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In the matter of
MEDIA AND DIGITAL PLATFORMS MARKET INQUIRY ("MDPMI")
held in hybrid format at
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on 19 March 2024

Chairperson: Chief Economist and Acting Deputy Commissioner:
Competition Commission: Mr. James Hodge

PANEL MEMBER:

Ms. Paula Fray

Day 12:

Media Monitoring Africa

SOS Support Public Broadcasting Coalition

START OF PROCEEDINGS ON 19 MARCH 2024

CHAIRPERSON: Good morning and welcome to day 12 of the Media and Digital Platforms Market Inquiry Public Hearings. Today we're privileged to have Media Monitoring Africa first, and that's followed by SOS Support Public Broadcasting Coalition. So from Media Monitoring Africa, we have William Bird, the director. We have Phakamile Madonsela, the Web Rangers coordinator. And then we're very lucky to have a couple of rangers, so Gomolemo Pooe and
10 Tinothenda Gohodzi. And then we have Thandi Smith, the head of programs, and Azola Dayile, Program Manager, Advocacy, Litigation, and Lobbying. So, welcome to the Media Monitoring Africa team. Thank you so much for making the time and also thank you for all the submissions you've made to date. I think we're really looking forward to hearing from you today. You've at least had also the benefit of hearing some of what has been said prior, so if you have observations on some of those, you're also welcome to make them. We are less formal here, so it's Paula and James, not Mr. Hodge and Ms. Fray or Commissioners. And so I'm going to hand over to you. I believe William will be starting the
20 presentation and the team will work through the different submissions.

MR. WILLIAM BIRD - MEDIA MONITORING AFRICA: Lovely, thank you. Good morning, everyone and thank you for having us, and thank you for allowing us to make these submissions. We've got a big and lovely team with us, but that's because we're dealing with big and not-so-lovely issues, but thank you for the introduction, so I don't need to then do that again. So

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just as an outline of our presentation, I'm going to kick it off with some key points, some endorsements, and a few other elements. We're then going to have Phakamile outlining some of the children's rights issues. Then we've got some of our Article 12 members who will make their own submissions. Then my colleague, Thandi, will talk about mis and disinformation and the impact that that has and its relevance to this particular inquiry. And then my colleague, Azola, will be talking about some of the case studies that we did and our other colleague, Ntombi, is just sitting in the corner there, who's also been working on them, and then we'll

10 round it off with a series of recommendations that hopefully can be implemented almost immediately, would be nice. So that's the outline of it. We wanted to start with this warning. There's a children's story called The Lorax, which I think was done in the '70's or '60's possibly, which is essentially about a lovely forest and everything's nice and there's balance and equilibrium. And then a person comes in and they discover that they can make a thneed, and a thneed is a thing that everyone needs. Doesn't really have a purpose, but people start to think that you need it. And through the nature of rapacious capitalism, they pretty much destroy everything. And so that's part of the lesson that I think is relevant for the

20 commission, but also the fact that if we think of a polluted river or if we think of a river, which is a lot like the internet, the companies didn't invent the river, but what they do do, and currently these large giants, is that they pollute the river. And in normal circumstances, any company that pollutes a river, ideally, would actually be fined for doing so. They'd be compelled to not only clean the river, but they'd also be compelled to restore it to its

pre-prior condition. They'd be compelled to ensure that they no longer continue to pollute it. Yet we seem to have this bizarre thing where we've got a river and we've got all sorts of fish, from adult fish to many millions of children fish, and the social media companies happily go along and pollute them and in many instances, that results in death. We know of children in South Africa that have either ended their lives or other such hideous results directly as a result of some of the things that they've experienced on social media. These are some of the reasons why we do the work that we do. And so we are dealing with issues that are serious.

10 Beyond the comparison of the polluted river, these are things that actually impact children's lives on a fairly direct and immediate basis. They take it beyond the competitive issue, beyond the nice things that many of the companies say, to actually dealing with the fact that we are dealing with fundamental rights in this inquiry. So MMA, we are an NGO. We've been running for the last 30 years with a clear human rights focus, and we act as a media watchdog. We do a lot of policy work, a lot of submissions, and engage in a lot of strategic litigation. We are drawing for this presentation on our expertise that we've gathered over the last 30 years, and that covers a few different areas, which is why we have the different speakers. We

20 also just want to highlight that we align ourselves as one of the members of the SANEF submissions that was originally submitted. We align ourselves with those and we endorse the points made in there. And we also endorse the content of those, as well as some of the others, including the GIBS and the SOS Support Public Broadcasting Coalition, because again, public broadcasting is a key area of much of our work. Onto the first

kind of substantive issue, we were asked to have a look and a think about competition ad and subscription revenues and user data. And the moment you start to look into this, you start to see the massive inequality. It's like it makes South Africa's inequality look like the most egalitarian society you could ever hope to imagine. You can see the example we've got there is a bit like racing a Checkers 60/60 against an F1 and hoping that they'll do as well. We heard from some of the Google people, yes, we do understand the challenges of trying to realign and shift your business into a Google, into a digital paradigm. It's not a difficulty. It's not like, oh, they just don't

10 have the right people or the right skills. It's fundamentally just about impossible to make money from the scenario that is currently there. The dominance, the monopoly that they have in these areas is just absolutely staggering. The fact that we allow this, that we continue to allow this, is just mind boggling. In most other sectors, when you have this extraordinary level of dominance and this extraordinary level of anti-competitive behaviour, people act, and we see that they are acting indeed on this. In our written submissions, we've highlighted the fact that the EU, the USA, and there was another example there, are all having issues about these issues and about these anti-fundamentally, anti-competitive practices that

20 have been adopted. To suggest that our news media, and look, they have many faults, and we're one of the first to call them out on these things, but to suggest that all they need to do is actually just transform to the world of digital and all will be well, and we'll all be singing, and the river will be clean, is just not in touch with reality, and it's frankly misleading to suggest that. Another issue, which I think then goes beyond the realms of this

particular inquiry, is around the user data. Again, if you look at that, and if you look at some of the practices that are going on, there's a piece that we refer to in our written submissions where they call the exploitation of user data the greatest data breach ever. It's an extraordinary claim for the way that they use it, and again, in America, they've been forcing the companies to store, even TikTok, to store their data in America so it doesn't leave. We don't even know where our data is. We think it could be in the EU, maybe in Ireland, maybe somewhere else. We have no idea, actually, where it is, let alone how that gets stored and used and exploited. And again, if you're

10 adults and you're dealing with adults who are making informed decisions, well, that's what adults do because we sometimes do stupid things and give away our rights far too easily, but we're not talking about just adults. We're talking about our children, our most vulnerable population, the group of people that we have a fundamental and constitutional obligation to protect. We have no idea what happens with their data, and we'll get into some of the issues about why so many of these things are deeply, deeply problematic, and that this, in as much as we're dealing here this morning with news media and those kinds of level of competition issues, we're dealing fundamentally with children's rights issues at the same time. And

20 that any kind of attempt to divorce it from these fundamental rights issues, I think, and I hope that the commission sees them for what they are, which is smoke screens to delay, deny, and diffuse. Because we know that the reality is simply this, big companies resist responsibility. If you go back to the industrial times right, and you go back to mining in South Africa, the mines didn't suddenly decide, oh, we should implement safety measures

because they cared, and they thought it was a good idea that maybe they shouldn't kill all these thousands of blacks. They did it because they were forced to by regulations and by rules. They didn't implement those particular measures because it was a lot cheaper for them to ignore these things, so they had to actually go and start to do that. And we're now in the same space. We've got these companies that are now well matured in many respects, and we are now starting to say, actually you need to take a lot more responsibility for these things and we need to force them to comply, like everyone else, with the rights and tenets of our constitution.

10 So, I'm now going to hand over to Phakamile.

MS. PHAKAMILE MADONSELA – MEDIA MONITORING AFRICA: Thank you, William. They've already introduced me. I'm Phakamile Madonsela. I'm the Public and Media Skills Development Manager at Media Monitoring Africa, and what that means is that I am responsible and support our training with media professionals, as well as children in the general public. My role today is very simple. I'm just going to give you an overview of our work and its relation to how our work promotes and advance human rights, particularly children's rights, and then also, through the recommendations of our Article 12 members, the role that we believe platforms should play

20 in promoting and advancing children's rights in the media, in the new media environment that we find ourselves in. So, around the idea of human rights approach that MMA has, in particular, children's rights, the approach we have in all our work with regards to media and children is because we believe that through the projects that we have, we're able to create an inclusive and participatory constitutional democracy through the work we

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do with our children and media. And how do we do that? We do that through a program called the Bona Bana Program, and this program is twofold, and it's very unique and powerful in the way that it works. So, in one hand, we work with journalists and media professionals in capacitating and in training and empowering them so they are able to better understand the issues around human rights in the media, but also for them to better understand the ethical standards at which we expect them to report, so then we start to see a reduction in human rights violations in the media, or children's rights violations, sorry, in the media, but also an increase in reporting that is in the best interest of the child. And we do this simultaneously with training our children, but also the caregivers or parents and teachers on how they can be safe online, but also digital literacy, digital and media literacy, so that they are empowered citizens that know how to use the internet safely and responsibly, but also further than that, and more importantly, how they can then start to form critical contributions towards policies that will allow them to participate in the new media environment we find ourselves in. And so, those two groups or stakeholders that we have, we see the importance of empowering and capacitating them so that they understand the role that they can play in building, strengthening and sustaining a healthy democracy. And that's the fundamental of our human rights approach when we're working with media and children. In particular, our Article 12 and Web Rangers group, so those are, so I'll start with Article 12. Article 12 are young people between the age of 13 to 17 that have been trained on media and digital literacy, and then carry on, so once they've been trained, they go on and they create innovative campaigns that teach

other young people about how to stay safe online, but also how to lead in the digital world, how to take advantages of the opportunities that the internet has to offer while being safe and responsible online. And the Article 12 group are Web Rangers that have been trained, so they are Web Ranger ambassadors that have a special interest in policy work and policy submissions that are going to make sure that their voices are heard, and that their opinion and input is prioritised with policymakers and industry leads. So these are Article 12 members. And some of the ground working, I just want to highlight some of the ground working, some of the

10 groundbreaking activities or successes we've had with our Article 12 is the first, the building of a holistic and comprehensive Web Rangers curricula that has been an inspiration for many other online safety curricular guide. For example, in 2019, Google initiated a pilot in the Western Cape where they trained, it was inspired by our curricula to build their own online safety guide that trained all of the LO teachers in the Western Cape. Another groundbreaking, it was a first in South Africa where we had a mis and disinformation comic book. I actually have it in my bag. I'll show it to you. A groundbreaking mis- and disinformation comic book created by children for children to kind of unpack the issues of mis and disinformation in an

20 everyday setup where children, or the impact of mis and disinformation, is really put in a very realistic scenario so that children can better understand the impact that mis- and disinformation has on their own lives as young people. The other one was the most recent one was our most recent submission to UNESCO on digital platforms and the guide around digital platforms. And then we also had, in the last two years, been engaging with

information regulator around section 34 and 35 of the POPI Act. And we, through that, we are able to advocate for a better understanding of section 34 and 35 of the POPI Act. And those are some of the work that we've done around advancing children's rights in the new media environment we all find ourselves in, especially young people. So now I'm going to go into the idea of which specific rights that are really important for us in this discussion today. So the first right that we try to advocate for in our work with children and media is the right to receive and impart information. And that is very specific when we talk about the right to receive and impart
10 information. It's not just access to information, but it's access to a certain kind of information. So this information must be diverse. It must be in a language that we understand, that children understand. It must be appropriate for the age group and that information must promote well-being and development of the young person. And so when we talk about access to information in South Africa, we're talking about, so children make up 34% of the population in South Africa. So we can see how this right is really fundamental to the existence of children's rights in the country, because if 34% of the population don't have access to diverse content, don't have access to appropriate content, and instead, actually, every time
20 they go out onto the internet to enjoy this right to access information, they are met with exposure to harmful content. They are met with mis- and disinformation, cyber ills with hate speech and the likes. And so we can see how that on its own, just on its own, is really limiting their ability to have access to information, but also then poses so many threats when they're in the online world. Again, we go to the analogy of the river and the fish.

While they're there, what kind of information and access to information and news are they able to get? And what is it doing for their wellbeing and development as young people? The other right is that children have the right to be protected from harmful content. And so we want to see platforms understanding their role in terms of the human rights perspective, in terms of children's rights perspective, and how they can, while the fish is in the river, the fish shouldn't be eaten by bigger fishes because they're in the river. And so we want to make sure that they understand children's rights, but also understand the harmful content and its impact on young people.

10 And they have more details, they'll share more details about how they want to see that happen. We want to go now to the recommendations. Some of the recommendations, and Article 12 members will go in detail with these recommendations. When we talk about children's rights in relation to our hearing today, in relation to news in particular, we found that when we did the research last year on how children engage with news on social media, we found that children were not able to access diverse content. And they were not able to access news in particular. When they did, it was not diverse sources of news. It was not, we called it social media diet. So when we looked at their social media diet, we found that it was dominated by
20 celebrity news. It was dominated by news that was not in their best interest. It was just content that was not contributing to their well-being and development. And so what we want to see, we want to see children have access to public interest content and news is inclusive of that. And the idea of news, and Gomolemo and Tino will expand on it, is that news allows for children to be able to receive accurate news that is in their best interest,

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that allows them to make critical decision-making around their own lives. So it gives them information about how to act, how to behave, where to go, and how to be able to carry out the things that they need to do as young people. And so that's the importance of that. And then the other really critical thing, and again, Article 12 members will go in detail with this, is around the issue of meaningful digital and media literacy skills for our young people. Again, the idea of digital and media literacy skills is that it empowers young people to know how to use the internet safely and responsibly, but also how to take advantages of the opportunities the internet has to offer while being safe online. And we want to be able to see young people gaining those critical skills in the new media environment. And then the last point is around protection measures that are going to be put in place to ensure that while the fish is in the river, the fish is having access to this information, certain information that is for their well-being, that they are gaining these strategic skills that allow them, while they're in the river, to be able to navigate the different corners of the river or different issues or harms that they find themselves confronted with or encountering while they're on the online space. And that's like, we're talking about algorithms, we're talking about advertising, privacy, and they'll go into detail about what they want to see happen. Lastly, the issue around, and I think we'll all talk about this, even the ones that are presenting before and after us will mention this, the need for meaningful digital and media literacy and for platforms in particular. The role that we feel that platforms should play in this discussion is around the investment and really providing adequate resources for the upskilling of our young people. Earlier I

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mentioned that we made a submission, the children made a submission to the UNESCO and guidelines on regulating digital platforms. And we were successful in our recommendations around allocating adequate resources, in particular to improve media and information literacy for all users, but particularly children. And that speaks to long-term sustainable strategy that is focused on advancing human rights or children's rights, a strategy that is independent of digital platforms and a strategy that is inclusive or has a multi-stakeholder approach because we recognize the need for them to be on the table, but we don't encourage that they are leading in these

10 discussions. We need an independent strategy that is going to be in alignment with children's rights and that's going to speak to meaningful digital and media literacy in South Africa. And we feel that platforms have responsibility and a duty towards a portion of their users. Thank you.

