



**MMA, CFE and SOS have laid a
Complaint with the ICASA's CCC
against the SABC's Refusal to
Broadcast the DA's Advert**

**MEDIA MONITORING
AFRICA**



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Media Monitoring Africa (MMA), the Campaign for Free Expression (CFE) and the SOS Support Public Broadcasting Coalition (SOS) have approached the Independent Communications Authority (ICASA) to intervene urgently to ensure that the SABC does not refuse legal election adverts.

The SABC has declined to run the Democratic Alliance's (DA's) controversial "flag-burning" advert. But the SABC is obliged to be neutral and does not have the power or authority to ban an advert because it is "controversial" or because the president has criticised it, the three organisations argue.

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They have asked ICASA's Complaints and Compliance Committee (CCC) to order the SABC to begin broadcasting the advert immediately and to fine the SABC for the breach of its mandate.

The matter is expected to be heard on Friday, May 17, alongside a similar complaint from the DA.

The SABC said last week that it would not run the advert because of the "outcry from South Africans of all races", the belief that the advert "encourages damage of treasured national symbols" and the condemnation of the advert by the President and other government departments.

The SABC "will not want to be part of fueling the outrage", the public broadcaster said.

MMA, CFE and SOS point out in their submission that once the SABC has agreed to run political adverts, it may only refuse one if it does not conform to technical and quality standards, which is not the case with this advert.

Election regulations make it clear that the content is the sole responsibility of the political party and the broadcaster is specifically indemnified from any risk arising from running the advert.

The SABC – which plays a key role in informing the public about the election and the political choices they must make – has no authority to make a content-based determination as to whether the advert is acceptable.

The fact that there has been an “outcry” does not give grounds to withdraw the advert and to be influenced by the President, the leader of a rival party, is in itself a breach of the SABC’s obligation to be neutral, they argue in their submission.

There is no suggestion that the advert is illegal or may provoke violence, the organisations said, and therefore the SABC is obliged by its public service and election mandate to run it and ensure it treats all political parties the same way.

“We are acting to ensure the SABC fulfils its mandate and does not get involved in deciding what is acceptable or not from political parties,” said CFE’s Anton Harber.

“Burning the South African flag is an offensive act, instead of shying away from this the SABC should rather have engaged it, by seeking to ban the advert they have shifted the focus away from the act to focus instead on the SABC ‘s own processes.” added William Bird director of MMA.

SOS National Coordinator Uyanda Siyotula, said, “We expect more from our public broadcaster. We have fought hard and will continue to fight for its independence, especially when times are tough and when debate is heated, we need courage from our public broadcaster.”

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The Campaign for Free Expression is a non-profit organisation dedicated to protecting and expanding the right to free expression for ALL, and enabling EVERYONE to exercise this right to the full, whether it by speaking out, by protesting, by revealing information, by blowing the whistle on wrong-doing, by arguing, debating, writing, painting, composing or just by shouting out your opinion.

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