SUMMARY

A complaint that derogatory opinions were broadcast about mental institutions was not upheld. In so far as some observations tended to be in lighter vein, it was pointed out that the limits set by the Code for the protection of dignity were not overstepped. The Complaint was not upheld.
A complaint was received in regard to opinions expressed about mental institutions in a broadcast by the Respondent. The Registrar decided to entertain the complaint and referred the matter to me. I, in turn, decided that the matter should be heard by a Tribunal.

The complaint reads as follows:

“This morning the 20 May 2014 I happened to listen in to a Radio Station on 98.6Fm in the town of Stellenbosch in the Western Cape at about 07h25. (a search on the Sentech & SABC Radio websites identify the Station as being Radio 2000?? I am not sure as the Radio Station was not named during the few minutes I listened in.)

My concern is regarding what was said, accompanied by laughs & sounds and the whole attitude communicated by the Radio Presenters (DJ's) and possible callers in towards a number of Mental Health Hospitals in South Africa-Fort Napier in Pmb, KZN & Valkenberg in Cape Town. In the brief time I listened in I found the ‘talk’ to be highly insensitive and extremely unkind. That mocked and made fun of places who provide care for people battling and suffering with Mental Illness and the people themselves.... This, instead of promoting understanding and compassion. Cemented/expressed long-held prejudices, fears, attitudes...that stigmatise and castaway people in need of help and healing....How would patients and their family & friends feel if they were also listening in? I was left

More than an apology(which would be a start) is needed....what about a week of programmes promoting positive Mental Health and the important work that Mental Health Carers do in our nation??

Thank-you for hearing my concern which I trust will lead to constructive engagement with the people concerned and result in a more socially responsible media.”

The Broadcaster responded as follows:

In respect of the above-mentioned complaint, please find our comments as follows.

1. Radio 2000 is a station that is focused on the upliftment of the community and is driven by our mandate to help make a difference in South Africa by building relationships between all cultures.

2. The complainant alleges that the presenter made distasteful comments on radio by mocking and making fun of people battling and suffering with mental illness. We agree that the remarks made might have been in poor taste, but they are nowhere near any kind of making fun of mentally ill people judged within context.

3. At 7.25 the presenter Justice Ramohlola and his team were talking about Oscar Pistorius being referred to a mental institution. They then asked for callers to share their experiences as young kids how they were disciplined and threatened by parents about how they will be sent to the nearest mental institution. These were comments coming from our callers on the day. Instead one of the presenters said that her mother worked for a mental institution and she would threaten to take to her to the institutions whenever she was getting naughty.
4. We did not at any point express and stigmatise these institutions.

5. The comments were opinions expressed by both the callers and the presenters, which they are entitled to do.

We submit that there has been no contravention of the Code.”

EVALUATION

[4] Although care should always be taken when discussing mental institutions and persons who suffer from mental illness, we do not believe that the institutions were stigmatised in the programme complained about. In fact, callers were referring especially to how people tend to misunderstand the role of such institutions. References were also made to allegations that some parents misused such institutions in the bringing up of their children. In instances where the opinions expressed were somewhat negative, we do not believe that the protection regarding dignity in the Code was infringed. In Sokhulu v New Africa Publications Ltd t/a 'The Sowetan Sunday World' and Others1 Goldstein J stated as follows at 259C-D:

[10] The right to an unimpaired dignity is protected by the actio iniuriarum. Such can be invoked when a person is subjected to offensive and degrading treatment or is exposed to ill-will, ridicule, disesteem or contempt (Minister of Police v Mbilini 1983 (3) SA 705 (A) at 715G - 716A). In Brenner v Botha 1956 (3) SA 257 (T) Boshoff AJ (as he then was) said at 261 in fin - 262: "In cases of verbal injury, otherwise than in cases of defamation, the words complained of must impair the plaintiff's dignity and must be insulting in the sense that they must amount to degrading, humiliating or ignominious treatment.

[11] There cannot be an impairment of dignitas without unlawfulness and the question whether this requirement is satisfied or not is an objective one answered by having regard to the prevailing norms of society (Delange v Costa 1989 (2) SA 857 (A) at 862B - G). . ." .

[5] In the result the complaint is not upheld.

JCW VAN ROOYEN SC
CHAIRPERSON

Commissioners Bronstein, Makeketa and Mmusinyane concurred with the judgment of the Chairperson.

1 [2002] 1 All SA 255 (W).