MR. WILLIAM BIRD - MEDIA MONITORING AFRICA: Thanks Phakamile.

Okay, Web Rangers, you're up.

MR. GOMOLEMO POOE – WEB RANGERS: Good morning, good morning, everyone. My name is Gomolemo Pooe, a proud Web Ranger ambassador and Article 12 member from Midlands, Soweto, currently attending school at St. Matthew's Private Secondary School and I'm eager

20 to engage with you today. As Article 12, our biggest priorities are to leverage our expertise and experiences as child online safety ambassadors to advocate for South African children who are not fortunate enough to have digital literacy skills or access to such platforms. By amplifying children's voices, we strive to ensure that their perspectives are acknowledged in all discussions pertaining to their welfare. We are aware

of the inquiry underway to examine the competitive landscape within which traditional media and digital platforms operate in terms of news production and distribution. Article 12's involvement today is centered on urging both government and digital platforms to uphold children's fundamental right to access information and news online safely, while also ensuring their protection from online harms. Firstly, we have to understand that media organisations and digital platforms have distinct responsibilities in regard to the production and distribution of news. While media organisations prioritise principles of accuracy, fairness, diligent fact checking and source

10 verification, striving to avoid bias and misinformation, digital platforms present a contrasting perspective as open mediums of communication and connectivity. Digital platforms permit anyone to post or share content without necessitating accuracy, verification or guiding against misinformation. This highlights the crucial necessity for the emergence of digital literacy as an essential life skill. In my years with the Web Ranger program, I've come to understand digital literacy as the ability to effectively navigate and utilise information and communication technologies in various contexts. The term news refers to timely information about events, developments and occurrences that are of public interest and significance.

20 While majority of my peers might have a different understanding of the term news, as some defined it as new information that they did not know before, local and international events and celebrity gossip. This is derived from MMA's research paper. The distinction between the two definitions might be from a lack of digital literacy skills among the youth. MMA's research on how children engage with news on social media enables us

to make certain assumptions about the effects of lack of digital literacy skills among children. There are four key assumptions drawn from the research paper being that one, children spend a lot of time on social media but don't necessarily know how to diversify the content they're receiving online. Two, children don't necessarily go looking for news while on social media, which may limit their comprehensive understanding of what consists of news and how to access credible news online. Thirdly, when children do engage with news online, it is not diverse news content, which may limit their ability to become critical thinkers and active digital citizens.

10 Lastly, due to the lack of skills to spot and fight mis- and disinformation, they run the risk of becoming vulnerable and easily influenced in the digital world. Therefore, Article 12 proposes the following measures to address some of the challenges presented to be dealt with simultaneously, continuously and in line with the best interest of the child. Firstly, digital platforms must acknowledge that in the digital world, children's right to access information means more than just providing them with a platform. It also means actively putting in place measures that ensure that children access diverse, accurate, credible and relevant news that is in a language they can understand. Secondly, digital platforms must prioritise children's
20 right to access information by limiting the effects of algorithms and advertisements and actively provide diverse news. Thirdly, digital platforms must invest in digital and media literacy skills for children in and out of schools because digital literacy speaks to basic child online safety to ensure that all children with a connected device have the necessary skills to successfully engage in the online world. This responsibility on platforms

is also acknowledged by the updated UNESCO guidelines on regulating digital platforms, as said by Mem Phakamile, where he also shared a submission outlining the very same issues. Article 12's proposed comment, which has been successfully incorporated into the updated UNESCO guidelines, reflects the following recommendation that digital platforms should allocate adequate resources to improve media and information literacy of all users, including digital literacy about the platform's own products and services as less relevant processes. For us as web rangers, having digital and media literacy skills has empowered us

10 to better understand that social media can also be used as a tool to access up-to-date information and news, which helps us to make better, which makes us to make informed decisions about our lives. I want to end with a quote from a 2020 web ranger that highlights the potential impact digital literacy can have on other children. Lesson 1.3, "Understanding disinformation was my favourite because it taught me how to ensure that the information I'm receiving from the internet is accurate, reliable and trustworthy." This quote symbolizes the need for digital literacy as a life skill and the impact it can have on one's life. Thank you.

MISS. TINOThENDA GOHODZI– WEB RANGERS: Morning, everyone.

20 My name is Tinothenda Gohodzi and I'm 16 years old and I go to Immaculata Secondary School. I live in Soweto. So today I'm going to be talking about the longstanding issues. So, we are fully aware that this particular inquiry is related to the media and digital platforms, but we believe that the following issues are longstanding issues that, if not addressed, will continue to affect how we engage with news and

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information online and therefore are important to mention in this submission. Unequal access to the internet is still one of the biggest problems facing children in Africa because without access to the internet, children cannot participate in the online world. This means that children will continue to be left behind and the digital divide will grow wider. We would like the government and platforms to share their strategy on the role they can play in fulfilling children's rights to access to the internet. We believe this universal access to the internet for children means children should have access to stable internet connections. Children should have

10 access to free devices at their schools, community centres for educational purposes and entertainment in schools provide, for entertainment internet. In schools, this provides students with access to a vast amount of information for research and learning. It enhances learners through interactive educational resources, online courses and multimedia tools. It helps students develop digital literacy and prepares them for a technology-driven world. It facilitates collaboration among students and teachers, fostering teamwork and communication skills. This allows for connections to the global community, promoting cultural understanding and awareness.

Content moderation. Even if a child is an active digital citizen who engages

20 with diverse, credible content and information online, they're still at risk of coming across inappropriate content and the platform's reporting system requires a user's report for content before it can be taken down. We acknowledge that this empowers users to report and block users that post content that is not in line with community standards. However, before this content can be reported, it will be seen by other children before being taken

down. This leaves an important element of protection to those that can and are willing to report this kind of content. These systems must be made easier and should be the same across platforms. Expecting us children to be familiar with the community guidelines across the platforms and their methods of reporting discourages us from reporting. For example, in highlights, this is a TikTok video that went viral of a man committing suicide in 2020. Although TikTok tried very hard to remove it from their platform, it was there for several hours and a lot of children saw it. Content moderation positively affects children by creating safer online environments. It filters out harmful or inappropriate content, shielding children from exposure to violence, explicit material, and cyberbullying. This promotes healthy digital experiences, fostering positive behaviour and mental well-being. Additionally, moderation encourages respectful online communication, teaching children valuable lessons about responsible internet usage. By creating age-appropriate content, it supports their cognitive development and prevents negative impact on their attitudes and perceptions. Ultimately, content moderation empowers parents to trust online platforms, enabling children to explore the digital world with reduced risks. We want the platforms to work with relevant stakeholders to incorporate our diverse languages online so that we can have the opportunity to access information and news on social media platforms in our preferred languages. This will also allow us to play a meaningful role in restoring our South African cultures through language. In doing so, however, they need to make sure that they have the systems in place to monitor the content we receive. The role of influencers and celebrities on children also needs

to be studied close and possibly necessitates the need to share strategies on how tech companies can protect children from exposure to these overwhelming culture of influences and advertising. The first issue being the way in which content created by child influencers impacts their own mental health, their academic life, as well as their privacy and safety. The second issue is the impact of content created by child influencers on child consumers. Both these issues can no longer be ignored. While consumers often compare their lives and the lives portrayed by influencers, they may struggle with their self-esteem and academic focus. Among other issues, 10 it is important to discuss how both influencers and consumers can ensure their safety and well-being in terms of mental health and academic life. Thank you.

MR. WILLIAM BIRD - MEDIA MONITORING AFRICA: Thank you, Web Rangers. We're going to proceed on to our next speaker.

MS. THANDI SMITH – MEDIA MONITORING AFRICA: Good morning. As mentioned, my name is Thandi Smith, Head of Programs at Media Monitoring Africa, and I'm going to be taking us through our approach and work around mis and disinformation and the impact and how it relates to social media platforms. So just to start off with, we define disinformation 20 as the sharing of false information intentionally to cause public harm. And that's the concept of intentional, the causing of, intentional cause of public harm is really what sets mis and disinformation apart. We have also seen how recently disinformation has emerged as one of the top global risks. Global risks to cause or influence a global crisis followed by environmental issues and societal polarisation. And so it really is one of the most serious

challenges that we are dealing with. And what we are seeing is that social media is simply fuelling disinformation and other online harms like hate speech and harassment. We have seen disinformation's impact, not only in South Africa, but globally as well. We have seen how it erodes trust in public institutions, it erodes trust in the credibility of media. It is harm, it harms democracy and it fuels existing tensions in societies. We have also seen how South Africa's social issues at the moment are creating a perfect melting pot, a fertile ground for the spread of disinformation. We have also seen that where we have a lack of clear communication, and we talk about

10 clear communication from government entities, from public institutions, from those institutions that are supposed to promote and spread and disseminate accurate, quality, credible information, where we have a lack of that communication environment, we also see how it creates the space to very easily spread false narratives. And this simply fills that void where you should be getting that quality, accurate, credible information. The current media environment generally, the challenges that news media are facing with sustainability, financial, new financial models, the general challenges that news media are facing has caused a problem where we are seeing fewer journalists in the newsroom. We are seeing fewer

20 resources being put into news media. We're seeing the shrinking, absolute shrinking of news media and this has had a massive impact on news media in the country, in South Africa, but also across the continent and around the world. And when we see a news environment with fewer well-resourced journalists, we see that it sort of, again, allows false narratives, allows disinformation to kind of overpower and fill that space that

journalists have historically been able to be proactive with providing accurate and credible information. We have seen how disinformation and other online harms intersect. And when we talk about the intersection of disinformation and online harms, we see how issues like hate speech, xenophobic content, racist speech, harassment is often culminated in a content that is disinformation. And that's what really makes it so difficult to tackle and understand. And the other aspect that the reason disinformation is so easily spread and spread virally is because somewhere in that content, it contains a little element of truth. Or what it does is that it just
10 simply has that point of doubt. The minute you cause doubt in your audience, the minute you cause doubt on an issue, the person engaging with disinformation is unable to make an informed decision and it becomes really difficult to discern that content. And that's all you really need to dampen that active citizen re-roll and create that apathetic voter when we talk about disinformation and elections. And so that brings me to the point about disinformation and elections, where we have seen, I mean there have been, I'm sure you've heard a number of examples and we know of a number of elections taking place across the world. Since the 2017, 2018 kind of rise of disinformation, we have seen the impact that it's had on
20 elections. Most recently, the Kenyan elections, the impact of disinformation and influences had a direct challenge to the electoral process. And so, South Africa is no different. We have seen how disinformation has challenged our electoral processes. We are already seeing it for our upcoming elections in May. But given the kind of context where South Africa is and given the narratives, the very underlying xenophobic

narratives that we're seeing on issues of foreign nationals and migration and the existing societal tensions, we are already seeing this as a challenge that's playing out with disinformation and elections. And we know that it's only going to get more volatile, it's only going to get more tense and disinformation is going to absolutely thrive over the next few months. And so MMA's work on disinformation, I just wanted to touch briefly on some of the initiatives that we have. For us, it's about balancing the issue of trust, credibility and accuracy, as well as transparency in the media and news environment and information ecosystem. And so, not only

10 is it about combating disinformation and online harms, but it's about promoting the trust and credibility in existing institutions and news entities. And so we, in 2019, we developed a platform called Reel 411. At the time, we partnered with the IEC on that initiative. Over the years, Reel 411 has grown into a platform that doesn't only deal with disinformation and elections or election-related disinformation, but it deals with four categories on online harms, hate speech, harassment, incitement to violence and disinformation. And the Reel 411 essentially is a complaints mechanism, a complaints platform for anyone who comes across online content that

20 deals with one of those four categories, reports the content to the system and it gets assessed by three experts and an outcome then gets decided by a secretariat who is a legal practitioner. And when it's related to election disinformation, that content gets automatically flagged with the IEC. Their legal team then assesses it and is able to take action on that disinformation or other online harms. We have an appeals panel or an appeals judge for when the complainant wants to appeal an outcome and currently that

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appeals judge is former justice, Zak Yacoob. We also run an initiative called Padre, the Political Ad Repository. And this is really around transparency and accountability for political advertising. But what makes it really, a really great platform is that for the first time in 2024, related to elections, we are able to track political party ad spend on social media. However, it's very restricted to only Meta, Facebook and Google. So unfortunately, we're only able to look at those platforms. But the ad repository is really around political parties being able to upload their original official digital ads. And so people are then able to compare what

10 seems to be manipulated content on social media to what would have been the original adverts. And so it's a really quick way to, you know, some of our work around digital literacy for the ordinary user to be able to pick up on the subtle differences. And again, it just speaks towards our campaigning for higher levels of transparency, accountability and credibility during an election period. As you've heard, we also have a number of initiatives in our Web Rangers program, including the comic book on disinformation. I think, if I'm not mistaken, it's our third issue of the comic book, a really, really fantastic initiative that not only makes sense to children, but to many adults as well. So bringing us back to the issues of

