DATE OF TRIBUNAL: 07 SEPTEMBER 2001

GJ SMITH

V

SABC

TRIBUNAL: PROF JCW VAN ROOYEN SC (CHAIRPERSON)
MS FADILA LAGADIEN
MR. I CHETTY (CO-OPTED COMMISSIONER)

THE COMPLAINANT PUT HIS CASE PERSONALLY, ASSISTED BY MR. P HERMANUS, BOTH FROM WORCESTER.

MR. LOUIS RAUBENHEIMER, GENERAL MANAGER, AUDIENCE LIAISON, CORPORATE AFFAIRS FOR THE SABC

Race relations – allegation that SABC portrays Coloureds as simple-minded, poverty-stricken, criminals or without ideals – complaint not falling within ambit of Code.

SUMMARY

The two complainants, prominent members of the Worcester Coloured community, complained that the SABC constantly portrayed the Brown People as simple-minded, drunkards, poverty-stricken, criminals or without any ideals. Argued that
this was not so: the Brown People were focused on high ideals and were proud to be part of the new dispensation. Commission holding that the complaint did not fall within the ambit of the Broadcasting Code, but that it would convey this perception to the SABC CEO.

JUDGMENT

JCW VAN ROOYEN

On the 22nd May 2001, the Respondent broadcast in its weekly current affairs programme, Special Assignment, a documentary on the so-called “28” prison gang, which has members in many prisons in South Africa. According to the documentary the gang in effect runs certain prisons after the doors are closed at night. Violence, retaliation and death are, as conveyed in the programme, characteristics of the way of life of this gang. There exists no sympathy for other human beings and some prison warders fear for their lives when working within this setting. In the present programme most, if not all, inmates are Coloureds. The programme then shows how therapy by a social worker inspires the inmates to commence thinking and talking about love and respect for fellow-inmates. This therapy would seem to be successful.

Mr. Raubenheimer, who appeared for the SABC, described the programme as one which, in his wide experience of TV journalism, should win prizes for excellence. Mr. Smith and Mr. Hermanus gave credit to the programme, but argued that the programme, once again, created the impression that Brown People were nothing but violent criminals. The impression was created that criminals are Coloured. This was the picture of Brown People portrayed to their children, whom they as parents were educating so as to reach the highest standards and be proud of their achievements as South Africans. The Complainants also referred to a programme on the “Bergies”, who is a group of homeless, at times inebriated, forgotten people, living on the lower side of Table Mountain. Once again, so the argument ran, they were portrayed as Coloureds, whilst in reality the number of Black and White Bergies is increasing. But, this was not shown.
The Complainants also argued that when programmes are broadcast about development, they concentrate on Black and White people. The substantial Couloured population is mostly ignored.

The matter of appointments to jobs at the SABC was also raised, but I explained to the Complainants that this was a matter, which does not fall within our jurisdiction.

The Broadcasting Code provides that material, which is likely to harm the relations between sections of the South African Population, may not be broadcast.

Both documentaries are not, to our minds, intended to attack Coloureds or even to portray Coloureds as irresponsible, inebriated criminals. The focus in the Bergies programme is on the sadness of a people, which lives, in dire circumstances on the outskirts of Cape Town on the mountain side. Their ethnic origin is not the focus, but the way of life, which has developed amongst this hapless people. Viewers would not, for one moment, believe that they are representative of the Coloured people. The same argument applies to the Special Assignment documentary on the gangs in prison. The inmates happen to be mostly Coloureds. But, once again, a viewer would not gain the impression that the only inmates in prisons are Coloureds. It is common knowledge that prisoners consist of all population groups. What, however, is interesting about this Cape prison is that the experiment would seem to have had some success.

We are, accordingly, unanimously of the view that the programmes were not likely to have harmed relations between population groups. South Africans are aware that the Coloured people is an enthusiastic, dynamic and hard-working people which has proved that it constantly strives for the betterment of the living conditions of its people and the education of its children. The Complainants, however, feel that the SABC does not portray this side of the Coloured people sufficiently. In fact, they argue that this side of their lives is neglected by the SABC. That the Complainants are serious about the matter, appeared from the fact that they traveled from Worcester to Cape Town to meet with the
Commission and that the hearing was preceded by several meetings led by the Complainants in the community. In fact, Mr. Hermanus is the Deputy Mayor.

The matter of balance in broadcasting as a whole, does not fall within our jurisdiction. This is a matter of policy for the SABC Board to look into. Mr. Raubenheimer conveyed to the Complainants that he would convey their complaint to the CEO of the SABC. Although we do not have sufficient facts before us so as to form an opinion as to the justifiability of the complaint concerning balance, we do believe that the complaint is sincere and worth while looking into from a policy perspective.

The Complaint is not upheld. We, however, direct the Registrar to request Mr. Raubenheimer to convey this judgment, plus his perceptions of the complaint, to the CEO of the SABC.

We would like to express our appreciation to Mr. Smith and Mr. Hermanus for having taking the trouble to meet with us.

JCW VAN ROOYEN
CHAIRPERSON
24 September 2001