diverse range of news, information and opinions, as this ensures that all South Africans can actively participate in our democracy.

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 on 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.

3.4 Right to quality communication infrastructure

MMA largely agrees with principle 3.5.4 however MMA believes that broadband should be viewed as a “fourth utility” alongside water, heating and electricity. The principle should emphasise access to fast, affordable broadband for citizens, but also access to devices that will be utilised particularly by the poor and marginalised. There is overwhelming evidence and research that highlight how affordable broadband has direct and positive impact on GDP. Even though the social benefits are difficult to quantify, by connecting citizens to each other — as well as to businesses, governments and social services — broadband helps people become more informed and more active in their communities, leading to a better quality of life, and richer personal and business opportunities. It will also crucially enable many of the principles enshrined within this document to be realised.

Further while a quality infrastructure is critical it is equally important that such infrastructure is accessible within all schools in South Africa, from Pre primary to tertiary institutions. Further MMA submits that it is equally important for the infrastructure to be supported by ongoing programmes focused on media, digital and information literacy, and that these are integrated into all school curricula, from pre school facilities to tertiary institutions. The importance of uniform introduction

of this principle to all people of all ages cannot be over emphasised. MMA notes that early childhood development is a national priority area of the Government. It follows that these principles are applied in this priority area as well or we will be further delaying our nation's progress and development.

3.5 Social development and quality of life

MMA supports principle 3.5.5 which states that South Africans have a right to benefit from the ability of the communication sector to facilitate social development and improve the quality of life for individuals and communities. However, we feel it needs to be linked with the principle concerning the promotion of availability of open data. In line with this, there also needs to be accountability systems in place with penalties and recourse if they are not adhered to. In other words while the principles may be laudable it is critical that measures of accountability are put in place in order to address challenges and ensure ongoing success and implementation. These accountability systems are often the flip side for several principles within the framing document

3.6 “Celebrating cultural heritage and language”

Principle 3.5.6 relates to South Africans having a right to celebrate their cultural heritage in the language of their choice. MMA feels that the choice of the word ‘celebrate’ should be reconsidered. While there are several languages and cultures to celebrate there are also others, that may be racist, sexist that while possibly tolerated, should not be “celebrated”. We would not however deny people the right for their views and identities to be shared however. Accordingly, rather than using the word ‘celebrate’ MMA suggests the principle is rephrased to be the promotion of having the right to share ideas, stories and identities in the languages of peoples choice. MMA also feels that the public broadcaster (SABC) should be incentivised to promote local language and diversity, including cultural diversity. Although the SABC carries key public services broadcasting principles, MMA submits that principles of public service, as well as promotion of local languages, views, ideas and cultures cannot be borne by the public broadcaster alone. Rather MMA submits that all media should be incentivised to adhere to public service principles. As well as broadcasters, institutions like the Media Development and Diversity Agency (MDDA) should also be further incentivised to promote these principles.

Indeed MMA submits that the role of the MDDA should be clarified and centralised within the revised ICT framework

3.7 Equal universal access and infrastructure

Principle 3.5.7 states that South Africans should have a right to equal universal access to communication and infrastructure. Again this is an important principle, however we would like to emphasise that there needs to be effective accountability mechanisms in place. The necessity of such effective independent citizen orientated and driven mechanism is highlighted by the virtual failure of existing bodies to meet this critical developmental imperative. One of the most important aspects to this principle is that equal universal access to communication services need to be delivered to marginalised groups and people. It must also as noted above be accompanied with necessary information and digital literacy skills.

3.8 Benefiting from communication services

MMA supports this principle 3.5.8, particularly the focus on minority and marginalised groups in the process of formulation. However MMA submits that gender is treated as a separate principle all together. Given the levels of gender based violence and inequality it is essential that a gender perspective is applied to this and other principles within the framing document. We submit that the focus on should be on the gendered nature of challenges that women in particular face, especially those in disadvantaged and rural areas. These challenges should specifically speak to:

1. The "gender divide" which reflected in the lower numbers of women and girls using ICT, compared to men and boys; and
2. Access and affordability of ICTs and how ICTs can benefit women and girls.