20 disinformation and how it relates to our presentation for the inquiry around and social media platforms. We're dealing with five key challenges here. The first is that we have seen how powerful social media platforms have absolutely prioritised profits over combating disinformation. And not only disinformation, but other online harms as well. We have seen how it has been a challenge to try and combat this, but we have seen firsthand how,

yes, some of the platforms are doing the bare minimum, but far more needs to be done. And I'll go into some measures to address mis and disinformation as well. But I think the takeaway is that we know that social media platforms can do more, and they are not. Challenge two is around tracking disinformation. There's a lot of fantastic research and organisations that are interested or who are looking to tackle combating disinformation on social media platforms. But what we have seen is the lack of transparency and accountability around algorithms has made it unbelievably difficult to gather that data, to understand how disinformation works through the algorithms of these platforms, how disinformation appears on social media timelines, where the content gets pushed, where it's sort of disincentivised, and just understanding the algorithms, I think, generally, not only from disinformation, but understanding the algorithms and how these are built and targeted and how content is targeted would make the tracking of disinformation easier, which would then result in being able to take far more initiative in combating. We also see the concept of echo chambers, the concept of the information bubble, where the more you kind of go down that route of disinformation, the more content of that nature you are going to receive. And so that simply, as you know, that simply reinforces the ideologies and where that's intertwined with conspiracy and disinformation, the user simply gets reinforced. And so those narratives and those ideas become the person's real life, becomes their reality. And it's simply this absolutely false version of what the reality is out there. Challenge four and five, we look at the impact on news media. And it's really interesting, what we have seen happen is that those who are

wanting to spread narratives and wanting to spread narratives around disinformation and online harms will very easily take credible news and twist it into a disinformation campaign and use credible information. And again, form that element of truth and create that disinformation narrative. We have seen this very recently where we have had a really tragic story around children who have died from eating biscuits sold at the local spaza shops. We have seen two incidents recently, one in October and one in February. But what was really disturbing about the story is that the child, and most recently in February in Soweto, the child unfortunately, very sadly
10 passed away. And the narrative that was swung was, it was the fault of the foreign national owner. And it created an entire spiralling of xenophobic and really horrible hate speech and vitriol against the owner. And it took away the very real tragedy of the child and looking at societal challenges that allowed that to happen in the first place. And so we also then saw as a result of the sort of online narrative, we saw a very real physical hate and attack on the owners of the shops. That could have all been prevented or kind of, the tensions could have been diffused if we didn't see such a backlash on using xenophobic narratives on social media. And that's just one example of a number of examples that we've seen around how
20 disinformation that has intersected with racist speech and xenophobic speech has resulted in real physical harm and attacks. So moving on to some of the measures to address mis and disinformation. We know that mis and disinformation is a complex, complicated content scenario system to dismantle and combat. And so there's no one single solution that exists. It can't only be up to the platforms to solve. Although we do state that they

are not doing enough and they need to do more, it isn't only the responsibility of platforms. And that's also around the issue of jurisdiction. What we've seen is that jurisdictionally, platforms don't take into consideration local context and so they have to partner with local players. They have to work with local organisations and local entities because often this type of content, when we're talking about online harms, is a very localised issue. Although it's a global challenge, the actual, when it comes down to the content, it's a very local problem. So we need a multi-stakeholder approach, which also empowers the public to take action

10 around these issues. The disinformation only thrives in the viral nature of it because people engage with it and people share it. You take away the power of disinformation when people are empowered to take action against it. If disinformation isn't shared, if disinformation isn't spread on social media platforms, if algorithms work towards diffusing disinformation and decentivising disinformation, the impact and the reach of disinformation would be minimal. And the impact of that would then be felt in the lack of engagement with disinformation. Platforms need to look at supporting public interest journalism. We've spoken briefly about public interest content, but public interest journalism should be significantly

20 invested in the long term. And we need to address the sustainable, look at addressing the issues around sustainable funding for quality journalism. Without quality journalism, disinformation is going to thrive. And the global risk that has been addressed or spoken about is going to become that reality, that global crisis will be our reality. We need to look at ensuring that they are must carry news content regulations around social media

platforms and not only just carry news. We know social media carries news on their platforms, but we need credible news to be actively promoted and surfaced. And so quality, accurate, credible information reaches the audience that it needs to. I've briefly mentioned issues around disincentivising mis and disinformation or disincentivising disinformation. Again, platforms need to look at actively discouraging the creation and spread of misleading information. And we know that they can do this. We see how they disincentivise and allow for problematic content, illegal content to, when it is not completely removed off the platforms, it gets kind
10 of thrown into the background of the algorithms. And so it doesn't reach the audience that the initial disseminator intended it to reach. We need to see this happening with disinformation as well. We've spoken already about children's rights and disinformation and children as users of social media platforms. Again, to reiterate, we need an environment where we have safety by design for children. And then to end off with, global equality and standards. What gets applied to the so-called global north developing nations needs to be applied to smaller nations, to environments where social media platforms we know don't take as seriously. We have to see equality and standards across the board as a global standard. Thank you.

20 MR. AZOLA DAYILE – MEDIA MONITORING AFRICA: Good day, colleagues. As mentioned, my name is Azola Dayile, program manager at Media Monitoring Africa. I'll try and be as brief as I possibly can. My role today is to speak on the relationship between social media and traditional news media. So this is to look at the impact of news on social media and social media on news. So the methodology that we used, we use two tools.

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One, we use Determ. Determ is a commercial artificial intelligence tool that uses real-time social media insights, gives real-time social media insights. We also use Dexter. Dexter is an internal platform that we developed at Media Monitoring Africa. It's a tool for news media content analysis using natural language programming. So we analysed two case studies. The two case studies are the case, International Court of Justice case, Israel versus, or South Africa versus Israel, as well as the Joslin story. The data analysis we looked at mentions over time by sources, top influencers, the number of mentions by sources, and these definitions are provided for in

10 the written submissions that we gave to you guys. So this particular approach, this multifaceted approach will assist us in understanding the complex relationship between news setting agenda on social media and as well as how social media then drives news cycles. If you can go to the next slide. Yes, so the first case, as I've mentioned, is the case of the ICJ story, but for a little bit of context and background, in December last year, the South African government initiated legal proceedings against Israel, accusing it of committing genocidal acts during its Gaza offensive. So this particular development, of course, gained global attention as various news media outlets reported on the case as well as social media playing a pivotal

20 role in disseminating the information and ensuring that there is an extensive sort of like public debate on the issue. The case's visibility highlights the influential role that media plays in informing the public about significant international events, fostering a more informed and engaged global citizenry. But looking at online engagement of this particular news item between the 1st of January, so the period we looked at was the 1st of

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January and the 26th of February. I think it covers 30 days of this current year. The data shows us there were some peaks and some troughs in the coverage for the period covered. The first spike we noticed was on the 11th of January as the data reveals. And this spike is accounted for by the reports on South Africa listing provisional measures and its case with the ICJ to prevent genocide. So this was the first news media reports on traditional news media sites in South Africa about the ICJ case. The story was covered by international media, including Al Jazeera, as well as local media, including our public broadcaster, News24, and EWN, Eyewitness
10 News, amongst others. And then secondly, the second peak we saw was on the 22nd of January. News media again reported on the matter, reporting that Indonesia, now a different country, was set to also challenge Israel's illegal occupation of Palestine at the very same course, the ICJ, in a separate case initiated by South Africa. But this was picked up by South African media and they reported on it, which represents the spike there. On this particular day, there was a slight spike from below 50 mentions between the 12th and 25th of January to a high of around 100 mentions on the 22nd. So between the 12th of January, there were mentions of about less than 50, but immediately when this was reported, there was a
20 jump almost by 100% when the topic was reported on mainstream news media again. And then two days later, on the 24th of January, traditional media again reported on the ICJ making a ruling on SA's genocide case against Israel at The Hague. And the number of mentions drastically rose to over 800 on that particular day, showing that it was one of the trending or most talked about topics online on that particular day. I mentioned that

we also looked at overall mentions for this particular period. So the overall mentions for this period, as the data shows, is that this particular case, the ICJ case, garnered over 6.7 thousand mentions. This significant percentage increase from the previous period shows how significant the spike in mentions was for the ICJ case driven by media reporting on the case. So that green figure that is there represents the previous period looked at here. So that's the spike, that's how much it jumped by during this period on social media. And then we looked at mentions by source over time. So platforms, X and websites, including media sites. So there are websites there. Those websites include traditional media or credible media platforms. They were the most dominant platforms in terms of where mentions occurred the most on the topic of Gaza, with Facebook being the third most popular. So Twitter, websites, as well as Facebook were the most popular around this topic over the period covered. The first major spike here for this period under review, according to the data, occurred on the 8th of January. What happened on this particular day is that traditional news media reported that Israel alleged that the ICJ genocide matter, alleged that in the ICJ genocide matter rather, South Africa was actually distorting the truth. As shown by the data, the report spread significant mentions on social media and websites, peaking at over 100 mentions on websites and just under 400 mentions on Facebook alone. So that report about Israel saying that South Africa actually was manufacturing the truth or distorting the truth about the case, we saw again, a huge jump in mentions of that case on social media platforms, including websites that include websites of traditional media news sites. So after the 8th of

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January, mentions gradually declined on Twitter, rather on Facebook and websites, to figures below 50 on around the 22nd of January. Again, mentions rose once again on the 29th to an all-time peak of 500 mentions across websites on the day. Engagement on Facebook platforms was the second highest with a total of over 370 mentions. This was most likely due to the fact that on this day, the ICJ was handing down judgment or ruling on the matter, and it was widely reported on a variety of news media, including live broadcasts from a public broadcaster and other commercial broadcasters in the country. So this further generated debates and

10 conversations on social media, leading to a rise in activity and engagements across the various social media platforms and websites. So what is clear from the graph above is how news coverage from websites and social media traffic matched each other, with evidence that the social media mentions were driven, of course, by the news websites because that's where the news first appeared, as their traffic increased ahead of social media traffic, as the graph shows. So the second case we looked at, just to speed it up, was the Joslin story. Joslin Smith is a six-year-old who went missing from her home in the north of Cape Town on February 19th, reportedly while under her mother's care. So this story, also similar

20 to the ICJ story, was widely reported on in the media, resulting in spiking social media traffic as may be reasonably expected. So as of today, we know that Joslin has still not been found, and there were videos that were shared that were, or rather, there were videos that were shared that spread disinformation around that she's been found here, she's been found there, her body is here, but what these videos actually show us and underscore

is the potency of social media on social platforms and also highlighting the critical importance of news media, because the news media reported on her being missing, but never reported on her being found, either dead or alive, but then on social media, there were videos generated where people were saying, no, this is her, she's here, and this is her body, highlighting the potency that exists on social media websites. So had it not been for journalists and credible news sites, traditional media sites, these false videos would not have been effectively challenged as we saw. But fortunately enough for us, news outlets such as the Daily Maverick as well
10 as other news medias, promptly challenged the veracity of these videos, dispelling the false information and ensuring that citizens were informed about these particular inaccuracies, so reporting on the videos themselves. In terms of impressions, the story recorded a total of 4.6 million impressions in the period covered. I had mentioned earlier that the definitions of what impressions, engagements, and mentions mean are available on the written submissions. So they garnered about 4.6 million impressions for this period covered, and this is up by over 300,000% from the previous 30 days. It just shows that previously there wasn't any report of the story, but immediately when there was a reportage of the story in the
20 following 30 days, it jumped or spiked up by almost 300,000%. And despite this being a running story, the increase in mentions is again clearly linked to the escalation in news coverage due to the appearance in court. And then the spike on the 8th of March. There was a spike on the 8th of March. It resulted from the initial appearance of the four suspects, including Joslin's mother in court. Various news channels covered this, including

SABC, Jacaranda News, as well as E News, or ENCA rather, delivering real-time updates to their audiences about the proceedings in court. So, moving on, moving on, moving on. We asked ourselves then, what is the nature of the relationship between traditional news media sites and social media? And one of the questions was dynamic duo. There's a possibility of these two entities being a dynamic duo. So news media and social medias can create a powerful information ecosystem. What is meant by this further is that the correlation between news media outlets and social media is a dynamic interplay that significantly influences the modern day information ecosystem. Social media, as characterized by its dynamic and changing nature, acts as a powerful amplifier of breaking news and trending topics. It functions as a real time platform where information can quickly reach vast and varied audiences through shares, reposts and viral trends or hashtags. And then in contrast, traditional news websites, which are guided, of course, by editorial policies and journalistic standards, they offer a much more accurate and verified information coverage and analysis, giving more comprehensive understanding of issues. So as you can see, these two can be a dynamic duo, with one being having much more stringent peer kind of reviews, mechanisms, and the other having none. But if they do work together, there can be a change in there. And then we looked at the role of social media and news media. The interactive nature of social media platforms facilitates a two-way communication channel between content creators and consumers, which fosters a sense of community engagement. The collaboration between traditional media and social media can form a symbiotic relationship. Traditional media

outlets leverage social media platforms to extend their reach, sharing news articles, videos, updates with a broader audience, while simultaneously, social media users share and discuss traditional media content on social media, bringing attention to important issues and shaping, of course, public discourse and debate. However, challenges exist within this relationship, and I think I've briefly touched on this, the rapid dissemination of information on social media can lead to misinformation and the spread of unverified content. Traditional media outlets play a crucial role in mitigating these challenges by, of course, fact-checking and providing a powerful, much more powerful context. There's possibility for synergies for success, and this, inculcates collaboration, that can enhance information depth, immediacy and diversity. I've mentioned the downside. Information that can turn the relationship parasitic, we have seen, so parasitic towards the side of platform, because there aren't any sort of mechanisms to mitigate the challenges I've mentioned, and thereby harming public discourse. We need to navigate this complex relationship to ensure a reliable system, and recommendations will follow. Thank you.

