



REPORTING ON MIGRATION IN SOUTH AFRICA:

A Guide for Journalists and Editors

AUTHORS

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WHY THE NEED FOR A GUIDE TO REPORTING ON MIGRATION IN SOUTH AFRICA?

Modern Southern Africa has been shaped by migration and displacement. Historically, South Africans have been forced to move, while the country's resources have been extracted by workers from across South Africa and the wider region. Migration has shaped who we are today.

The way in which migration is reported on can have damaging, and even fatal, impacts. Media pieces on migration tend to focus on negative imaging and consequences of cross-border migration, without taking into account the wealth and diversity that comes along with it.

The media has an important role to play in changing perceptions and reshaping the conversations around migration. It is therefore important to write about cross-border migration in a way that is responsible and educational.

"THE ISSUE [OF MIGRATION] IS RIPE FOR POPULIST CAMPAIGNS AND THERE'S CONCERN IT MIGHT FUEL THE CYCLE OF XENOPHOBIC ATTACKS"

- GREG NICOLSON & BHEKI SIMELANE, DAILY MAVERICK

Sensationalist or over-simplified stories on migration or xenophobia can perpetuate or even encourage violence. A 2009 report by the Human Rights Commission found that perpetrators of the 2008 xenophobic violence were 'inspired' by media coverage of attacks elsewhere¹.

HOW TO USE THIS GUIDE

We write this guide with the understanding that journalists and editors work under immense pressure.

This guide provides you with helpful guidelines when reporting on migration and pointers on how to avoid common pitfalls.

In this guide you will find:

- » Useful definitions
- » An understanding of migration in South Africa
- » Commonly held myths and facts about migration
- » What language to use and avoid
- » A checklist of do's and don'ts when writing up your article
- » Some pitch ideas
- » Examples of good and bad articles
- » Tips for conducting interviews
- » Sample informed consent form for interviews
- » List of referrals for you to have on hand during interviews and expert organisations to reach out to for comment
- » The Code of Ethics and Conduct for South African Print and Online Media
- » How to lodge complaints with the Press Council and the Broadcasting Commission

¹ https://www.sahrc.org.za/home/21/files/Non%20Nationals%20Attacks%20Report_1-50_2008.pdf

USEFUL DEFINITIONS

When reporting on migration, it is critical to use the correct terminology with a clear understanding of their definitions to ensure that you report accurately and from an informed position.

Asylum Seeker:	A person who has applied to be recognised as a refugee in a 'host' country, and is awaiting their asylum claim to be finalised.
Consent:	When someone clearly and voluntarily agrees to do something, fully understanding the consequences of their decision, and they do so without any coercion, such as the use of force or threats to their safety. In order for consent to be real, the person must not be drunk, drugged or deceived.
Cross-border migrant:	Any person who has moved across international borders away from their habitual place of residence.
Human trafficking:	The movement of persons for the purpose of exploitation using threat, force, coercion, abduction, fraud, deception or abuse of power. Have a look at the United Nations full definition here: https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx
Immigrant:	A person who comes to live in a foreign country.
Internal migrant:	A person who is moving within a country, from one province or municipality to another.
Intersectionality:	The overlap of different social identities related to systems of privilege or oppression, that, when intersecting, create a whole with multiple social identities, privileges and experiences of oppression. These social identities can include gender, race, class, sexuality, ethnicity, nationality, religion, and disability to name a few.
Irregular migration:	Human movement that takes place outside of regulatory norms. This may include entry, stay and work in a country without the required documentation under immigration or refugee legislation.
Migrant:	A person who is moving or has moved away from their habitual place of residence, either internally within a country, or internationally across country borders.
Migration:	The movement of a person or group of persons from one geographical location to another across an administrative or political border, for temporary or permanent settlement, in a place other than their place of origin. It can be internal (from one province, municipality or region to another) or international (crossing one or more international borders).
Refugee:	A person who cannot return to their country of origin due to a well-founded fear of (a) persecution due to their tribe, religion, nationality, political opinion, membership of a particular social group, or political opinions, or (b) conflict or war.
Sex work:	Labour or a service related to the exchange of sex or acts of sexuality for a negotiated reward.
Social cohesion:	The willingness of people in a community to cooperate with each other to survive and prosper.
Statelessness:	Someone who is not a national of any country.
Xenophobia:	Attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or 'foreigners' to the community, society, or national identity.



DID YOU KNOW?

The number of internal migrants in South Africa far exceeds the number of cross-border migrants.

Vearey et al. (2017)
<https://tinyurl.com/y544mrde>

UNDERSTANDING MIGRATION

Migrants are people who move for multiple reasons. While they may have different legal statuses, it is perhaps best to see migrants as 'normal people who move', typically due to difficult circumstances'. Some of these may include war or persecution, some may move due to poverty, others for opportunity. Sometimes one person moves for all these reasons. Some people migrate purely out of choice.

1.1 PUSH AND PULL FACTORS

These reasons can be categorised into 'push' and/or 'pull' factors. 'Push' factors are reasons why people leave an area, and 'pull' factors are reasons people want to move to a particular area. Push and pull factors are often interlinked and reasons for moving can be complex.

Push Factors	Pull Factors
War	Access to employment
Lack of employment	Better living conditions
Natural disasters	Respect for human rights
Human rights abuses	Access to education
Climate change	Access to healthcare
Violence	Good climate
Socio-economic conditions	Political stability
Political conditions	To reunite with family
Man-made disasters	Safety
Lack of basic services	To be with who they love

1.2 MIGRATION: YOUR QUESTIONS ANSWERED

Accurate data is the basis of good reporting and journalists must question facts or figures offered by officials and advocates. A strong story is one based on facts.

1.2.1 HOW MANY CROSS-BORDER MIGRANTS ARE IN SOUTH AFRICA?

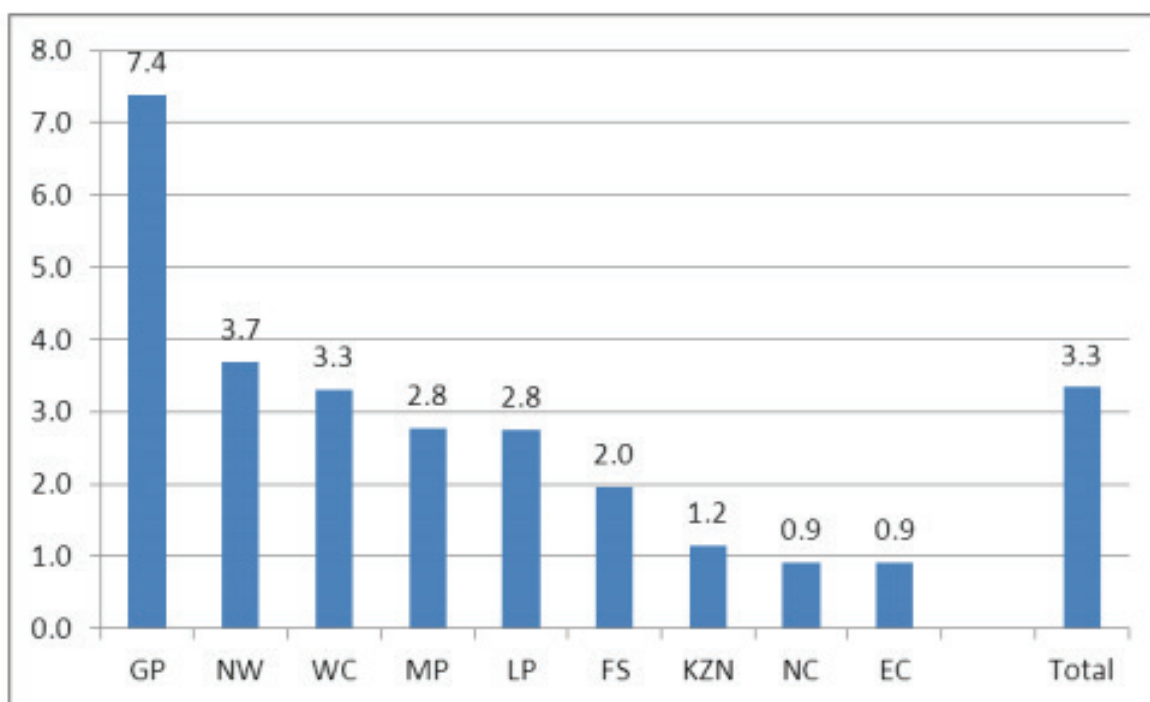
Between 3-7% of the population are foreign born² – this is in line with international norms.