3.9 Constitutional communication services

MMA welcomes the recognition of the special status of children within the principles and supports the importance and protection of their rights. It is critical in this regard that due emphasis is placed on ensuring that children and adults are empowered through a variety of mechanism including

advisories complaints mechanisms and reporting mechanism to monitor their media content. MMA further supports the special but exceptional limitations that can be supported to prevent, detect and police child pornography across all media platforms. MMA further submits that principle 3.5.9 is reworded as follows. “South Africans are entitled to communication services that reflect, respect and uphold constitutional standards and values with special recognition of the best interest of the child”.

MMA has removed community from the principle as while we support constitutional standards and values we cannot support all community standards and values especially where they may be in conflict with the value and standard in our constitution.

3.10 Privacy and protection of personal information

MMA supports this principle but submits that it be framed in line with progressive international perspectives and practices, staying in line with our constitutional values and obligations.

3.11 Public benefit of public resources

Again, MMA strongly supports the intent of the principle and submit that issue of the digital dividend are also included within this principle. In particular it is critical that limited public resources are allocated in the public interest and not simply to multinationals. MMA submits that this principle should be read together with principle seven which states that South Africans have a right to equal universal access to communication services and infrastructure.

3.12 Quality communication system

MMA supports the recognition of a quality communication system that facilitates innovation, fair competition and equitable treatment of all role players. MMA submits that for this principle to be realised it is critical that the review also map out how other institutions and ministry’s can contribute to its realisation and are integrated into the policy. The roll out of fast cheap broadband is a case in point where different and competing interest and policies across ministries are hampering effective and citizen focused roll out. It is crucial that the framing document it is inclusive of all Ministries and departments affected and how their needs and contributions can be integrated.

3.13 Maximum transparency for services delivered

MMA strongly supports the inclusion of this principle but reiterates once again the inclusion of effective accountability mechanisms to ensure that the principle can be fully implemented.

3.14 Safe environment for all South Africans

MMA supports the inclusion of this principle as well as the strengthening of accountability systems to ensure citizens are able to effectively challenge the powerful.

4. MMA & the SOS Support Public Broadcasting Coalition Submission

MMA endorses the submission made by the SOS Support Public Broadcasting Coalition and we also want to strongly reiterate the following point:

1. The ICT Framing Paper should be in line with Public Service Broadcasting principles as well as local content principles,
2. There needs to be sufficient emphasis on the principles underlying the move to DTT and on the digital dividend.

MMA also submits that Net Neutrality should play an important role within the framing paper and the document should also include the promotion of Open Data access. In essence, Net Neutrality argues that no bit of information should be prioritised over another. This principle implies that an information network such as the internet is most efficient and useful to the public when it is less focused on a particular audience and instead focused on multiple users.

The basic assumption that guides advocating for net neutrality is that the idea of democracy is undermined when communication platforms fall under exclusive control and it supports the circulation of ideas and information thereby safeguarding freedom of expression.

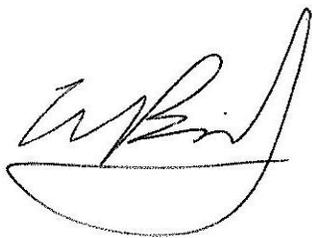
5. Conclusion

MMA strongly supports the majority of principles included and submit that they broadly present a solid framework for the ICT Policy Review. The main suggested changes of the document are situated around diversity of content, universal access, accountability mechanisms and recognition of the importance of incentives for all media with respect to public service principles. MMA also submits that appropriate accountability systems are built into the framework to support the successful realisation of the majority of the principles. MMA also submits that the importance of existing public service institution including the regulator ICASA and the broadcaster SABC are recognised with a view to ensuring their effective and independent operation. In this regard MMA support and fully endorses the submission by the SOS Support Public Broadcasting Coalition.

Media Monitoring Africa thanks the Authority for the opportunity to make this submission, and hereby requests, that if there are to be further 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,

A handwritten signature in black ink, appearing to read 'W Bird', written over a horizontal line.

William Bird

Director

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