MR. WILLIAM BIRD - MEDIA MONITORING AFRICA: Thank you. I'm aware we are over time, so you'll leave a big five more minutes just to run through, and I'll just highlight some of the many recommendations, if that's okay. So, in essence, here we're talking about reinforcing the conclusions from the South African National Editors Forum submission. We reiterate those points and stand by them. We would like to emphasize the critical importance of public interest content, the need to introduce must-carry rules, proactive surfacing of credible content on these sites. I heard a very

interesting thing in the Google submission that news only constitutes a very small percentage, and it's not that big, and they kept on underplaying it. They even said, you know, without news our site would still be fine. That's a bit like saying, you know, there are only 300 cases that go to the Constitutional Court or 400 cases. We don't really need it, it's a very tiny fraction. Let's just do away with it, right? The fact is, is it plays a critical role in the functioning of our democracy. If anything, that means that you need to make sure that you actively promote and sustain those things. On the issues of protecting children, I think that there are so many fundamental

10 issues that we haven't even begun to deal with as a nation. With a country that has the best section on children in the Constitution anywhere in the world, we're failing our children, we're failing our constitutional promise by not making sure that the platforms adhere to that. We heard a little bit about how much money they've been making or cents at, you know, back of the envelope figures. Nice that they say don't use back of the envelope figures, but when they only give you a back of an envelope, what else are you meant to use? If they bring the figures, we're delighted to provide accurate ideas, but we have to make sure that we're doing far more to protect children against child sexual abuse material and those direct abuses. We

20 know sextortion is one of the biggest increasing cases in criminal acts that is occurring across all of our social media platforms. It's not okay to just say, oh, we don't know, we can't do anything about it. Like that is a fundamental rights violation and we cannot allow that. I think we must be asking and demanding from the platforms far greater emphasis on data. It's one thing for us to hide adult data. We agree to their terms and

conditions, although no one in this room I bet has ever read them, we've got a site for that. But it's another thing for children who are operating on those platforms with no informed consent, no informed consent at all, and for them to be using and abusing their data. So some of the practical recommendations, just as they've got now an API and you can see an ad library for political ads, we would like to see an ad library for every advert that targets children. We have a right to know which adverts are targeting children, what products they're targeting them for, and how much money they're making off our children. In the States, they made at least two billion
10 in 2022 just targeting children. Media literacy, my colleagues have spoken about that, the critical need for that, and sustainable long-term funding. It's not good enough to say, oh ja, we care about it this year, maybe next year we'll care less. If you look at Vodacom, another big company, their profit for 2022 or '23, I think, was around R9.7 billion. Their Vodacom Foundation gets annually a budget of around 110 million, which if you look at it, it's just over 1%. Are we suggesting that these entities, Google, according to your figures calculations, around R2.7 billion profit? 1% of that, are we really getting R27 million being spent on our news organisations, let alone on addressing fundamental rights violations? You know, those are key
20 questions so that even though they're there, and we know them, we know many of the lovely people that work for these platforms because they're some really good people, but the reality is, is until and unless they start to stop polluting the river and take active steps to make sure that they don't, not just introduce some nice fish to make it look like they're doing something, we're not going to get anywhere. Finally, on the combating

online harms and misinformation. If this is about the money, let's talk about the money and let's hit them where the money counts. We have to disincentivise disinformation. At the moment, that video that my colleagues referred to, when you make a video that says, here's Joslin's birthday, where Joslin was found and there's a video of them finding a body, someone made that. It's disgusting. What makes it even more peculiar for the mind and shows out what a dehumanised society we are is that they did it to drive users to get more users on that particular platform. So, fine, we know that they do this to make money. We know that there are farms
10 of people around the world who spread disinformation in order to make money. Two things need to happen. A, platforms need to say, if you breach the guidelines, because spreading disinformation is a breach of most of their guidelines, you need to pay back the money. Any money that you get for spreading disinformation, the user must pay that back. The joy is these companies have got very, very, very deep pockets. They can spend the time and legal revenues getting that money and recouping that money back. The first thing it does is it disincentivises people from thinking they can make quick money and just happily do it without any consequence. They must pay that money back. Then what you do is you then fine the
20 platform for the equivalent of that and multiply it. So it must be a multiplier dependent on the harm that that thing has caused. I think making money off a missing child is pretty much as low as you can go. It's the kind of thing that Donald Trump would do, right? That is so utterly despicable that you could make money from that. And we know that that isn't the case. We had a case in South Africa of a person called Tracy Zille. The real identity, let's

for now assume that it wasn't revealed in court when it was, but that Tracy Zille account was set up to spread racism and misogyny. The court said when they went through it that this was clearly racist hate speech and hate speech on the basis of gender as well. They used it to drive traffic to their website to do what? To make money. We can't tolerate that kind of thing. That's like saying we can commit active rights violations in our daily business, get paid for it, and there's no consequence, which is exactly what's happening. And in fact, it's not that there's no consequence because every ad that goes there, guess who else is making money? It's not just the scumbag that did that. It's the scumbag company that's making 10 money from that. So they're giving with one hand and saying, yes, we care, we'll do this about disinformation. That's like introducing a clean fish or saying, here's a nice bottle of sparkling water. Let's pour this into the river and see if that helps. Oops, it didn't. Because in reality, they're making money by polluting the river and that must stop. So same thing with journalists. Journalists online being attacked on the basis of gender. It continues, it's allowed. Very little is done. Again, fine the company. You work out an advertising equivalent of what it would cost to spread that, to spread those posts, whatever impressions, any of those things, formula 20 must be public. That company must pay back that money at a multiplier of the harm that it was caused, and that money should then go into a legal defence fund for journalists. Finally, issues around data use. I think that's one of the recommendations is that the commission ask the information regulator to carry out an urgent inquiry into where our data is as South Africans. Why is it not being stored in South Africa? Just as the EU

demands that EU data of every person in the EU is stored in the EU, just as America demands that every person's data that's used in America is stored in America, this is a fundamental issue of equality. Because we're Africans, because we're down here, and they don't seem to care, and they can use and exploit our data, and we don't have any access to it, is fundamentally unacceptable. It goes against our constitution's basic rights of dignity and equality. And we're going to end with that quote, which also then comes back from the Lorax. Thank you for your time and for listening.

MS. PAULA FRAY: So thank you very, very much. I mean, I think that we

10 would agree that you've brought a lot of new stuff to the panel and we're really, really grateful for that, and for the work you put in in your case studies, and for the work that the rangers did, and also just kind of bringing to us the needs specific to children. So thank you all for that. And I want to actually start with the Article 12 submissions, and just unpack a little bit the points that you guys made. And for both of you, whomever feels, after you did your digital literacy training, how did the way you actually went on the internet change? The way you navigate the internet, the places you go, what's the difference before and after the training?

MR. GOMOLEMO POOE – WEB RANGERS: So after I did a web ranger

20 training in 2022, yeah 2022, I was in grade eight. Yeah, that's when I did my web ranger training. First, I didn't know anything about digital literacy. It was the first time I came across the term digital literacy or anything in regard to being an active digital citizen, how we use the internet and social media platforms. I was clueless, in as much as I'm arrogant about being smart and all, I was clueless back then. It was a new concept to me, and

it changed the way I perceive a lot of things on social media. I learned that not everything you see on social media can be true. As children, as naive as we are, we tend to think that whatever we see online should be the truth because it's there for a particular reason. Then after doing my web ranger training and learning about digital literacy skills, I learned that not everything we see online is the truth. So it definitely did change the way I see a lot of things online. And sometimes, as with this knowledge about digital literacy, even if you're not sure about something, you can do more things on the platform. If it's inappropriate, or you feel it's inappropriate, 10 we've learned that you can report things, you can flag posts. We've learned a lot of things. So these digital literacy skills I have now, they empower me to be better while online, while on social media. Thank you. Thank you.

MS. PAULA FRAY: And do you and Tino actually use the internet for news? So do you go there to catch up on news or you're just kind of chatting to friends? I mean, what kind of information are you looking for?

MISS. TINOTHENDA GOHODZI – WEB RANGERS: When I go online, I chat with my friends, or it's for school researches, so that I can, because I do a lot of things online. And also, yeah, I do look at news from time to time, but it's not always. I think I was raised in a very traditional way, so I'm 20 used to newspapers. We have one at home every single day. So yeah, I read mostly newspapers.

MS. PAULA FRAY: So one of the organisations not coming to this panel, or that we hope will still come to the panel, is TikTok. And I'd be interested to know from both of you, whether you consume information on TikTok, and what kind of information you consume on TikTok.

MR. GOMOLEMO POOE – WEB RANGERS: Firstly, TikTok is highly addictive. I won't lie, it's very addictive. And one thing about TikTok is that once you get into a type of particular content, it will keep on feeding you that type of content. As I've said before, digital platforms, they don't diversify the type of content we receive. If I'm interested in only cars, I'll keep on seeing cars, more cars, more cars. So unless I'm interested in looking for other types of content out there, it will never show me. So it must be something, TikTok makes you want to see that type of content, in order for them to provide you with that type of content. So the type of content I would usually go looking for in TikTok would be, I won't lie, news last on TikTok. It's the last thing that might come up when I'm on TikTok. So it's not a matter of I'm not interested in news, it's that TikTok doesn't seem to provide news content for me.

MS. PAULA FRAY: We've had a lot of people come to the commission and make submissions about how young people are not consuming news, or avoiding news, or not interested in news. And so I'm wondering when you go to social media platforms, what do you get there that you don't necessarily get if you're watching the news on TV or listening to it on the radio?

20 MISS. TINOTHENDA GOHODZI – WEB RANGERS: I think that digital platforms are not like the most reliable sources for accurate news. So when you are on a digital platform, the last thing you would expect is to get accurate, accurate news. So on news, when the news anchor is telling you what's going on around the world, that you can definitely trust because it's, well, it's not only ENCA that is going to be presenting about something, it's

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most probably going to be also presented by SAPC and other, now on digital platforms, you can find something on TikTok and then on Instagram, it's said as a whole different story. So digital platforms, not really so accurate, but you do get news, but it's not so authentic.

MS. PAULA FRAY: I think given the fact that you guys have both done the digital literacy training, are you aware of misinformation that's been spread amongst your groups, amongst your peers?

MR. GOMOLEMO POOE – WEB RANGERS: I think we, both of us are very much aware of misinformation being spread. And sometimes I also
10 have friends who do spread misinformation and I'll text them, no, dog, this is, sorry for....Like this is a misinformation, you're spreading false information. This is not accurate. Where have you ever seen this happen before? So rather like think about it clearly and try to see whether is this really relevant information. So sometimes I do encounter misinformation myself and I do take the necessary processes of reporting the post or such and such. So it is something that I do practice whenever I come across misinformation.

MS. PAULA FRAY: And do you think that being part of the Web Rangers and being part of Article 12 has been really good for you in terms of
20 engaging as active citizens?

MISS. TINOTHENDA GOHODZI – WEB RANGERS: Yeah, I think that it has been truly a wonderful experience because I think I've been in Article 12 since 2022, yes. And honestly, everything that Mem Phakamile teaches me, I try my best to always apply it to my daily life because yeah, my peers are very unruly. So yeah, so it really has been helpful besides her teaching

us how to navigate our lives on the digital space, she's also just taught us how to be responsible soon to be adults and also how to just live with other people. And also things like this also really do help with self-esteem, confidence and what not. I think it helps us become like more, what word can I use? Like adults that are, yeah, informed adults, yeah. Thank you.

CHAIRPERSON: Can I also just ask, I mean, we hear about the big misinformation and disinformation, but Tino and Gomolemo, what happens on a day to day, I mean, in your peer group? What are the type of misinformation you come across that may not be headline making?

10 MISS. TINOTHENDA GOHODZI – WEB RANGERS: So at my school, we have a problem of online. So they do not know how to navigate the online space, right? So we've had to deal with cases of cyber bullying amongst learners at school. And also they spread misinformation about teachers. I think last year there was a post with a teacher's picture that was saying that he was missing, but he was there at school. And because, yeah, and because, since I'm a web ranger at school, we were called to the office so that we could organise an assembly so we could explain to the other learners the consequences of their actions and what not. And I think generally the misinformation that we deal with is that on teachers because
20 they make a lot of things like that. And also Facebook posts reporting other school learners dead and whatnot, yeah.

CHAIRPERSON: And maybe just to follow up on that, Gomolemo, I mean, do you find that having access to credible news in your efforts to educate your peers on the platform helps to counter it? So just practically day-to-day, because that's obviously one of the suggestions made. So do you use

that to say to your friend, I mean, this is clearly misinformation, look, yeah, it's fact-checked, or here is the news report?

MR. GOMOLEMO POOE – WEB RANGERS: Yes, I do do that because I can't say to you like this is wrong without proving that it's correct. Sometimes I tend to like my Google, I don't know what it's called, when you enter Google, like there's this just page of headlines across, yeah, that part. They'll just be like, maybe they were saying something about, there was this post that said Thabo Mbeki had died early January, yes. My friend posted it because like he's very political, he loves the ANC. So like he
10 posted it saying like a fallen soldier. I said, how sure are you that Thabo Mbeki is dead? And like there was an article, I think from news 24, if I'm not sure. No, from Thabo Mbeki's public, don't, don't, from Thabo Mbeki's public foundation, that said, no, Thabo Mbeki is still alive. And there was a video where he was attending a funeral that said, no, I'm not dead, I'm still alive. And I sent it to him showing that, okay, here's an article saying that, a statement saying that he is still alive. And here is him verifying that he's still alive. So looking for other, looking for credible sources to verify whatever I am saying is really helpful. Because teenagers are very stubborn. If they believe in something, they'll continue with that hot-headed
20 behaviour of theirs.

CHAIRPERSON: And maybe just one last question to the two of you from me is just, it seems that the survey, at least Phakamile, identified there was a lack of diversity. But I just want to go back to, to Gomolemo and Tino, just in terms of, I mean, what is your experience of that? So what are you more confronted with and what are you looking for? Because we also

heard that, we heard from the Reuters Institute, which do their own survey, saying that people often are going to social media and they're doing so because they're not seeing their own voices in the mainstream media and they're not seeing them. So just to get, sorry I know that's a long question and maybe a confusing one, get your view on the lack of diversity and what you tend to see and what are you looking for?

MR. GOMOLEMO POOE – WEB RANGERS: I don't understand the question, honestly.

CHAIRPERSON: So, yeah please, Paula will try better than me.

10 MS. PAULA FRAY: So when you go to the news, I mean, do you see young people like you? And when you go to social media, do you see young people like you? Where do you see yourself in the news and your views and your interests reflected?