Gauteng has the largest population of non-South Africans at 7.4%, but this is still significantly less than the popular discourse indicating that South Africa is 'overrun' with migrants, with some claiming the figure for Johannesburg is as high as 80%³.

² Stats SA runs the census in South Africa. The last one was conducted in 2011. The next census will be run in 2021. In 2011, 2.2 million people were born outside South Africa, which represents 4.2%. Stats SA has since estimated that there are now 4 million foreign-born people living in South Africa, which would represent 7% of the current South African population (Statistician-general clarifies South Africa's migrant estimates <https://africacheck.org/2018/10/17/comment-statistician-general-clarifies-south-africas-migrant-estimates/>). In terms of citizenship, at the last census in 2011, 2.6% of the population are non-South African. (2011 Census: <https://www.statssa.gov.za/publications/P03014/P030142011.pdf>).

³ <https://businesstech.co.za/news/business/192276/80-of-the-joburg-inner-city-residents-are-undocumented-foreigners-mayor/>

Table 1: Percentage of non-South African citizens in each province according to the 2011 Census



1.2.2 HOW MANY PEOPLE APPLY FOR ASYLUM PER YEAR?

In 2018, 18,104 asylum applications were made in South Africa⁴.

This is less than some other countries in Africa. For example, in 2018, Kenya had 19,380⁵ and Uganda had 19,655⁶ individual new asylum applications respectively.

European countries witnessed much higher levels of asylum applicants in 2018 than South Africa. For example:

UK: 29,380⁷

France: 119,190⁸

Germany: 185,853⁹

1.2.3 WHAT IS THE ASYLUM REJECTION RATE?

About 96% of all asylum claims are rejected¹⁰. Reasons for this are most often unfounded. The African Centre for Migration and Society (ACMS) identified recurring problems, including errors in law, cutting and pasting from other decisions, reference to the wrong claimant or country, failure to provide adequate reasons, failure to apply the mind, and relying on outdated country information¹¹.

⁴ This information came from the Minister of Home Affairs on 8 July 2019 in Parliament. Source: <https://pmg.org.za/committee-question/11801/>

⁵ <https://www.worlddata.info/africa/kenya/asylum.php>

⁶ <https://www.worlddata.info/africa/uganda/asylum.php>

⁷ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01403>

⁸ <https://www.asylumineurope.org/reports/country/france/statistics>

⁹ <https://www.asylumineurope.org/reports/country/germany/statistics>

¹⁰ <https://africacheck.org/reports/south-africa-home-million-refugees-numbers-dont-add/>

¹¹ Amit, R. (2010). *Protection and Pragmatism: Addressing Administrative Failures in South Africa's Refugee Status Determination Decisions*. Forced Migration Studies Programme Report, African Centre for Migration & Society. Available at <http://www.migration.org.za/wp-content/uploads/2017/08/Protection-and-Pragmatism-Addressing-Administrative-Failures-in-South-Africa%E2%80%99s-Refugee-Status-Determination-Decisions.pdf>.

DID YOU KNOW?

Only 3-7% of those living in South Africa are cross-border migrants.

<https://tinyurl.com/yy2vegra>



1.3 MYTHS AND FACTS ABOUT MIGRATION

MYTH	FACT
South Africa is over-populated with cross-border migrants.	Cross-border migrants represent 3-7% of the population overall ¹² . This reflects a global norm.
Migration is negative and a threat to national security.	Migration is a key driver of development ¹³ .
Migrants are all non-nationals ("foreigners").	Migrants can be both internal (within country) and cross-border (across country borders).
Migrants bring HIV and other illnesses to South Africa.	On arrival, migrants tend to be healthier than the host population ¹⁴ .
Provision of (free) healthcare will result in more migrants coming to South Africa.	Migrants report that they will return home if too sick to work ¹⁵ .
Migrants are 'overburdening' the healthcare system.	At national level, migrants have very little impact on the healthcare system ¹⁶ . At between 3 and 7% of the population, it is statistically impossible that migrants are to blame for the healthcare system's failings. Check out our infographic on this ¹⁷ .
Trafficking is a widespread and escalating problem in South Africa.	There is not enough data to suggest that trafficking is a huge problem in South Africa ¹⁸ .

¹² <https://www.statssa.gov.za/publications/P03014/P030142011.pdf>

¹³ Castelli, F. (2018). Drivers of migration: why do people move? *Journal of Travel Medicine*, 25(1). Available at: <https://academic.oup.com/jtm/article/25/1/tay040/5056445>.

¹⁴ Thomas, S. L. and Thomas, S. D. (2004). 'Displacement and health'. *British Medical Bulletin*, 69(1), pp. 115-127. Available at: <https://pdfs.semanticscholar.org/e901/c5b0abc95c6ec3927657a778a22c720963ee.pdf>.

¹⁵ Vearey, J. & Nunez, L. (2010). *Migration and Health in South Africa: A review of the current situation and recommendations for achieving the World Health Assembly Resolution on the Health of Migrants*. Available at: <http://www.migration.org.za/wp-content/uploads/2017/08/Migration-and-health-in-SADC-A-review-of-the-literature.pdf>.

¹⁶ <https://africacheck.org/2019/01/29/analysis-are-south-africas-public-hospitals-overburdened-by-foreign-patients/>

¹⁷ <https://genderjustice.org.za/card/refugees-migrants-and-health-care-in-south-africa-explained/>

¹⁸ <https://www.africaportal.org/documents/11512/Other-Human-Trafficking-Brief.pdf>.

Migrants steal South Africans' jobs.	1) Only 4% of the working population are cross-border migrants¹⁹. 2) Cross-border migrants are more likely to find themselves in unstable and precarious employment, without access to benefits and formal work contracts²⁰. 3) Cross-border migrants are more likely to take jobs that locals are unwilling to take²¹. 4) Cross-border migrants running their own businesses also rent properties from and employ South Africans²². 5) Contrary to what some may think, cross-border migrant workers have had a positive impact on local employment and wages in South Africa, according to a World Bank study. One cross-border migrant worker generated approximately two jobs for local residents in South Africa between 1996 and 2011²³.
Migrants dominate the informal sector.	Less than 20% of people owning businesses in the informal sector (in Johannesburg) are cross-border migrants ²⁴ .
There is an increase in crime because of migrants.	There is no evidence that cross-border migrants are more likely to commit crime than South African nationals. While SAPS does not release data regarding nationality, only 7.5% of people in South African prisons are non-nationals ²⁵ , which corresponds with the percentage of foreign-born nationals in the South African population.
South Africa is experiencing a migration crisis.	In 2009, 157,204 asylum applications were lodged. This then fell steadily from 2009 – 2011, rising slightly between 2013-2015. Since 2016, the number of asylum applications have been falling steadily and dramatically, hitting 18,104 in 2018 ²⁶ .
Detention is the only way to manage migration.	1. Fifteen Southern African States have committed to “develop and implement alternative options to detention,” as well as implement Migration Dialogue for Southern Africa (MIDSA)’s Regional and National Action Plans to oversee progress²⁷. 2. Zambia, Botswana, South Africa and Zimbabwe are focus countries of UNHCR’s Global “Beyond Detention” Strategy²⁸.

¹⁹ <http://africacheck.org/2015/04/17/analysis-are-foreigners-stealing-jobs-in-south-africa/>

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Hovhannisyan, S., Baum, C. F., Ogude, H. R. A., Sarkar, A. (2018). Mixed migration, forced displacement and job outcomes in South Africa (Vol. 2) : main report (English). Washington, D.C.: World Bank Group. Available at: <http://documents.worldbank.org/curated/en/247261530129173904/main-report>

²⁴ Ibid.

²⁵ <https://www.dailymaverick.co.za/article/2017-11-29-iss-today-do-foreigners-really-commit-sas-most-violent-crimes/>

²⁶ <https://pmg.org.za/committee-question/11801/>

²⁷ <https://idcoalition.org/publication/there-are-alternatives-revised-edition/>

²⁸ <http://www.refworld.org/docid/503489533b8.html>

REPORTING ON MIGRATION

2.1 VICTIM JOURNALISM

Migrants typically appear in the media because they are victims of violence, or because they are heroes. Neither is useful for changing perceptions towards migrants. This polarised approach creates a simplified perception of migration in the public's mind. There are plenty of examples of migration stories that do not fall into these cliché categories. Have a look at some examples below.

Migrants are often linked to chaos and anarchy. They are also linked to disease, counterfeit goods and adulterated food. This impression is furthered by imagery of smoke, flames, displacement and words like 'floods', 'overrun', and 'swarms'. Those without documents are referred to as 'illegal immigrants', further linking migration and crime. These linkages are not a truthful reflection of the majority of non-nationals. Have a look at some of these myths and their corresponding facts on page 8.

Xenophobia is usually put down to high unemployment. This simplifies a very complex problem. Research on xenophobia has found surprising results. For example, a poll²⁹ by the Southern African Migration Programme found that, in terms of income, the lowest income groups were the least xenophobic. In terms of racial groups, black South Africans were found to be the least xenophobic (even though this racial group is often 'blamed' for xenophobia in the media). The research found that the more interaction someone has with a non-national, the less xenophobic they are likely to be. Migration is usually in the news in reaction to a xenophobic comment or an outbreak of violence. Its coverage is therefore very reactionary, rather than proactive. This further associates immigration with violence and disorder in the public's mind.

**How can you unsettle dominant, damaging narratives about migration?
How can you write differently about migration?**

We suggest:

- ✓ Pitching proactive stories about migration rather than the usual reactive stories covering xenophobic events.
- ✓ Writing unique stories on the 'humans' behind migration.
- ✓ Publishing stories that do not follow dominant narratives that relate migration with violence and crime.
- ✓ Writing stories that question or follow-up on politicians' comments on migration without using figures to back claims up.
- ✓ Locating migration, movement and displacement in the global context.
- ✓ Interrogating whose interest a narrative and framing is serving. It is critical to unpack this, as migration, and movement of vulnerable people, is an issue of contestation internationally.
- ✓ Reflecting on the use of language and being aware of using phrases that evoke judgement, like "South Africa being flooded by foreign nationals". Have a look at our language do's and don'ts on page 13.
- ✓ Being conscious of how immigration is constructed as a problem and immigrants are 'othered' in the media discourse.
- ✓ Understanding the critical role that the media plays in informing how people perceive and understand the issue of migration, especially in the context of selective and limited coverage of the issue of migration and migrants.

²⁹ Crush, J., Ramachandran, S., & Pendleton, W. (2013). *Soft Targets: Xenophobia, Public Violence and Changing Attitudes to Migrants in South Africa After May 2008*. Southern African Migration Programme. Available at: <http://samponline.org/wp-content/uploads/2016/10/Acrobat64.pdf>.

Some Examples

- » 'Cost of corruption – How a toddler died at Bosasa's detention centre'
By Joan van Dyk
Published 01 February 2019 in Bhekisisa
- » 'Refugee brings love and beauty to Delft'
By Gadeeja Abbas and Alexandra Shoneyin
Published 23 June 2018 in Weekend Argus
- » 'Could opening South Africa's borders lead to job creation?'
By Markus Korhonen, Laura Freeman and Corey Johnson
Published 3 September 2018 in Daily Maverick
- » '39% of migrants children entering SA run the risk of being stateless – research survey'
By Jan Gerber
Published 7 July 2019 in News24

Pitch Ideas

LOOKING FOR STORY IDEAS ON MIGRATION?

Here are some **pitch ideas**. Contact us for comment, more current stories and insights.

- 1. Refugee 'camps' for South Africa?** The South African government plans to build 'asylum processing centres' on South Africa's northern borders to process refugees.
- 2. Changes to birth registration laws** that are resulting in hundreds of children remaining without any forms of documentation and at risk of statelessness.
- 3. Skills sharing and training** towards integration and social cohesion between non-nationals and South Africans.
- 4. Alternatives to detention as a tool to manage migration.**
- 5. Conditions of detention.** Unlawful arrest, detention and deportation of migrants.
- 6. Why is there a backlog in the processing of applications** for refugee status in SA? What are the facts?
- 7. Why is the quality of decision-making a critical factor** contributing to the large numbers of asylum seekers waiting for their appeals to be processed?
- 8. What is the SADC visa**, which is included in the White Paper on International Migration?³⁰
- 9. The need for disaggregated data on migration and movement.** Cross border trade, sex work in the region, and migrant labour.
- 10. NHI for all our health:** The need for universal health care.
- 11. What impact will climate change have on forced displacement?**

³⁰ See the White Paper explained here: <https://genderjustice.org.za/card/what-is-the-white-paper-on-international-migration/>



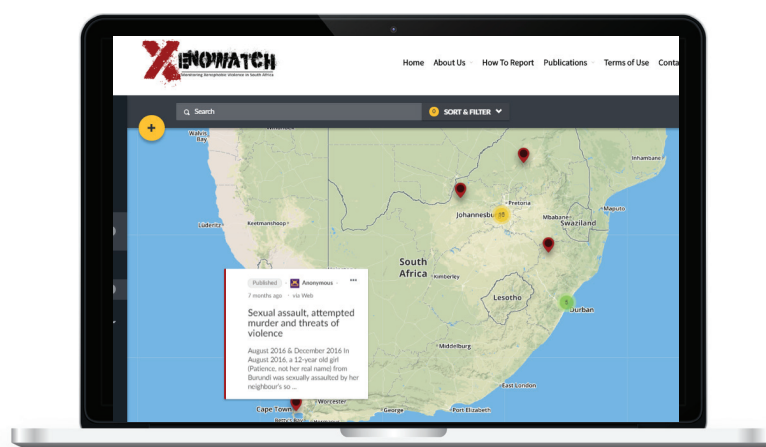
DID YOU KNOW?

A third of those killed during the xenophobic violence in 2008 were South Africans.

Landau, L. (2013)
<https://mg.co.za/article/2013-05-17-00-xenophobic-demons-linger-in-sa>

XENOWATCH

Xenowatch is a tool to monitor xenophobic threats and violence across South Africa. It visualizes data on xenophobia, collected through media reports, original research, and crowd sourcing, and makes it publically available. Check it out: www.xenowatch.ac.za



2.2 LANGUAGE DO'S AND DON'TS

It is important to use the correct terminology when reporting on migration to ensure that the nuances are well understood. Incorrect terminology may perpetuate stigma and create panic.