MR. GOMOLEMO POOE – WEB RANGERS: Okay, that's much better. I can relate more on social media because social media, as I've said, is an open platform. Anyone can just join in and create content. So I can relate more to on social media because, honestly, children aren't that much prioritised on traditional media as much. As much as the efforts of SABC with SABC Kids News, we are not that much there as we are on social
20 media. Social media, as I've said, it provides a platform for us to present ourselves, for us to relate with others, with other children who are just like us. So even though it has its dangers and there are a lot, we are more, I hope I'm saying for the both of us, we are more comfortable on social media as we are much more represented there. Children create diverse content more than traditional media can because children talk about

almost everything and anything. They're just talking without thinking of the repercussions or thinking of what will happen after. Just thinking, the thinking process is very limited, but they're just creating for them and for others to enjoy that type of content. So I can highly relate more on social media compared to mainstream media.

MISS. TINOTHENDA GOHODZI – WEB RANGERS: I think that the comments from Article 12 members kind of give us a clear picture of the river and the fish because the fish in the river, it wants to be in the river, even though the river is polluted, but found strategies on how to navigate while being in the river. And so we have twelve Article 12 members and these are two of them. And they represent South African children, but there's 12 of them that have been through this program for three years and are able to speak in these important forums that are confident enough to have their opinions and submissions. And we found that when we did the study last year on how children engage with news, the majority of South African children are not as skilled as these young people that are here. They are not well articulated. They don't understand that as a fish in the river, I can still be in the river, but I need to have strategies. So while they're on social media and they spend a lot of time on social media, our research actually showed that each young person that in the space of a week, they spent more than 30 minutes or more on one platform. And the top three platforms was TikTok, Instagram, and YouTube. And so when they are on these platforms, they are not confronted with news. They don't go engage with news. They engage with predominantly celebrity news and check with their friends and listen to music. And so while they also do the same things,

they know where to go to get news content because they've been skilled. But what about the rest of South African children? They don't have these skills, they don't understand the importance of actually going out to seek information that is going to be beneficial for their well-being and development and growth, for their educational purposes, and so forth. And so it really shows us a great example of the need for digital literacy and for need for adequate resources that are going to be geared towards making sure that all 34% of our population is well-equipped as these young people.

CHAIRPERSON: And I don't know if, Tino, you want to answer that last
10 question? I saw you may have a different view. Just get your perspective. All right, that's fine. Phakamile, the research you've done does sound interesting and we would certainly appreciate it. And if it's public, also to be able to put it up on our website. Because I think what we have seen is, I mean, Reuters survey is a particular age group in urbanisation and education group. And we need to know more of what different parts of the country's population are viewing and engaging with. So, I mean, we heard about some of the insights that came. I think Gomolemo put out the four main ones. Are there any big insights you think we should be aware of in the public forum and the public should be aware of that you would
20 highlight?

MS. PHAKAMILE MADONSELA – MEDIA MONITORING AFRICA: I think for this hearing, those are the really critical ones.

CHAIRPERSON: All right.

MR. WILLIAM BIRD - MEDIA MONITORING AFRICA: So we've been working with children for the last 21 years. And before everything was

digital children didn't used to engage with news until you exposed them to it and help them understand and see why it's important. And then they continue. So what we found in doing this exercise every single year was that even though it's a small group of children that we have worked with, a few hundred or something, they would understand why news matters. They would analyse it and they would monitor it. And then the most extraordinary thing happened. We'd monitor it as part of a project for the work that they were doing, which was six to eight weeks. And children, young children were doing this primary school and then even when it

10 finished, they carried on. And we were like, what the hell's going on here? We'd said, you can stop. And they're like, no, we carry on. And when you start with children at the start of the year where they don't engage with news and they don't read it and they didn't watch it or think about it, at the end of the year, because of that work that they had done, they carried on doing that. They carried on engaging with news. So I think the factor that says, as Phakamile says, these young children or these young people and the others that we work with in the Web Rangers will engage with news far more than those because it's not there as a clear kind of interest area and that they haven't been shown what value it does add and brings to them.

20 They are going to be far less interested in the news. And that's why you need that as a basic lesson of digital and media literacy to be educated so that young people see its value. Because once they do, they carry on.

CHAIRPERSON: No, and I think that's a very important point because we're often told that people don't want the news. Their preference is not to have news. And in fact, that was the reason Facebook said they

deprioritised news. But I suppose what you're raising here, William, is almost that people will maybe want what they're exposed to. And if you have a virtuous cycle of news, credible news, that might change.

MR. WILLIAM BIRD – MEDIA MONITORING AFRICA: And because, I mean, for the last 20 years, we've been going on at media about the fact that they don't represent children. They account for 8% of news items we see or hear from children, no, just see them. We never hear their voices. So of course children don't have an interest in it because by and large, they're completely marginalised right, and that's not only a news issue, 10 that's a societal operational issue as well. So of course you're not going to be seeing them on that. But the proof is in the fact that if they are targeting them and spending \$2 billion on children, you can bet that there's value for them to be there. Then you're just talking about selection of content. It's not that children don't want to engage in interesting content because we know that that's nonsense. McDonald's, here's the ultimate proof. McDonald's first advertising campaign targeted children. Why? Because they know that if you target a child, you bring in two adults usually. Because they are business, they have real value. So we know that they have value. We know that they target them and that they're all these kinds of things. 20 You're now talking about what is in the UNCRC, what is going to be content that's going to meet their needs and sustain and support their emotional and mental well-being.

MISS. TINOTHENDA GOHODZI – WEB RANGERS: Just to reiterate what William is saying is that we are fully aware in the report, the research that we'll share with you and how children engage with news. Some of the

recommendations came through from the children to say we want to be on social media and we want to engage with news, but news doesn't represent us. It's not talking to us. We don't hear ourselves in the news. And that is a separate issue that MMA, for the last 20 years, we've been proactively dealing with challenges that media faces in terms of covering news, children's news stories and making sure that children are heard in the news. But that still does not deny the fact that because children are on social media, the platforms need to make sure that whether through the skilling of journalists, through partnering with institutions like MMA to make
10 sure that when children go online, they're accessing news that reflects them, that reflects their lived experiences and make sure that their voices are being heard in and through the news. It's still something that we still are for.

CHAIRPERSON: I just want to move on to the misinformation and disinformation. And I think, Phakamile you mentioned it first, but you don't have to be the one to answer the question necessarily, but platforms say they're doing something, yourselves and others say they're not doing enough. And I suppose a question that we're confronted with is how do we determine what is enough? And what are the resources that are needed?
20 And is there some sort of objective basis to assess that so that one can also resolve that, in a sense, debate? We're doing enough, you're not doing enough. How do we get to an answer on that?

MR. WILLIAM BIRD – MEDIA MONITORING AFRICA: So it's a bit like, are we doing enough to combat child sexual abuse material? Probably not. But are we doing enough to combat crime in South Africa generally?

Certainly not. And so I guess we're not going to necessarily reach an objective thing that says that when we've done these 5, 10, 15, 25, 100, 1,000 things, it's going to be enough. But what is clear is this, is that currently their models actively, openly fund and incentivise the spread of mis and disinformation. The mechanisms and the things that they introduce again to combat that are, if you look at their budgets in terms of the money that they spend on it, are minuscule, right? So you can't say that you're taking something seriously and that you're doing it when you're making money in the one hand, and in the other hand, you're going, okay, we'll do this to mitigate the harms. So I guess the answer to your question would be enough must be when you know that there's more things that they're doing than they are not doing to make money from that. So the first thing would be, stop making money off mis and disinformation. When you can show overwhelmingly and clearly and abundantly to society that you are not making any money, that you're actively disincentivizing mis and disinformation. When you're happily paying fines for these things, when you are removing people, not just when the networks get exposed, but when you're removing them from making money off disinformation, then we'll start to say, okay, that's a step in the right direction. When we can see evidence that you are playing open cards and saying, these and these and these are the steps we've taken to combat sextortion in South Africa. These and these and these are the things we've taken to ensure that it's a safe environment. This is the money that we've contributed to digital media literacy in South Africa alone. It's this many, it's this hundred million. Then we'll say, okay, you're getting close to enough.

CHAIRPERSON: Ja, I think we still, you know, if there is a sort of remedy around this, I mean, the one thing is obviously to say you're penalised for missing this information and their penalties. The other might be to say what sort of resources. So I think it is something that we would still like some further input on, what sort of resources are put into it, not just globally, but in South Africa and in Africa, for sure. But I think you've raised one thing, William there, and I think it came through with others that the incentives, the incentives may be wrong. And this is something that other stakeholders have come and talked about, which means that if their incentive is that

10 they're making money off some of this, well, then it's hard to change that behaviour. So do you think there's a way to disincentivise, which might change that, rather than a sort of law that says you cannot do this or that?

MR. WILLIAM BIRD – MEDIA MONITORING AFRICA: So we'd be very wary of talking about a law that says you can't do this, but that you'd rather talk about the systems that they have that incentivise, because their tracking and their algorithms reward things that generate more followers for you, if you get X many thousand views, you get rewarded for that. And so that can't just be on the basis of, well, that's content agnostic because if you are making money off suggesting that the body of a missing child

20 has been found, there's something fundamentally and morally wrong about making money off that kind of a story. There's something fundamentally and morally wrong and obviously wrong about making money from attacking women journalists online. There's something fundamentally wrong about making money from promoting racism and misogyny. So it's about saying, they're the ones who hold all the cards here, unfortunately,

in this regard, they know how their algorithms work. They know what of that content spreads and how exactly it spreads and how far. So either they have to play completely open cards with us, good luck, and we hope so, or we have to say, you need to pay money, you need to be fined for that, you need to stop paying those that make money, and you need to be paying back fines that actually start to make you feel a little bit of pain at some point. And then you then link that to meaningful resources because it's, as Azola pointed out in his examples, they're doing these good things, they'll say they're promoting news stories and that they get some rewards
10 from that, and then they'll happily allow disinformation things to go and spread, and then it falls to the news organisations' limited resources to then spend days, weeks, hours trying to challenge that spread. So we know, for example, if you look at the Covid 19 thing, as it was spreading, there we saw, when they make a concerted effort, they can actually limit it, right? Most of the big platforms, I think, did pretty well in suggesting that if you spread disinformation about Covid 19, it doesn't exist. If you drink hot water upside down, or like Donald Trump, if you inject yourself with sanitizer or bleach or whatever idiotic thing it was, it's not good for you, right? They de-escalated those, or they removed them, those posts.
20 Suddenly you get this change. Musk comes in, buys up Twitter and X, and then he says, well, no, in the interests of freedom of expression, anything goes, kind of thing, right? And just does away with that. And suddenly you've seen a significant regression from a place where they were actively doing and again, we know that they can do this, because if you go and do a Google search now on elections in South Africa, and you ask your thing,

is the IEC credible in your Google search, you're going to come up with a whole range of things around the IEC, a whole range of credible, respectable sources that are there. So they can do it. But then it's about the incentive for them to do it, because every time they do one of those things, then potentially they make money from someone who's going to be sharing something. When you facilitate a person like Andrew Tate, who actively went and encouraged misogyny and targeted young teenage boys, that's a problem. You know, when you're actively promoting inequality and misogyny, that's a problem for society, and you're making
10 money off that, and he's making money off that. So again, that's not hard, right? It's like, okay, here they are, these are the issues. We know them. It's not like these people are magicked out of space, and it's like, oh, we don't know this. They know them, and they're making money from them. Hit them with the money.

CHAIRPERSON: Ja, I think those are interesting comments, but I was interested in particular on the comment about how it also incentivises those who post, because I think that where people do seek to post again, then affecting that incentives is an interesting angle. I just wanted to move a little bit to the issue of moderation, and I suppose what we have heard in
20 the past few weeks, and this was separately from Radio 786 and the SABC, was in fact that reporting on the Gaza War was de-escalated by the platforms or banned. It wasn't clear, and so it's a slightly different point, but it's about them imposing their moderation rules that may not be aligned with our constitution and our press code. And I just wanted to get any

comments from MMA on that, is that equally damaging to remove that voice, or how do you see that different angle?

MS. THANDI SMITH – MEDIA MONITORING AFRICA: I'll take a stab, and then you can add on. Yeah, so I mean, the jurisdiction issue around how platforms approach content, or kind of moderating and looking at content versus our local context issue is a big problem, but at the same time, we operate within a system where our context matters, and the way we engage and the content that goes onto our ecosystem of information is relevant to us. We have different terms and phrases that constitute hate
10 speech compared to even neighbouring countries, but because social media platforms, where they aren't very present in local context, and even when they are, according to them, it's very difficult to moderate according to local context and local, sort of, your lexicons, and so we've seen, I mean, the example with the ICJ case is a really good one, because for places where the content, where there are different jurisdictional issues with content has a direct impact on the type of information that you get on those platforms as someone living in different countries, and it becomes a problem where it's finding that balance. And it also brings in the issues around balancing the harmful content with the freedom of expression, or
20 freedom of expression argument as well. It's the same kind of grappling with those issues, because what one jurisdiction has in terms of their legal frameworks, where it's very different to other jurisdictional jurisdictions, it is problematic for social media platforms to take all of that into consideration, and that is why we need to look at local initiatives and local solutions to come in. It's why we spoke about that multi-stakeholder

solution to that problem, because we know the jurisdictional issue is a big one, and no one solved that just yet, but we know that there are efforts in trying to kind of get into regulating or moderating in that local issue. It's why we've got Real 411. It's because we know that the content that gets reported to that platform is dealt with within our own legal frameworks and our own constitutional mandate, and so it's not just up to the social media platforms, but it will take local initiatives and local organisations to work with platforms in order to get that moderation as accurate as possible.

MR. WILLIAM BIRD – MEDIA MONITORING AFRICA: But also, if I could
10 just add, fundamentally these things come down to power. In Germany, lovely, wealthy country, part of the EU, they have a law that requires them to have people in Germany that requires them to actively monitor and remove content that promotes Nazi propaganda, for example. Lovely, all of us would agree that's a great thing. They do it in Germany. Do they do it here? Hell no. Do we know how many content moderators there are in South Africa, on the continent? So part of this can be remedied quite easily, which is transparency. Tell us what you're doing and what you've got. What you've got with news organisations is the same thing. I may not like the content of news organisations. I may not like their political point of view,
20 but I know where they stand because I can go and I can look them up, and I know fundamentally that they will adhere to the same standards as all of their peers. Whether or not they have a particular political slant or not, that if there's a problem with it, I can go and I can report that, and it'll be dealt with by BCCSA or by the press council. For social media, unless you're going to a Real 411, you're not getting it adjudicated to the same criteria.

So part of it is about that transparency, but it's also about the fact that content that is allowed on X may not be allowed on Meta, may not be allowed or may be allowed on one of the other platforms, exactly the same content, right? And that just introduces a craziness factor to this that says, how on earth are we as members of the public meant to understand where these lines start to lie? Never mind when you start to get those big political slants coming in. If they were transparent and they said, here's the algorithm, this is the basis on which we're choosing to ignore or not allow this, whereas if you want to, you can. So maybe that may, part of the

10 answer to that is about allowing people to understand their algorithms and allow them to tailor them and tweak them to their own interests and desires. If I want to see content that is pro-Israel, pro-Palestine, pro-whatever, why not? That's what you do with a newspaper or news. You go and you find news that speaks to your issues. Children go and they find things that speak to them and their issues, their heroes, their influences, etc. But when you take it out of that realm and you're not clear and open and transparent about it, and then you perpetuate a fundamental inequality, which is you'll do something if it's in the USA or a big market, but you're not going to do it if it's down here.

20 CHAIRPERSON: Thank you for that, and we are unfortunately out of time. I'm sure we could carry on a lot longer, but we have an opportunity to also engage outside of the public hearings. I mean, the one thing I would just sort of mark for your maybe future submissions is an inquiry is also empowered to make recommendations to government as well. We don't have the powers to enforce that, but the recommendations we can. So also

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think about that aspect. I think we've heard some very interesting sort of projects that you've undertaken and the impact that they've had. But certainly consider that it's not out of bounds for a market inquiry as well. But let me thank then with that the Media Monitoring Africa team and our rangers as well, especially for coming in and sharing insights from your peers in your age group. I think it's certainly been a benefit to have the children's voices heard in this forum and appropriate, and I'm glad that MMA made that effort to bring the rangers along. Thank you so much. We're going to take a five minute break and then we'll be joined by SOS,
10 the Support Public Broadcasting Coalition for the remaining hour.

[Break 02:08:32 – 02:17:21]

CHAIRPERSON: Welcome back. We're now joined by SOS Support Public Broadcasting Coalition. And we're joined by Uyanda Siyotula, the National Coordinator. Justine Limpitlaw, the Chair of the Legal Advocacy Subcommittee and Kgothatso Mampa, the Deputy Chair of the Legal Advocacy subcommittee. Welcome to the public hearings. We believe you have a presentation. And so take us through that. We won't interrupt you.
20 And then after that, we'll have questions for you.

MS. UYANDA SIYOTULA – SOS SUPPORT PUBLIC BROADCASTING COALITION: Thank you very much, James and Paula. And thank you to the Competition Commission for this opportunity to present today. As mentioned, my name is Uyanda Siyotula. I am the National Coordinator and you've already introduced the team, so thank you. And I hope I don't

get to call you Chair at any point. But I think it's really important, it was really important to have you here and it was really important for us to be here as the SOS Coalition, even though we had made joint submissions with SANEF, another organisation because we thought it would be important to really flesh out some of the really important aspects about the SABC. And just to tell you a little bit more about our organisation. So we are a member-based civil society organisation that has been doing advocacy work around the SABC. So actually when we were formed, we were Save our SABC, but we've since evolved to look at other broader

10 issues within the broadcasting sector. But I think we are formed of various organisations that are part of the SOS Coalition, ranging from community-based organisations, organisations within the film and production sector, as well as organisations, civil society organisations in general. And we also have individuals that really believe in the work that we do. Those individuals range from lawyers, activists, as well as academics. It is really a range of different individuals and all of those individuals that are part of the SOS Coalition really believe in advancing and strengthening public service media in South Africa. So they also endorse the principles of SOS, when it comes to what we want public service media to be in South Africa,

20 as well as our vision document, which literally is a vision for the audio and audiovisual sector in South Africa. And just our goal as an organisation is to ensure free universal access to quality local public interest content on broadcast, as well as online platforms to strengthen our democracy, because we believe that information is key to ensuring an informed electorate, and so that people are able to adequately participate in

democracy. Just to then give you an overview of the broadcasting ecosystem. So we've got a three tier system in South Africa. So we've got community, we've got commercial, as well as public. So I'm just going to touch on the other two, but our main focus today is going to be the public media. So, in terms of community, when it comes to radio and television, majority of those television and radio stations, they are limited to that particular geographic location where they operate. And then you also have commercial broadcast, and I'll start with radio. All commercial radio stations are regional, right? Then coming to television, commercial television, we've got ETV, which is the free-to-air analogue television service that's accessible nationally. We also have Open VHD, which is, we've got Open VHD, which is a satellite free-to-air decoder that people can buy for free. I mean, that can purchase, but they will have to pay a particular amount. But to continually access information from that open view HD decoder is completely free. And so that is owned by eMedia. So we also have DSTV and Star Set, and these are obviously paid for television in South Africa, and they're only accessible to those that can really afford those different packages and services. And just to continue now and kind of zoom in on public broadcasting. So public broadcasting for us as SOS is really, really important, because we understand the role of the public broadcaster and in obviously disseminating news and information. And I think really it was important to paint a picture of how important and how massive the SABC is so that we can actually understand the SABC within a much broader media landscape. So SABC radio is divided into public as well as public commercial radio. And it's a

range of regional and national radio stations, ranging from Ukhozi FM, Metro FM, 5 FM, and other stations. In total, the SABC has got 19 radio stations. And I think what's really, really important about the SABC is that it broadcasts in all languages. So it speaks to people in the various languages that they understand with issues that they're experiencing in their daily lives. So now moving on to television. Oh, actually, before I move on, I think it's really important to mention that SABC's reach is about 26 million people on a weekly basis. So that just really, really speaks about its impact in driving conversations in the country. And then, you then, we've

10 got free-to-air television, that is SABC 1, SABC 2 and SABC 3. SABC 1 is obviously, it focuses mostly on the Nguni languages, which is your Xhosa, Zulu. Then you've got SABC 2 that focuses on Afrikaans and your Northern Sotho, as well as SABC 3, which is a public commercial division of the SABC, but it predominantly broadcasts in English. So you also have the SABC News Channel, which is Channel 404, that's only on DSTV. You then also have a newly established multilingual news channel that's a product of the SABC that's available on DTT, as well as SABC+. And I think what's really, really important about free-to-air television is that one third of the population in South Africa still relies on free-to-air television for news

20 and information. So, I'm now going to move on just to speak briefly about the mandate of the SABC and the current financial position of the SABC. So the SABC has been going through a financial crisis for decades now, and that crisis is not, it's not just the SABC that's struggling financially, it's media in general. Sustainability is an issue. So SABC being part of the ecosystem is not really immune to those challenges. But I think as SOS,

what we've seen as the biggest problem is the fact that the SABC does not have a workable funding model. But I think that's a conversation for another day. But I think just to kind of talk about the main revenue streams for the SABC. So we've got 17% that's coming from TV licenses. You also have 3% that's coming from government, as well as 80% reliance on advertising. And to have a public broadcaster that relies so much on public broadcasting is an issue, right, for a number of reasons. And apart from the fact that that makes it prone to commercial interest, you also have a public broadcaster that is funded and sustained through advertising. Yet in

10 South Africa, we've got this analogue switch-off that is looming, that is actually scheduled to take place on the 31st of December. And that already makes us very worried about sustainability of the public broadcaster because when the analogue switch-off happened in five provinces, SABC lost about 40% of its audience. So obviously now with this one being the final switch-off, it is going to lose even a much bigger viewership. And once it loses viewership, then that means the revenue, the advertising revenue rather, will also be affected. And then just to continue with the mandate of the SABC. So of course we know that the SABC's mandate is prescribed in the Broadcasting Act. And obviously the SABC needs to ensure that

20 members of the public have got access to accurate information, neutral and pluralistic information. And also the SABC needs to provide news and public affairs, which actually meets the highest journalistic standards. And it needs to be fair, it should not be biased in any way. And obviously impartiality is really key in terms of the content and the news content rather than the SABC produces. But I think what's really important is also its

independence from government, political interest as well as commercial interest. And now moving on to the last point that speaks about the objects of the SABC. So the SABC is actually also mandated to provide services additional to broadcasting services. So this is where the turning point then is to say now the SABC is no longer just going to be a public broadcaster, but it is a public service media provider. And it is going to provide content much broader than its original parameters, which is why then we are actually having this conversation today to actually speak about SABC's online reach and how it is then affected by digital platforms. So the SABC
10 obviously has got its own website, it's got its own SABC News app, but beyond that recently, I think in 2022, they launched an OTT platform which is called the SABC+ and that's also a source that they actually use to drive their content and disseminate it on the digital platforms. And then we also have content that is shared via third party tech platforms. So your YouTube, Facebook and Twitter platforms and I think the SABC, because of how massive it is, you can also see in the numbers in terms of their following on these platforms that really, really people rely and trust the SABC as a source of news and information. On YouTube, I think on all these three platforms, YouTube, X and Facebook, they've got more than 2 million
20 followers on each platform and that just speaks to the reliance of people on SABC's digital platforms. And then according to the Reuters 2023 digital news report, the SABC comes second for digital only news reach across its own platforms and third party platforms and I think this is just to emphasize the point of reliance and reliability and credibility of the SABC and really the SABC being a go-to news platform when people want

information. And just before I hand over to my colleague, I just want to really speak about the reason why the SABC is a credible source of news. It's because the SABC is regulated, right? So they don't just wake up on this day and want to produce a story. There's regulations in place that kind of guide how all these processes unfold. And the SABC is a member of the NAB, so it is bound by the BCCSA code. So members of the public, if they're not happy with some content that they saw on the SABC, they can lay a complaint with the BCCSA. So, as a member of the press council as well, given that it's now online, members of the public can also lay a
10 complaint with the press council should there be any issues with the content that the SABC produces online. And the SABC is also bound by its own editorial policies to obviously ensure that measures are taken to ensure credible information is produced and that the SABC actually does prescribe to the highest ethical and journalistic standards to ensure that its news and information is really credible. And I think I will leave it there and hand over to my colleague, Kgothatso.

MR. KGOATHATSO MAMPA - SOS SUPPORT PUBLIC BROADCASTING

COALITION: Thanks, Uyanda. Thank you, James and Paula, for the opportunity to speak at riveting conversations in the room. So I now know
20 for sure that I didn't end up in the waiting room of a men's health clinic. Right, so I just, my portion is really short, sharp and sweet. I just want to really talk about the SABC's importance to the national conversation and protection of democracy and the constitution. So SOS thinks it's important to refer the commission to the high court case of SOS versus SABC, 2017 judgment, which is the leading case on the importance of the SABC as a

public broadcaster. And we think this is important because it's not just civil society organisations like SOS saying the SABC is very important. We now have the judiciary, which in my view, is arguably the strongest branch of government at this point in time agreeing and saying the SABC is inextricably linked to the notion of a democracy, especially in South Africa. So what gave rise, I won't get into the merits of the matter, but honestly what gave rise to the case was just ministerial interference in the governance and operations of the SABC and that's why SOS decided to litigate. Some of the key pronouncements that the court made, and I'll refer

10 you to the paragraphs as well. In paragraph 31, the court says, well, section 16, which is the right to freedom of expression, includes the right of the broader public to have access to the broadcast media. And by the way, section 16 is always the starting point for any analysis of media law in South Africa. The court then goes on to say at paragraph 33 that the media is the bearer of the right to freedom of expression. At paragraph 39, the court says the ability of the SABC to reach a vast number of people renders it a powerful tool for democracy. Next slide, please, Uyanda. The SABC must promote alternative views to encourage debate that is vital to the functioning of democracy because the SABC plays a crucial role in

20 strengthening democracy and democratic governance. That's at paragraph 42. At paragraph 46, the court says, well, the SABC is required to perform a watchdog function. At paragraph 60, the court says the independent and pluralistic broadcaster is vital to the citizens' right to vote and the right to free and fair elections. And lastly, at paragraph 61, which is very important, I think, not that the others are not important, but this

really stands out, the court says at paragraph 61 that the SABC is the primary source of political information for the majority of South Africans. So these court pronouncements, James and Paula, are directly relevant to other questions of the commission. Namely, what is the role of the media in a democracy and what is the importance of public media service in protecting constitutional rights? It is clear that the role of the SABC is quite critical to section 16, the right to freedom of expression, which includes the right, I'm sorry, the freedom of the press and other media, and also section 19, which is about political rights, the right to vote and the right to free and

10 fair elections. And so in wrapping up, just before I hand over to Justine, the bottom line is that it's clear that multinational tech platforms cannot drive local conversations by themselves. They are dependent on local news sources to do this and the SABC as the main source of news and information in South Africa across its various broadcast and online platforms in all official languages is a critical pillar for democracy. And that's my story for today.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: Thank you. Next slide, please. Is it possible to get the slide up here? Sorry, am I on the screen? Thank you. I'm going to be looking for

20 the rest of the presentation and there's not much more of it. I'm going to be looking at the impact of mis and disinformation and issues around public distrust, what that means for constitutional rights, the role of the digital platforms in propagating and supporting dis and misinformation and exacerbating public distrust and really what that means. And then I'm going to be doing the last section which looks at what we think respectfully the