DO 	DON'T 
DO use terms correctly. E.g. 'non-nationals' when referring to non-South Africans; 'refugees' when referring to people who have fled their country due to war or persecution; 'asylum seeker' when referring to someone waiting for an outcome on their application for refugee status.	DON'T use terms 'refugee', 'migrant' or 'asylum seeker' incorrectly.
DO specify what type of migrant you are referring to, e.g. internal or cross-border.	DON'T conflate internal and cross-border migrants.
DO use the terms 'undocumented migrants' or 'irregular migrant' for those without documentation.	DON'T use the term 'illegal immigrant'. A person cannot be 'illegal'; they are simply not documented in terms of the country's immigration laws.
DO use realistic words, such as people 'migrating' or 'moving' to South Africa.	DON'T use words such as 'swarms' or 'floods' of migrants. This evokes negative images of uncontrollable and innumerable people.



2.3 REPORTING CHECKLIST

The checklist below provides useful tips and things for you to remember when reporting on migration.



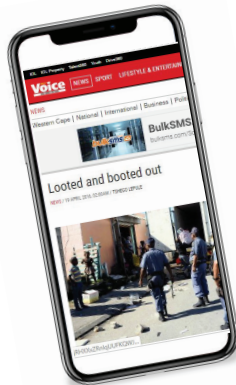
DO

- ✓ **DO** take into account the 'Language Do's and Don'ts' from the table above.
- ✓ **DO** ask yourself: Is it xenophobic? It is important to understand whether xenophobia is actually the key issue to the story you are reporting on.
- ✓ **DO** ask yourself if 'foreignness' is the issue. When reporting on a non-national, ask yourself if their nationality is key to the article.
For example: "Congolese man arrested on suspicion of Wynberg heist". Is it vital that readers know he is Congolese – or is this about the Wynberg heist?
If you are unsure, do the Quick Discrimination Test on page 15.
- ✓ **DO** ensure that those directly affected, are included and given the space to speak on the issue.
- ✓ **DO** speak to a diversity of sources. Don't focus solely on police, legal or perpetrators' voices. Some examples of expert organisations you can reach out to are found in Appendix A.
- ✓ **DO** include up to date, reliable statistics and interrogate the validity of these within your article. We may want to use popular statistics that add shock value, but these are often incorrect. AfricaCheck is a great resource and produces useful factsheets with accurate information. Have a look at Reliable Data Sources on page 15 for further suggestions.
- ✓ **DO** provide context. Position your article and interview within the broader context of migration, highlighting the complexities and nuances thereof.
- ✓ **DO** provide information on local support services in your article for the reader to access AND following your interview with a survivor of xenophobic violence.
- ✓ **DO** take into account and reflect on your own position as interviewer and journalist relative to the identity of the people whose stories you are telling.
For example: A white cis-gendered South African writing about black LGBTQIA asylum seekers.
- ✓ **DO** use trigger warnings appropriately. Only use these if the content of your article is explicit in nature and may potentially trigger secondary traumatising in another.
- ✓ **DO** cross-check your facts and information in research and other documents.



DON'T

- ✗ **DON'T** report details that could put someone at further risk, e.g. names, location or photos, unless specific consent is given.
- ✗ **DON'T** make it a xenophobic issue if it isn't one.
- ✗ **DON'T** use headlines and taglines that are sensationalist or false.
- ✗ **DON'T** assume that all cross-border migrants are the same, be it in their experience or their reactions.
- ✗ **DON'T** use stock photos of cross-border migration that feed into negative perceptions thereof. Have a look at 'Check Your Imagery' on page 16 for further tips on this.
- ✗ **DON'T** take photos without the express permission of those you wish to take the photo of.
- ✗ **DON'T** quote others' comments without verifying them.



This story was about the looting of shops that occurred during a protest on housing issues. Was every shop looted, or only shops owned by non-nationals? Was the issue the housing, or xenophobia? Be careful not to conflate issues.



Is foreignness the key issue here? Do not make foreignness the issue unless it is central to the article.



RELIABLE DATA SOURCES

AFRICA CHECK

Africa Check is a non-profit organisation set up in 2012 to promote accuracy in public debate and the media in Africa.

www.africacheck.org

STATS SA

Statistics South Africa is the national statistical service of South Africa, with the goal of producing timely, accurate, and official statistics.

www.statssa.gov.za

DEPARTMENT OF HOME AFFAIRS' ANNUAL REPORTS

Although the integrity of this data has been questioned, the Department of Home Affairs' annual reports serve as formal governmental data on migration.

www.dha.gov.za/index.php/about-us/annual-reports

PARLIAMENTARY MONITORING GROUP

Check PMG for governmental data that has been reported on in parliament too.

<https://pmg.org.za/>

THE QUICK DISCRIMINATION TEST

Look at an article you are writing about a migrant. Replace the 'foreignness' with another marker of difference (as listed in the equality clause in the constitution). Would you still include that adjective if it were another marker of difference? Take the example of the headline "Congolese man filmed on CCTV held for murder of Irishman in Cape Town". Would you headline it, "Black man filmed on CCTV"? or "Gay man filmed on CCTV?"

2.4 CHECK YOUR IMAGERY

Choosing the image to accompany your article might not be your decision to make. However, do take the following into consideration should you be able to influence the corresponding image to your article. Images that reflect realistic portrayals of cross-border migrants and refugees can start to challenge negative perceptions.



NOT ALL MIGRANTS LIVE BEHIND BARBED WIRE.



NOT ALL MIGRANTS CLING ONTO BAGS.



REFUGEES DON'T SPEND THEIR WHOLE LIFE QUEUING BEHIND BARS.



MIGRANTS ARE PEOPLE: FATHERS, BUSINESSMEN...



...FEMINISTS AND ACTIVISTS..



... TEACHERS, INNOVATORS AND CONTRIBUTORS.

2.5 HUMAN TRAFFICKING: A CAUTIONARY TALE

International and national media often over-emphasise the problem of human trafficking in Southern and South Africa, relying on claims that are not proven in research. Many people also think that sex work and human trafficking are the same. This can generate fear, leading to calls for the securitisation of migration, which can lead to asylum seekers and refugees having their fundamental human rights abused³¹.

So let's break it down a bit.

2.5.1 WHAT IS THE DIFFERENCE BETWEEN SEX WORK AND TRAFFICKING?

Sex work refers to the consensual practice of engaging in sexual activities for reward. Trafficking refers to the movement of people, against their will, for purposes of exploitation that may include sexual exploitation. Have a look at the legal definition found in the Prevention and Combating of Trafficking in Persons Act 2013 here: https://www.gov.za/sites/default/files/gcis_document/201409/36715gon544.pdf.

Sex work is a person's choice, while trafficking occurs against their will³².

2.5.2 MIGRANT SEX WORKERS AND TRAFFICKING

Migrant sex workers are not necessarily victims of trafficking, despite some media reports indicating the contrary. Turning to sex work is often a result of limited opportunities to produce an income. While this choice may be made with hesitation, it is not trafficking.

2.5.3 IS TRAFFICKING PREVALENT IN SOUTH AFRICA?

There is currently no data or research about the extent or nature of human trafficking in Southern or South Africa. The Human Sciences Research Council (HSRC) conducted research into human trafficking in South Africa in 2010, but certain methodological limitations of the study means that this is not reliable evidence³³.

Without systematic research and accurate data, the prevalence of trafficking in South Africa is unknown and reporting on its magnitude contributes towards spreading false information and creating a sense of unfounded panic.

For more information on this, have a look at AfricaCheck's factsheet here: <https://africacheck.org/factsheets/factsheet-understanding-human-trafficking/>

³¹ <https://genderjustice.org.za/card/what-is-the-white-paper-on-international-migration/>

³² <https://africacheck.org/factsheets/factsheet-understanding-human-trafficking/>

³³ Gould, C., Richter, M., and Palmer, I. (2010). Of Nigerians, albinos, satanists and anecdotes: A critical review of the HSRC report on human trafficking. SA Crime Quarterly 32, pp. 37-45. Available here: <https://issafrica.s3.amazonaws.com/site/uploads/CQ32Gould.pdf>.