Competition Commission needs to do about all of these issues. So just to start off, the World Economic Forum has recently issued its Global Risks Report 2024. It lists mis and disinformation as the second biggest risk most likely to present a material crisis on a global scale in 2024. It's second only to climate, extreme weather, climate change. Now, the report made a number of findings in regard to the issue of mis and disinformation. I just want to take you through those because I think it's interesting how quickly this issue has pushed itself very high on the agenda of global risks. So over the short term, so that's two years as opposed to 2024, it's ranked 10 first as the most severe global risk. It went from number 16th biggest short term risk last year to number one in one year. It's ranked as the biggest risk by civil society, academia and the private sector and ranked as the second biggest risk by international organisations and governments. The report also says that there are clear links between misinformation and disinformation and societal polarisation and intrastate violence and the erosion of human rights. These risks are exacerbated by AI and the development of synthetic content. So there's some real video and some AI generated video, for example. According to the report, that misinformation, disinformation exacerbated by AI may radically disrupt electoral processes 20 in several countries over the next two years. Now, we've already experienced the disruptive effect of misinformation in the Brexit vote, for example, in the UK, in Donald Trump's election in 2016, that should be, apologies. And we've seen how Cambridge Analytica and the expose around that, the impact that that had on the last Kenyan elections. According to the report, growing distrust of information and of the media

and governments as sources of information deepens polarisation of views in a society and could trigger civil unrest and violence. As authorities seek to crack down on mis and disinformation, there are two risks. One is a risk of repression and the erosion of rights. So for example, a government under the guise of prohibiting misinformation, for example, that can sometimes result in simple journalistic errors, which often actually happen through a lack of information, particularly early on in a big investigative journalist piece or program of pieces, for example, becomes criminalised. So acting in a draconian way against disinformation can have a chilling and a silencing effect on speech. On the other hand, there's a risk of entire inaction around mis and disinformation by governments. What impact does mis and disinformation have on us? The impact on us as receivers of mis and disinformation is it's very difficult to distinguish between truth and lies. And actually, this undermines the news media because people begin to believe a range of junk, basically, that they read and take that as true. And then they think that, for example, the news media, traditional, credible, self-regulated media is lying when it's the exact opposite. And the problem is that tech platforms thrive on mis and disinformation. MIT research, obviously we don't have the references in the slides, but they are in the document that's being provided to you. MIT research has shown that fake news is distributed online six times faster than the truth. And the same research showed that fake news on Twitter, now X, spikes during key events. For example, the US presidential elections. So when there is something that has grabbed the public's attention that lots of people are focusing on, that's when fake news spikes. It's also around the events

where we most need to try and have credible news and not fake news. I think it's really interesting that in its ruling on Facebook's indefinite suspension of President Trump's Facebook page, which happened in 2021, Facebook's own Global Oversight Board was incredibly critical of Facebook itself because Facebook declined to answer nine questions that it posed, seven entirely and two partially. And all of those nine questions were on the algorithms, were on how Facebook dealt with Facebook's how its algorithms boosted lies around the elections, how it boosted lies that the election, the US presidential election was stolen, how it dampened
10 down reasonable, sort of more rational conversations that took into account a number of different points of view and fact sources and how the news media essentially was, if not silenced, then absolutely its influence was reduced. And all of those nine questions were essentially requesting transparency by its own Global Oversight Board. And Facebook just said, thank you very much, we're not answering those. Or we'll give you partial answers. They only answered two partially. Completely refused to answer. And its Oversight Board was incredibly critical of that. It's no secret that social media is designed to hold your attention. Why is it designed to do that? Because the longer your eyeballs are on the screen, the more
20 advertising you're going to see and the more advertising you're going to be able to sell. And it holds your attention through a number of mechanisms that are all algorithmically designed and it's intentional. First, and the big way that it does that is to polarize the community, to set people against each other, to set people against each other, to set ideas against each other. It pushes users to the extreme of their own inclinations. It

keeps them in echo chambers that are designed to do two things. Sorry, that are designed to reinforce prejudice and outrage because anger and outrage drive connection and platforms. It keeps them in echo chambers designed to reinforce their prejudices and outrage. Essentially, Facebook makes extremists of all of us if you spend a long time on it by trapping you in that echo chamber. And the thing about keeping you in the echo chamber, it does not encourage. In fact, it actively discourages the reading of differing views or of reasonable viewpoints, the more middle-of-the-road viewpoints that are able to synthesise different views and come up with a more centrist, more reasonable approach. Bearing all of this in mind, what we've said about the SABC, what we've said about mis and disinformation on the platforms, how critical the SABC is for the quality, frankly, and state of our democracy and being able to do anything about that by bringing about informed citizens who will vote in the ballot booth. We want to make seven proposals that we hope the Competition Commission will take up to combat mis and disinformation harms and to support the news media. The first thing that we would like the Competition Commission to do is to undertake a market study to ascertain the true value of local news to tech platforms. How much money do all of the tech platforms make from our local news, particularly when you take into account how much commentary and engagement happens as a result of local news posts. Obviously, we want this market study to focus on the South African context and our local news. Similar studies have been undertaken in other jurisdictions, so the relevant methodologies are available. I understand that international experts who've appeared before you have offered to make themselves

available to assist with this, so there is support for that. Next, we think that the tech platforms must be made to contribute financially and fairly to local news media. What this means is we want to see a fair revenue-sharing model of the kinds provided for in jurisdictions such as Australia, Canada, and now Indonesia. We think that this is particularly necessary given the cannibalism of advertising spend that has fled to algorithm-driven tech platforms. And why has the advertising fled there? Essentially because advertisers want to secure access to targeted individual users rather than the much more broad, undifferentiated, as it were, print and broadcast audiences that have traditionally, where advertising has traditionally funded the media. We think it's particularly crucial that the SABC is part of the news media that's compensated as part of this revenue-sharing model. However, and the SABC might not like this proposal, but we think it's vital, the SABC is the only news media outlet in South Africa that has a legislatively mandated public mandate where legislation says you have to provide universal access to quality news and current affairs programming. And therefore, we would like any part, we want the SABC to have a fair chunk of revenue distribution from the platforms that benefit from its very significant local news contributions, but we want that to be ringfenced only for free and universally accessible content. In other words, we understand that there are going to be news media where you can only have access to that content if you pay for it, and that those news media also deserve to get a fair shake of revenue sharing from the platforms. But for the SABC, we think it's vital that this is ringfenced for their free services. And the reason why we say this is that we are seeing more and more that the

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SABC, because of its ongoing financial crises, is having to look elsewhere for revenue. So for example, Channel 404, which is by far its best news offering, is only available if you're wealthy enough to have DSTV. And its channel, SABC+ channel, it's free now, but the SABC has indicated that it is looking forward to monetising that channel by having a range of programming on it that is only available on demand and in return for pay. So we want free-to-air broadcasting and zero-rated online news, or any zero rated online content to be able to be compensated by the tech platforms. Fifth, we want the tech platforms to be forced to be much more transparent in how they use SABC news and information. Obviously, if the Competition Commission deems it fit to require transparency in respect of how the tech platforms use any news source, then the SABC would be covered by that. But our engagements with the SABC lead us to believe that, in fact, the tech platforms are extremely opaque with the SABC on these matters, particularly on how their algorithms work, and we refer you to the UNESCO guidelines for the governance of digital platforms as to how this could be done. The sixth thing we would like to see is for tech platforms to have must-carry obligations. Now, I understand that this is probably a new area for the Competition Commission, but it is very common in the broadcasting context to require must-carry obligations precisely because of the importance of securing credible and publicly focused news and information sources of news. And there are two particular ways that we think this needs to happen, the must-carry obligations. First of all, it's just unacceptable for Meta, for example, to say we're deprioritising news. And in fact, they're threats, oh, we're not going

to carry news altogether, given the massive scope and reach of Facebook internationally, but also here locally, I think that that should not happen at first. But also, there needs to be an obligation to elevate credible news sources. Now, what are credible news sources? In our view, they are news sources that sign up to the journalistic standards, high journalistic and ethical standards of, for example, the Press Council and the BCCSA, ones that have, in addition to that, not all, it's got to be in addition, high standards of their own internal editorial policies. And we think that the SABC clearly must be one of those. What does it mean, an obligation to elevate? Quite
10 simply, it means paying, the tech companies must boost local media sources, including the SABC, without having to be paid the normal booster fee that you can pay to have the tech platforms boost your content on Twitter, for example, Instagram, and Facebook. Secondly, there needs to be an obligation to work collaboratively with the news media to fight disinformation. I was sitting here when you asked Media Monitoring Africa about Gaza. I think it's absolutely outrageous that certain news posts put out, for example, by the SABC on a particular topic that Facebook feels would feed the algorithm and be popular, that gets huge numbers of views. And then the SABC says, when we post, for example, on South Africa's
20 case at the ICJ about the Gaza genocide, that disappears without a trace. That's being done deliberately and that must stop. It's not for Facebook to do that. And then lastly, the tech platforms must be required. We think that there needs to be incentives to do this, but also, you know, carrot and stick approach if necessary to delete and suspend users who abuse the platform to engage in digital harms. Now I just want to say we're focusing

on two of those harms, but we're using the term digital harms broadly. And we think that they must include, for example, hate speech, incitement to violence, extreme misogyny, child pornography, you know, all the sort of normal ills. But we particularly want to focus on two that we think the Competition Commission, and that are particularly relevant to this inquiry, which is serious and intentional distribution of misinformation and disinformation. And secondly, threatening journalists with violence. The kinds of threats, graphic descriptions of rape, threatening female journalists that they're going to send their forces to rape them to death, 10 murder, that sort of thing. And that is, we know from journalists, interviews with journalists, workshops with journalists, that this is having a severe impact, particularly on female journalists who are targeted more than male journalists on not just their mental health, but the actual, you know, journalists are physically manhandled sometimes when they are reporting and threatened. We've had journalists who have had their jaws broken with rocks coming through windows when they're trying to report on issues. And it's time for the platforms to take an interest in that and a responsibility. And they're not going to be able to do that if they don't take seriously the local conditions in all the countries that they operate in. I just want to give an 20 example. You can contribute to community notes on X in particular jurisdictions, not in ours, for example. So it's very difficult there and then to counter misinformation on a particular tweet. If you write a complaint around a Facebook post in Zulu or worse, Tshivenda, good luck finding someone on Facebook that can deal with that complaint. But the fact is they're putting up posts and distributing posts in that language. They must

ensure that they have a way of combating fake news and threats of violence in that language too.

CHAIRPERSON: Maybe, if I can pick up on that last proposal, I mean, I think we've heard about the maybe famous or infamous Section 230 law in the US which removes liability of the platforms from what is posted on them. And I understand we have a similar provision in the Electronic Communications Act.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: No. Electronic and Transactions Act, it's a different one.

10 CHAIRPERSON: Alright, and I mean, where has the debate gone on that sort of provision? And its appropriateness in the modern era because it was put in at a different time for a different purpose. So maybe if you could just help us understand that.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

20 COALITION: Okay, if I, will you add? I think the fact of the matter is that the Electronic Communications and Transactions Act was primarily developed to facilitate e-commerce in the early 2000s. It's entirely, and then provisions were stuck in that regulated intermediary platforms. But the fact of the matter is it was entirely an unsuitable piece of legislation to deal with that. It, bodies such as [CASA? 03:01:29], for example, which regulates content and is independent of government because it's a Section 192 body in Chapter 9 wasn't involved in that. So essentially, this piece of legislation was driven by the Department of Communications, now the Department of Communications and Digital Technologies with very little, I think, thought about what this meant for democracy. They were thinking

about how to facilitate trade. They weren't thinking about the impact of this on democracy. And it does it in a very, in my view, ham-fisted way. So for example, if there's a, if you get given a takedown notice, then you have to act on that. Well, anyone can issue a takedown notice. what happens if the takedown notice is not true? What happens if the takedown notice is about a piece of very important, if controversial, public information in the public interest, for example? And the blanket absence of liability that is given to tech platforms is extremely problematic and dangerous. Now, I understand the Competition Commission, you know, it's a multi-sectoral body. I would
10 presume that you've got the rights and the abilities to engage with a range of departments, not just your own, the Dtic. So I think that this has to be part of a broader debate. We are already starting to see that. The white paper on audio and audiovisual content, it also changed its name in its second iteration to deal with online safety. It doesn't deal with online safety at all. It mentions it in some parts that are described as summaries, but they're summaries that are not summaries because they raise entirely new issues. But be that as it may, it's clear that the Department of Communications is ripe for an engagement on these issues. It's recognising that disinformation, fake news, hate speech, all those digital
20 harms are real. And I think what we need is a consolidated, concerted push for policies and regulations and directives that recognize that these are dealing with content and therefore one has to respect rights, but also that what's happening and the blanket liability given to tech platforms for content carried on them are absolutely outdated now. They're just too big and too powerful. And frankly, if you read their own guidelines, you would

think, oh, yes, well, these are all well and good. I mean, they have guidelines on fake news, or they have guidelines on everything. They absolutely are not enforcing them properly, particularly in countries like ours. Particularly, I'm sorry to say this, but if you speak an indigenous language.

MR. KGO THATSO MAMPA - SOS SUPPORT PUBLIC BROADCASTING

COALITION: If I may, so I just want to speak about this from a copyright perspective, because that's where I sort of just read up on the issues.

These so-called safe harbour provisions for ISPs and providers, I think
10 section 75 and 77 of ECTA are pretty much outdated. And I've seen that
people have made submissions or groups have made submissions with
regards to the Copyright Amendment Bill to specifically cater for these
online harms that happen in the digital era. But for some weird reason, the
Copyright Amendment Bill as it is currently simply just does not speak to
these issues. But so I guess what I'm trying to highlight is that there is a
concern among copyright owners who are just left at sea when they pick
up ECTA, but they were looking to correct the situation from a Copyright
Amendment Bill perspective, but the debate there is raging as I currently
understand.

20 MS. UYANDA SIYOTULA – SOS SUPPORT PUBLIC BROADCASTING

COALITION: If I may just also just add, I think also the problem is that our
government is reactive instead of being proactive. So hence you see that
with all these changes that are happening on tech platforms. And also, I
mean, they're struggling generally to keep up with the developments
because you've got outdated legislation. At the same time, you've got all

these changes that are happening that aren't really catered for. And I think maybe in some of the engagements and recommendations, it would really be important to highlight some of these issues to the department, especially our Department of Communications, because we've seen also with other legislations, such as the SABC bill, where there is no research that's being conducted. And so they literally rely on issues as they come to the fore. But if the department is actually proactive and they do investigations and research, then they are well aware of what are some of these AI technologies, what are some of the risks that may just sprung up, and then that kind of protects people of South Africa as well, so that when they're developing legislations, they're not at odds with what is currently happening.

CHAIRPERSON: And I think it would be useful to get some input as well from the team, just on what might be a proposal, because at the moment, you might have no liability, but full liability is also maybe, it may be unworkable too, and it may create its own risks. And so I think it may be that this is being discussed in other forums, I mean, just around what might this look like, because I think that would help us with any engagements as well, and just to see what can be done in that.

20 MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: Sorry, could I respond directly to that? James, sorry, I mean, we will try and do that. I mean, we're a tiny organisation with a shoestring budget, and only two full-time staff. Most of us are there as volunteers. So we will try. But one of the things that I want to say is that ICASA's ability to regulate content services as opposed to telecommunications services and

broadcasting services is zero. It is expressly excluded under the Electronic Communications Act, and there is no role for them in relation to the liability issues, takedown notices, all of that, in the Electronic Communications and Transactions Act. And the single biggest thing that needs to happen around that is for an independent body, and this is really vital, you can't just have an arm of the Department of Communications, a government body, saying, right, we're going to deal with online harms, because that will devolve into a censorship board before you can snap your fingers. We know this. It's impossible for ordinary people to navigate the court system. To even think
10 about going to the high court, you need a budget of R250,000 and that's at the very low, low, low level. Big litigation, particularly, goes up and down through the courts. It's millions. Ordinary people don't have that. There has to be a regulatory body that deals, and I agree with you, between full liability and no liability is obviously where the answer is, and the liability should be when you're warned about stuff, you do nothing about it, you don't comply with your own standards, you don't give people the ability to put community notes, for example, or responses on your content, you deliberately lower the ability of people to see important news, such as the SABC Gaza example, but who regulates that is vital, and it has to be an
20 independent body. It's got to be a Chapter Nine body. It can't be functionaries in any department, and I'm not casting aspersions on the Competition Commission, please, or Dtic or the DOC. It's just that that function can't be in government. It's too dangerous from a rights point of view.

CHAIRPERSON: Thank you. And look, we'll obviously do our own research. I think it's if you have perspectives that would help, but I think, you know, Justine, that's also an important point you've raised about who also undertakes it, and of course, their funding and capabilities as well. All of that is rolled in. I'm aware we're going over time, but I hope you don't mind just using a little bit. The second thing I just wanted to pick up was the must-carry, and you're right that, I mean, this is more of a broadcasting thing, and so at least I've had the benefit of some of those debates, but I suppose the question is there's normally some form of designation that says, alright, you're now important enough that there's a must-carry obligation. Do we have enough in our broadcasting example to transfer some of that knowledge into the online world at least? Kgothatso?

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: So in my view, I think it would be dangerous to handpick news outlets for doing that. I honestly think that must-carry should only be for news outlets, and I think the qualifier is whether or not you are a member of the self-regulatory bodies, and in South Africa, there are only two, the Press Council and the BCCSA, and every one of those broadcasters or news outlets that are members of the Press Council and or the BCCSA, because many are members of both, their online presence has to be carried. And they should fall into the net.

CHAIRPERSON: Just to follow up on that, I mean, must-carry is broadly accepted, must-carry must pay, which in a sense is being proposed sometimes is more controversial. I don't know if you want to comment on that. Go ahead.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: I think those are two different things, frankly, and it's not-must carry. I mean, I want to be clear. I really don't think we're thinking about, we should think about must-carry on the platforms in the same way that it is in broadcasting, where a broadcaster carries the public channels, public broadcasters, channel one, two, three, for example, because platforms just don't work like that from a technology point of view. The pay is, the pay for me is an entirely separate issue, which goes to the reality of advertising flight from the must-carry issue. Sorry, I'm not being very articulate. Let me
10 try and speak a bit more clearly. The must-carry issue for me is about combating disinformation. The revenue sharing is about ensuring the survival of local news. And those things are different.

CHAIRPERSON: You put in a recommendation that only freely available news reporting should be supported. Now, I understood that for the SABC was your input, but taking that principle more broadly, would you say that there would be limits to what is not publicly available? So paywalled content on News24, for instance.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: So what we try to get across, obviously not very clearly, I
20 think, is that we support News24 having, and Daily Maverick, and whoever, having EWN, having access to a fair revenue sharing model, given how much of the advertising on the platforms is driven by local news sources. And we recognise that some of those are free. There is some level of free access content, but that a lot of that is behind a paywall. Anything on Arena Publications Online, for example, is behind a paywall, News24 is behind a

paywall. That's common. That should still, those organisations should still be able to access equitable funding from tech platforms. The SABC, though, is a sui generis case. It's unique because it's the only one that has a statutory public mandate, that parliament gets involved in and says, you will do this. No one is telling News24 what to do. No one is telling Daily Maverick, or Business Day, or the Sunday Times what to publish. They decide that. But our state has given a public mandate because it recognises the critical nature of the public broadcaster to ensuring that even the poorest of the poor have access to quality, credible news and information. And that is why we are saying that the SABC, we know they won't support this, but it doesn't matter. It's the right thing to do for the public interest. The money that the SABC gets from tech platforms, from the equitable distribution that hopefully you're going to put in place must be earmarked for free-to-air broadcasting or zero rated online. And if I could, James, I'm sorry, I know we're going over time, but I just want to talk about how important it is to think about zero rating. Every person in this room has access to probably free internet, probably at home. Well, no, at home you pay for it, but you've got access to internet on your phone and on your computer. There are, the lower third of South African people simply do not have the resources to be able to stream content. So they're getting news and information from WhatsApp or little bits here and there from tech platforms. And that's why the SABC is so important. And that's why it should have a basic level of service on its online channels that are zero-rated, that it costs you nothing to access. I'm not talking about a subscription, which is you pay for, like Showmax, for example, you pay for

that on top of your data. I'm talking about being able to get zero-rated, so in other words, free-to-stream content or free-to-access content online and free-to-air broadcasting, where as long as you've got a TV or radio, you get it. And what we want to say is for the SABC, and only because of its mandate, the money that it gets from the tech platforms must be ringfenced for free-access content. Otherwise, we really are going to have information Apartheid again, where the rich have a fantastic array and the poor get the dregs. And we're already seeing that, Channel 404, that it's not available publicly on any platform is appalling in our view.

10 CHAIRPERSON: And maybe on that note, Uyanda, I just want to come to you on, I mean, you mentioned the problem with the analogue. I mean, do you foresee that the zero rating and the SABC Plus and those channels might become even more important in the future to keeping that majority of the population informed with political news and other news?

MS. UYANDA SIYOTULA – SOS SUPPORT PUBLIC BROADCASTING

COALITION: No, absolutely, absolutely. And I think it's really going to be devastating for majority of South Africans once they lose access to news and information. I mean, we are going to elections now. It is going to be very important for people to have access to information. So, as we are
20 moving as a country, digitizing, it is important that no one is left behind. I think government has already failed us to move ahead with the analogue switch off, even though there are people that are going to be left behind. And I think this could be, to a certain extent, remedial to ensure that as much as people are no longer going to have access to information on their television sets, but what is the alternative? What are other ways that we

could look at to ensure that that access to information is still really, really available post the analogue switch off? And I think we are now talking about tech platforms and how that content could be zero rated. But I think our notion of zero rating really, really is beyond tech platforms such as the SABC that is generally information sites that people of South Africa needs to get information from. So information sites like your Competition Commission, for instance, the website that people when they need critical information, they need to be able to access it without having to pay for that content. And I think we need to also look at the fact that people do not
10 have, first of all, technologies such as your cell phones and laptops to access the internet. So already, that on its own, that digital divide is a problem. So for those that actually have taken some steps to get those gadgets, there needs to be some remedy to meet them halfway. To say, all right, you've managed to get a device on your own. So let us give you free access on X, I almost said Twitter, on X, for instance, so that you're able to access news and information so that you're a part of the national discourse, you're a part of the discussion that is going on in the country. Because a lot of people, if there aren't any remedies, a lot of people, as we're moving further and further, digitising as a country are going to be left
20 behind. I hope you are answered, James.

MR. KGOTHSO MAMPA - SOS SUPPORT PUBLIC BROADCASTING

COALITION: I just want to underscore the importance of zero-rated content in respect to the SABC. Out of all the broadcasters, the SABC is the only broadcaster that really provides content in all 11 official languages, at least. And I guess what I'm concerned about is just a movement that's

anti-poor, anti, I don't want to say uneducated people, but it just leaves people behind, perhaps based on things like language. And so it's important for people who rely on the SABC for their daily diet of news and information to not be left behind. That's all I wanted to underscore.

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: Sorry, James, I just, is there a general understanding in the

competition commission about exactly what the ASO is? And forgive me

for asking this, but I've spoken about this in a number of forums where it's

become clear that actually people don't know why it's so critically

10 important. Okay, so, and the reason I ask that is that it was SOS that went,

along with the ETV, but if you read the judgment, it's our arguments that

swung the court to the Constitutional Court to issue a unanimous decision

saying that government couldn't possibly switch off analogue television

when a third of all South Africans relied on analogue TV for their entire

audiovisual, their ability to view audiovisual content. That they simply

couldn't view this content online or on digital television whether DTT or

satellite. And government had to be sued in the lower court and in the

Constitutional Court on a direct access basis to not switch off, which we

just found absolutely incredible that they would consider switching off the

20 bottom third of society. I'm saying bottom third from an income point of

view. We think that's really worrying, but it is, you know, that's going to be

coming soon. Not that there's been any change in the rollout of set-top

boxes or anything like that. That bottom third is not suddenly now

massively more empowered. And it's part of the reason why this inquiry is

so important and the issues around securing access online for public

interest news and information, particularly around news and current affairs.

It's because this is an existential threat to our democracy.

CHAIRPERSON: And maybe just to pick that up and to reassure you, we are setting up meetings with the telcos. But in fact, we also made an anti-poor pricing decision in the Data Services Market Inquiry that led to zero rating. But at that time, it was government and the, so although it was broadly defined as public interest news, given we were doing that on the eve of Covid, I think education maybe took a primary seat. But I see your point about public benefit is also a benefit to be informed in terms of the
10 constitutional rights. Telcos, analogue switch off, can I? So we will take that up and engage the telcos certainly on that issue. Thank you. The other aspect, just in terms of the World Economic Forum and their global risks. I mean, I imagine that escalation to number one is in part because of all the talk that half the planet is going to elections this year, and there is a particular election risk. And you mentioned that they looked at the potential impact on unrest, lack of social cohesion. I mean, was there any sense, given it is the World Economic Forum, that they sought to quantify some of the costs to the global economy or national economies of allowing this to perpetuate, and whether there were proposals coming out of that forum,
20 not that that forum's necessarily representative of most people, but just out of interest?

MS. JUSTINE LIMPITLAW - SOS SUPPORT PUBLIC BROADCASTING

COALITION: I didn't, we didn't specifically look at those issues, but if you'd like to pose questions on that, we can try and find the responses. But I just do want to say, you know, in SOS, we're mostly lawyers and civil society

activists, freedom of expression activists. I don't think there's an economics degree among us. I mean, I just, you know, I don't want to put out any disinformation about how useful our contributions could be on that. But if there is anything in that specific report, but I don't, it didn't seem to me to have hard economic data around costs. It seemed much more to be focusing on like big political headlines. But I can, we can have a look at that if that would be helpful.

CHAIRPERSON: Yeah, look, we can also look at that, so it's fine. We'll pick that up with the World Economic Forum. I mean, we are quite over
10 time, so I just had one last question for you, Kgothatso, just because you mentioned the copyright. I mean, and it has been much said about the fair use and the fair use provision. And I think in terms of our new bill, we would have a copyright tribunal and they may be able to rule on fair use. But I did also notice, being a competition economist, that within those limitations are also to be, if you use it in competition with another, the source. And it strikes me that is what we're seeing in this instance. I mean, is that something that you think qualifies the fair use in this sort of context, or could?

MR. KGO THATSO MAMPA - SOS SUPPORT PUBLIC BROADCASTING

20 COALITION: Sure, I'd have to think about it. Because as I understand the fair use issue, you know, the 1978 Copyright Act, which is outdated, I think the biggest threat to that piece of legislation was a photocopy machine, really had defined what I would term them fair use practices. So if I've got a textbook here and I copy five pages, that's considered fair use. It's understandable, we all know before it happens. But what the Copyright

Amendment Bill is suggesting is that we'll do it on an ad hoc basis and then we'll just leave it to a judge, for instance, or an umpire to decide whether that particular conduct was fair use or not. And so from an artist or perhaps even a writer of literature, how do I even know, sitting in Pretoria, you know, what other people are doing in other jurisdictions? So those issues, I understand them to primarily try to address the digital era stuff that happens, because what came up even with the stuff that I was looking at is that you've got artists in Lesotho who don't even know that their music is on YouTube, for instance. Somebody's monetising that content. So, like I said, it's a raging debate that's going on in there, particularly the other piece of legislation that performers, I forget the full title now, but you know, artists are just trying to get compensated or copyright owners, I shouldn't just say artists, copyright owners are just trying to get bang for their buck because the way the digital era has really disrupted a lot of things, it's just that it's so much so they don't get enough compensation, specifically from Spotify, Apple Music, and they incur all these costs to create that content. So that's where I understood the issues. I'm not sure if I answered your question, James.

CHAIRPERSON: Well, I think we can pick it up outside of this forum as well. You were lucky enough to mention Copyright Bill, and then you've got the load of questions on that. But I think we are out of time, so I must thank Uyanda, Justine, and Kgothatso for coming here, and also to thank you for the work you do at the SOS and the broader Public Broadcasting Coalition, unfunded, maybe like the media. But I think there are many who benefit from that public good, and so thank you for that. It's been very interesting,

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and certainly many things we'll pick up and pick up with others as well. Just for tomorrow, we unfortunately have had to reschedule eMedia and YFM to next week. We are hoping to start at 11 with Primedia and then move to Omnicom and RTB House. Those are two media agencies that can give us insights from the advertiser's side and their behaviour. And then we hope to close early for the long weekend, and we'll be back then after tomorrow on Monday. I think we have OpenAI on Monday, and YouTube and Google AdTech on Tuesday, and Meta on Wednesday. So I think that's it for today but thank you again to SOS.

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END OF PROCEEDINGS ON 19 MARCH 2024

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