Some reporting examples

It often helps having concrete examples of what to do and what not to do. We've collated a few real life examples of good and bad reporting, pointing out the highlights of why it is or is not good, based on what is covered in this guide.



African observers praise South Africa's elections



WHAT'S RIGHT WITH IT?

- ✓ Good image used – a photo was taken on the day of one of the observers. This accurately captures the content and context of the article, and avoids the pitfall of using sensationalist images that feed into negative perceptions of cross-border migration.
- ✓ It is a proactive story about migration rather than the usual reactive stories covering xenophobic events.
- ✓ It does not follow dominant narratives that relate migration with violence and crime.
- ✓ It includes the stories and perspectives of those directly involved in the observer process, i.e. stories on the 'humans' behind migration.
Have a look here: <https://www.newframe.com/african-observers-praise-south-africas-elections/>



Foreign nationals are not pressurising public services - panel defends foreigners in SA

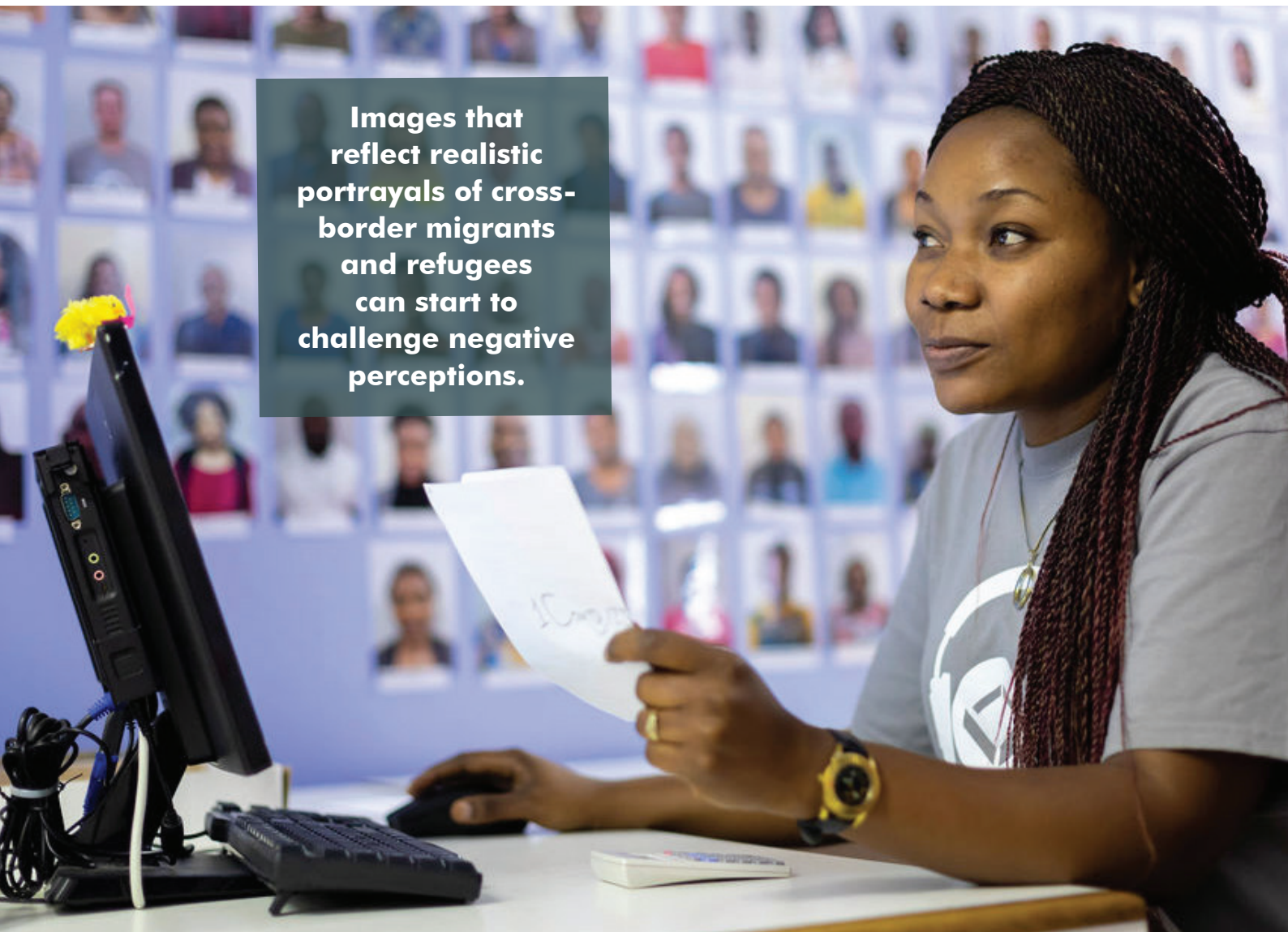
News24

1 hour ago

WHAT'S RIGHT WITH IT?

- ✓ Academics and experts from the migration sector are directly quoted.
- ✓ It challenges myths and negative stereotypes that are commonly perpetuated in the public sphere and in media.

Images that reflect realistic portrayals of cross-border migrants and refugees can start to challenge negative perceptions.





WHAT'S WRONG WITH IT?

Aaron Motsoaledi, former Minister of Health, has repeatedly blamed non-nationals for the woes facing South African healthcare. Most of these news pieces went to print without the Minister providing journalists with any evidence to back up his claim. Many pieces did not ask for alternative voices on the issue.

WHAT ARE THE FACTS?

- ✓ At such a minimal percentage of the population, it is impossible that migrants are purely to blame for over-stretched services.
- ✓ The Constitution and National Health Care Act, among others, set out the rights that non-South Africans have to healthcare – and they are subject to a means-tested fee, just as South Africans are.
- ✓ Proper budgetary planning, which takes both cross-border and internal migration into account, is the solution to an improved healthcare system. Scapegoating undocumented persons is not the solution.
- ✓ Have a look at the following links for further information on migration and healthcare in South Africa:
 - http://www.mahpsa.org/wp-content/uploads/2017/09/MigrationHealthFactSheet_MHF24Nov2015-FINAL-1.pdf
 - <https://genderjustice.org.za/card/refugees-migrants-and-health-care-in-south-africa-explained/>
 - <https://africacheck.org/2019/01/29/analysis-are-south-africas-public-hospitals-overburdened-by-foreign-patients/>



Sunday
World

Sowetan
LIVE

NEWS

SPORT

ENTERTAINMENT

GOOD LIFE

SEBENZALIVE

OPINION

People from across the world are coming to South Africa because our policies regarding refugees and immigration favour them.

They end up occupying RDP houses meant for South Africans. Some of them benefit from Sassa grants because they are multiplying here in SA. They own township spaza shops, and it's no wonder our sisters are used in marriage scams just for them to secure citizenship.

WHAT'S WRONG WITH IT?

Although this is a reader's opinion, it is factually incorrect and serves to perpetuate the myths about migration in South Africa.

WHAT ARE THE FACTS?

- ✓ RDP housing can be applied to only by South African citizens, or those holding permanent residency in South Africa – not refugees, asylum seekers or those with temporary residency. If a non-citizen, who does not hold permanent residency in South Africa, is staying in an RDP house, it is being sub-let to them by the owner – which is not permitted.
- ✓ SASSA grants are only accessible by SA citizens, or those holding permanent residency or refugee status. Asylum seekers, temporary residents or undocumented persons cannot access SASSA.
- ✓ Marrying a South African does not guarantee you residency, let alone citizenship. South African citizenship can only be applied to in very specific situations; in this case, a man marrying a South African would only be able to apply for citizenship after more than 15 years of marriage.
- ✓ Remember, children born in South Africa to non-South African parents, do not gain South African citizenship. They can only apply for citizenship once they turn 18.

Tips for Interviews

If there is enough time, interviewing someone for your article can often strengthen it, as they are the experts on this topic. Interviews must meet the needs of the interviewee and provide a space for them to open up about their story and be heard. It is important to honour this and be respectful, mindful, safe and responsible. Below are essential tips to observe before, during and after an interview, and when conducting an interview that is broadcast on radio or television. This is followed by examples of types of questions to ask.

4.1 BEFORE AN INTERVIEW

1. **Research.** Inform yourself about migration generally and the challenges cross-border migrants face. This will aid in your compassion and sensitivity when interviewing them.
2. **Build Trust.** Spend time with your interviewee before the interview. The more of a relationship you have with the interviewee, the more comfortable they will be, which will allow for a better interview.
3. **Format.**
 - a. Schedule the interview in a safe space that is pre-approved by the interviewee.
 - b. Ensure that there is enough time and that the interview is not rushed.
 - c. Take the time to review your process with the interviewee.
 - d. Allow the interviewee to bring a support person to accompany them during the interview.
 - e. Prepare a comfort kit for your interviewee, including tissues and water.
4. **Check your Assumptions.** Be aware of the assumptions you take into the interview. Do not approach the interview with negative assumptions.
5. **Referral Numbers.** Ensure that you have referral numbers on hand for the interviewee, including crisis numbers. While they have agreed to be interviewed, they may be triggered by the memories. Some national numbers can be found in Appendix A of this guide. However, do source additional numbers that are relevant and specific to the interviewee's potential needs and area or province.
6. **Expectations.** Have an open conversation with the interviewee about your expectations and the information you need and provide them with some sample questions of what you might ask. This will prepare the interviewee and will allow them the space to inform you of their boundaries. You may need to then adjust your questions accordingly.
7. **Informed Consent.** It is vital that the interviewee is made fully aware of the consequences of being interviewed, including:
 - a. The intended publication
 - b. That they will remain anonymous (unless they give express permission otherwise)
 - c. That the interview will remain confidential (unless they give express permission otherwise)
 - d. That they do not have to answer questions they don't want to
 - e. If you intend to record the interview. They have the right to request the interview not be recorded
 - f. Where the interview will be stored after the interviewIf you use the interviewee's story in future, other than what they have agreed to, ask for their permission first.

An example of an informed consent form can be found in Appendix B.

8. **Interpreter.** If you need an interpreter, ask an organisation that works with cross-border migrants if they can recommend someone who is an appropriate choice for this type of interview. Before the interview day, meet with the interpreter to go over interview questions and appropriate terminology and language. Keep in mind that the interviewee might be more comfortable with someone of their own sex or gender.
9. **Gender.** Be cognisant of your own sex and gender in relation to the interviewee. For example, if the interviewee is a woman, she might not want to be interviewed by a man. In that case, ask if she would prefer if a female colleague of yours to interview her instead.

4.2 DURING AN INTERVIEW

1. **Show Compassion.** Retelling a story of experiencing xenophobia for example can be difficult and traumatic. Be compassionate and understanding. Panic attacks are common symptoms of trauma and may arise during the interview.
2. **Body Language.** Be aware of your body language during the interview. Allow enough space between yourself and the interviewee to make them feel comfortable.
3. **Touch.** Don't touch the interviewee, unless they have given you permission to do so to comfort them. If you touch them without permission, they might feel triggered or uncomfortable.
4. **Acknowledge Different Experiences.** No two people are the same. Experiences of migration differ from person to person and are shaped by race, class, gender, sexuality, disability and other social locations. The interview provides a space in which to explore these intersectionalities, which are important to frame your article in. It is important to honour each person's individual experiences and to be aware that there is no right or wrong way to act during the interview.
5. **Respect Boundaries.** Interviewees have the right to choose how and when they want to tell their story, as well as what they are willing to tell. If they are uncomfortable answering a question, do not probe for more information.
6. **Stay on Topic.** Do not add questions that veer from the initial pre-interview discussion on expectations and sample questions. If you are going to ask difficult questions, explain why you are asking them, e.g. "I am going to ask you about the incident. I am doing this because I want to ensure the accuracy of my article and do justice to your experience."
7. **Identification.**
 - a. Ask how the interviewee would like to be identified.
 - b. Ask if would they (or any other possible identifying details, e.g. location) would like to remain anonymous, be identified by pseudonym or their real name. This will have been established during the informed consent process.

Ensure that the editor is aware of these factors and why it is important not to change them.

Use of Photos. Do not take photos of the interviewee unless they have given their written and informed consent. The use of stock photography portraying migration negatively should also be avoided. Have a look at Check Your Imagery on page 16 for some suggestions.

8. **End the Interview Well.** Ask the interviewee if they would like to add anything else and ensure that you bring the conversation back to the present and to things the interviewee finds safe and comfortable.

4.3 AFTER AN INTERVIEW

In addition to the 'Reporting Checklist' on page 14 and the 'Language Do's and Don'ts' on page 13, some additional useful tips when writing up an article following an interview are as follows:

1. **Respect Privacy.** Principled, ethical journalism means respecting the privacy of the interviewee and their family. As such, you need to be careful of 'jigsaw identification' when granting anonymity. This is when audiences are able to piece together details, such as the location, clothing or age of the survivor, even though you don't name them specifically.
2. **Be Impartial.** It is your responsibility not to judge or discriminate. Stay away from implying that the interviewee was to blame for anything that happened. While you may want to add 'colour' to your story, this can unintentionally lead to the onus of blame being placed on the interviewee.
3. **Follow Up.**
 - a. Make yourself available for contact after the interview.
 - b. Before sending the article to the editor, allow the interviewee to review it to ensure that their story is accurately captured.
 - c. If they feel uncomfortable with something and want it edited or removed, do so.
 - d. Remind them of support crisis numbers that are available to them post-interview. Some national numbers can be found in Appendix A of this guide. However, do source additional numbers that are relevant and specific to the interviewee's potential needs and their area or province.

4.4 BROADCASTING INTERVIEWS

Interviews in general can be intimidating. This is even truer for interviews that are broadcast on radio or television. In addition to the tips above, extra precautions must be taken if an interview with a survivor is being broadcast.

1. **Preparation.** Discuss the interview questions with the interviewee beforehand. This will give them the opportunity to inform you of questions they do not feel comfortable with answering, as well as prepare themselves for the questions that will be asked.
2. **Format.** Ask if the interviewee would like their face blurred or voice altered to ensure that they remain unidentified.

4.5 TYPES OF QUESTIONS TO ASK

Respecting the interviewee's boundaries is crucial during an interview. Do not probe for more information if they do not feel comfortable answering a question. The best way to do this is to ask open-ended questions that are not too specific or targeted, thus allowing the interview to evolve naturally and the interviewee to share as much information as they feel comfortable with. To maintain the open-endedness of the interview, reflect on what the interviewee has said rather than asking pointed questions.

Some examples of questions to ask a survivor in an interview:

1. As much as you're comfortable with, please share your experience.
2. What do you feel is important for people to know?
3. What barriers did you experience?
4. What would have made it safer for you to come forward?
5. What services or people helped you?
6. Is there anything else you'd like to add?

CONCLUSION

As illustrated in this guide, there are a number of factors for journalists and editors to take into account when reporting on migration in South Africa. Journalists and editors have great power and influence and should use it wisely to ensure that public discussions on migration are accurate and responsible.

With this guide, we hope you have the necessary guidance and resources to report responsibly on migration and sensitively interview someone, by also referring them on to reputable organisations and counsellors should the need arise.



Journalists and editors have great power and influence and should use it wisely to ensure that public discussions on migration are accurate and responsible.

AND THE AWARD GOES TO...

There are several prestigious awards for journalism on migration issues.

We'd love to see more South African journalists winning these awards and are happy to nominate.

For example:

- The SADC Media Awards
- George Polk Immigration Reporting Award
- French-American Foundation Immigration Journalism Awards
- Sue Lloyd-Roberts Media Award
- International Labour Organization global media competition on labour migration and fair recruitment
- One World Media Awards



Appendix A: Referrals and Expert Organisations

Below are national referral numbers for you to have on hand when interviewing someone and to list at the end of your article or report.

Ensure that you also source reliable province-specific referrals when interviewing someone, so that they are able to reach out to organisations within their area should they need to.

In the 'Reporting Checklist' on page 14, we also encouraged you to speak to a diversity of sources. Don't focus solely on police, legal or perpetrators' voices. Some examples of expert organisations based on their expertise are also provided below.

NATIONAL HELPLINE NUMBERS

National GBV Helpline	0800 150 150
GBV Command Centre	0800 428 428
LifeLine	0861 322 322
AIDS Helpline	0800 012 322
Child Line	0800 055 555
South African Police Service	10111
Legal Aid	0800 110 110

LEGAL

UCT Refugee Rights Clinic	Cape Town: 021 650 5581
NMMU Refugee Rights Centre	Port Elizabeth: 041 504 1111
Wits Law Clinic: Refugee Unit	Johannesburg: 011 717 8562
Lawyers for Human Rights	Cape Town: 021 424 8561 Johannesburg: 011 339 1960 Durban: 031 301 0538 Musina: 015 534 2203 Pretoria: 012 320 2943 Upington: 054 331 2200
Legal Resource Centre	Cape Town: 021 481 3000 Johannesburg: 011 836 9831 Durban: 031 301 7572 Grahamstown: 046 622 9230
Probono.org	Cape Town: 087 806 6070/1/2 Johannesburg: 011 339 6080 Durban: 031 301 6178

TRAUMA/COUNSELLING

National Counselling Line	0861 322 322
Trauma Centre	Cape Town: 021 465 7373
Rape Crisis Cape Town Trust	021 447 1467

OTHER SERVICES

Scalabrini Centre of Cape Town	Cape Town: 021 465 6433
Refugee Social Services	Durban: 031 301 3578
ALPS Resilience	Cape Town: 021 879 1454
Jesuit Refugee Service	Johannesburg: 011 618 3404
Adonis Musati Project	Cape Town: 021 762 4886

SEX WORK

SWEAT (Sex Workers Education and Advocacy Taskforce)	Cape Town: 021 448 7875 Johannesburg: 011 331 0077 East London: 043 722 0757
Women's Legal Centre	Johannesburg: 011 339 1099 Cape Town: 021 424 5660
Sonke Gender Justice	Cape Town: 021 423 7088 Johannesburg: 011 339 3589

CHILD RIGHTS

Children's Institute, University of Cape Town	021 650 1473
Centre for Child Law	012 420 4502

LGBTIQ

Triangle Project	Cape Town: 021 422 0255 Helpline: 021 712 6699
Gender Dynamix	021 447 4797

RESEARCH/ACADEMIC

African Centre for Migration & Society	Johannesburg: 011 717 4033
Xenowatch	Johannesburg: 011 717 4017 Whatsapp/Call: 060 794 9882

POLICY/ADVOCACY

Consortium for Refugees and Migrants South Africa	Johannesburg: 011 403 7560/0032/0033
Sonke Gender Justice	Cape Town: 021 423 7088 Johannesburg: 011 339 3589

COALITIONS/ADVOCACY NETWORKS

Consortium for Refugees and Migrants South Africa	Johannesburg: 011 403 7560/0032/0033
Migration and Health Project Southern Africa	Johannesburg: 011 717 4233
Hate Crimes Working Group	www.hcwg.org.za

Appendix B: Sample Informed Consent Form

It is vital that your news organisation or outlet honours any undertaking you make to the interviewee. The unauthorised use or disclosure of confidential information may lead to the interviewee suffering substantial damage.

INTERVIEW CONSENT FORM

I (interviewee) _____, acknowledge that this interview may be published/broadcast and that I fully understand the implications, and give permission to _____, (name of journalist/interviewer) of the _____ (name of media company) to interview/record/film (circle applicable) me on _____ (date).

The interviewer may (tick next to preferred term):

- ☐ Use my real name and surname
- ☐ NOT use my real name and surname or any identifying, private information.

If ticked, please write preferred pseudonym here:

The interviewer may (tick next to preferred term):

- ☐ Use photographs of me or identifiable imagery
- ☐ NOT use any photographs of me or any identifiable imagery.
- ☐ Other conditions

Agreed on this date: _____ in _____ (area/city)

Signed by interviewee:

Signed by journalist/interviewer:

Interpreter

I, _____, hereby agree that I have translated this consent form to the interviewee accurately and to the best of my ability. I agree that I will interpret the questions and answers of the interview accurately and to the best of my ability. I furthermore agree that I will keep the content of this interview confidential.

Interpreter's signature

Date

Appendix C: Code of Ethics and Conduct for South African Print and Online Media

(Effective from January 1, 2019)

The Press Code of Ethics and Conduct for South African Print and Online Media

The Press Council of South Africa and the Interactive Advertising Bureau South Africa adopt the following Code for print and online media (together referred to as "the media").

PREAMBLE

The media exist to serve society. Their freedom provides for independent scrutiny of the forces that shape society, and is essential to realising the promise of democracy. It enables citizens to make informed judgments on the issues of the day, a role whose centrality is recognised in the South African Constitution.

Section 16 of the Bill of Rights sets out that:

1. Everyone has the right to freedom of expression, which includes:
 - a) Freedom of the press and other media;
 - b) Freedom to receive and impart information or ideas;
 - c) Freedom of artistic creativity; and
 - d) Academic freedom and freedom of scientific research.
2. The right in subsection (1) does not extend to:
 - a) Propaganda for war;
 - b) Incitement of imminent violence; or
 - c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The media strive to hold these rights in trust for the country's citizens; and they are subject to the same rights and duties as the individual. Everyone has the duty to defend and further these rights, in recognition of the struggles that created them: the media, the public and government, who all make up the democratic state.

The media's work is guided at all times by the public interest, understood to describe information of legitimate interest or importance to citizens.

As journalists we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, and exhibiting sensitivity to the cultural customs of their readers and the subjects of their reportage, and acting independently.

CHAPTER 1: MEDIA-GENERATED CONTENT AND ACTIVITIES

1. Gathering and reporting of news

The media shall:

- 1.1 take care to report news truthfully, accurately and fairly;
- 1.2 present news in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarization;

- 1.3 present only what may reasonably be true as fact; opinions, allegations, rumours or suppositions shall be presented clearly as such;
- 1.4 obtain news legally, honestly and fairly, unless public interest dictates otherwise;
- 1.5 use personal information for journalistic purposes only;
- 1.6 identify themselves as such, unless public interest or their safety dictates otherwise;
- 1.7 verify the accuracy of doubtful information, if practicable; if not, this shall be stated;
- 1.8 seek, if practicable, the views of the subject of critical reportage in advance of publication, except when they might be prevented from reporting, or evidence destroyed, or sources intimidated. Such a subject should be afforded reasonable time to respond; if unable to obtain comment, this shall be stated;
- 1.9 state where a report is based on limited information, and supplement it once new information becomes available;
- 1.10 make amends for presenting inaccurate information or comment by publishing promptly and with appropriate prominence a retraction, correction, explanation or an apology;
- 1.11 prominently indicate when an online article has been amended or an apology or retraction published and link such to that text, while the original article may remain;
- 1.12 not be obliged to remove any article which is not unlawfully defamatory; and
- 1.13 not plagiarise.

2. Independence and Conflicts of Interest

The media shall:

- 2.1 not allow commercial, political, personal or other non-professional considerations to influence reporting, and avoid conflicts of interest as well as practices that could lead readers to doubt the media's independence and professionalism;
- 2.2 not accept any benefit which may influence coverage;
- 2.3 indicate clearly when an outside organization has contributed to the cost of newsgathering; and
- 2.4 keep editorial material clearly distinct from advertising and sponsored events.

3. Privacy, Dignity and Reputation

The media shall:

- 3.1 exercise care and consideration in matters involving the private lives of individuals. The right to privacy may be overridden by public interest;
- 3.2 afford special weight to South African cultural customs concerning the protection of privacy and dignity of people who are bereaved and their respect for those who have passed away, as well as concerning children, the aged and the physically and mentally disabled;
- 3.3 exercise care and consideration in matters involving dignity and reputation, which may be overridden only if it is in the public interest and if:
 - 3.3.1. the facts reported are true or substantially true; or
 - 3.3.2. the reportage amounts to protected comment based on facts that are adequately referred to and that are either true or reasonably true; or
 - 3.3.3. the reportage amounts to a fair and accurate report of court proceedings, Parliamentary proceedings or the proceedings of any quasi-judicial tribunal or forum; or
 - 3.3.4. it was reasonable for the information to be communicated because it was prepared in accordance with acceptable principles of journalistic conduct; or
 - 3.3.5. the article was, or formed part of, an accurate and impartial account of a dispute to which the complainant was a party;

- 3.4 not identify rape survivors, survivors of sexual violence which includes sexual intimidation and harassment* or disclose the HIV / AIDS status of people without their consent and, in the case of children, from their legal guardian or a similarly responsible adult as well as from the child (taking into consideration the evolving capacity of the child), and a public interest is evident, and it is in the best interests of the child.

4. Protection of Personal Information*

The media shall:

- 4.1 take reasonable steps to ensure that the personal information under their control is protected from misuse, loss, and unauthorized access;
- 4.2 ensure that the personal information they gather is accurate, reasonably complete and up to date;
- 4.3 take steps to verify the accuracy of their information and, if necessary, amend it where a person requests a correction to be made to his or her personal information;
- 4.4 only disclose sufficient personal information to identify the person being reported on as some information, such as addresses, may enable others to intrude on their privacy and safety; and
- 4.5 inform the affected person(s) and take reasonable steps to mitigate any prejudicial effects where it is reasonably suspected that an unauthorized person may have obtained access to personal information held by the media.

5. Discrimination and Hate Speech

The media shall:

- 5.1. avoid discriminatory or denigratory references to people's race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, and not refer to such status in a prejudicial or pejorative context – and shall refer to the above only where it is strictly relevant to the matter reported, and if it is in the public interest; and
- 5.2 balance their right and duty to report and comment on all matters of legitimate public interest against the obligation not to publish material that amounts to propaganda for war, incitement of imminent violence or hate speech – that is, advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

6. Advocacy

The media may strongly advocate their own views on controversial topics, provided that they clearly distinguish between fact and opinion, and not misrepresent or suppress or distort relevant facts.

* The World Health Organisation inter alia defines sexual violence as follows: "Sexual violence encompasses acts that range from verbal harassment to forced penetration, and an array of types of coercion, from social pressure and intimidation to physical force..."

* "Personal information" is defined as follows in Section 1 of the Protection of Personal Information Act 4 of 2013: "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the person; and (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

7. Protected Comment

- 7.1 The media shall be entitled to comment upon or criticise any actions or events of public interest; and
- 7.2 Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment.

8. Children

In the spirit of Section 28.2 of the Bill of Rights* the media shall:

- 8.1 exercise exceptional care and consideration when reporting about children*. If there is any chance that coverage might cause harm of any kind to a child, he or she shall not be interviewed, photographed or identified without the consent of a legal guardian or of a similarly responsible adult and the child (taking into consideration the evolving capacity of the child); and a public interest is evident;
- 8.2 not publish child pornography*; and
- 8.3 not identify children who have been victims of abuse or exploitation, or who have been charged with or convicted of a crime, without the consent of their legal guardians (or a similarly responsible adult) and the child (taking into consideration the evolving capacity of the child), a public interest is evident and it is in the best interests of the child.

9. Violence, Graphic Content

The media shall:

- 9.1 exercise due care and responsibility when presenting brutality, violence and suffering;
- 9.2 not sanction, promote or glamorise violence or unlawful conduct; and
- 9.3 avoid content which depicts violent crime or other violence or explicit sex, unless the public interest dictates otherwise – in which case a prominently displayed warning must indicate that such content is graphic and inappropriate for certain audiences such as children.

10. Headlines, Captions, Posters, Pictures and Video / Audio Content

- 10.1 Headlines, captions to pictures and posters shall not mislead the public and shall give a reasonable reflection of the contents of the report or picture in question; and
- 10.2 Pictures and video / audio content shall not misrepresent or mislead nor be manipulated to do so.

11. Confidential and Anonymous Sources

The media shall:

- 11.1 protect confidential sources of information – the protection of sources is a basic principle in a democratic and free society;
- 11.2 avoid the use of anonymous sources unless there is no other way to deal with a story, and shall take care to corroborate such information; and
- 11.3 not publish information that constitutes a breach of confidence, unless the public interest dictates otherwise.

* Section 28.2 of the Bill of Rights in the South African Constitution says: "A child's best interests are of paramount importance in every matter concerning the child."

* A "child" is a person under the age of 18 years.

* Child Pornography is defined in the Film and Publications Act as: "Any visual image or any description of a person, real or simulated, however created, who is or who is depicted or described as being, under the age of 18 years, explicitly depicting such a person who is or who is being depicted as engaged or participating in sexual conduct; engaged in an explicit display of genitals; participating in or assisting another person to participate in sexual conduct which, judged within context, has as its predominant objective purpose, the stimulation of sexual arousal in its target audience or showing or describing the body or parts of the body of the person in a manner or circumstance which, in context, amounts to sexual exploitation."

12. Payment for Information

The media shall avoid shady journalism in which informants are paid to induce them to give the information, particularly when they are criminals – except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

CHAPTER 2: USER-GENERATED CONTENT AND ACTIVITIES*

13. Principles

The media:

- 13.1 are not obliged to moderate all user-generated content (UGC) in advance;
- 13.2 shall have a UGC Policy, consistent with the Constitution of the Republic of South Africa, governing moderation and/or removal of UGC or user profiles posted;
- 13.3 may remove any UGC or user profile in accordance with their policy;
- 13.4 must make their policy publicly available and set out clearly the:
 - 13.4.1 authorisation process, if any, which would-be users must follow, as well as any terms, conditions and indemnity clauses during such registration process;
 - 13.4.2 content which shall be prohibited; and
 - 13.4.3 manner in which the public may inform them of prohibited content;
- 13.5 should, where practicable, place a notice on the platforms to discourage the posting of prohibited content;
- 13.6 should inform the public that UGC is posted directly by users, and does not necessarily reflect their views;
- 13.7 shall encourage users to report content which may violate the provisions of their policy; and
- 13.8 shall particularly carefully monitor online forums directed at children.

14. Prohibited Content

Material constitutes prohibited content if it is expressly not allowed in a member's UGC Policy, and in Section 5.2 of this Code (which refers to Section 16 of the Bill of Rights, and overrules anything to the contrary contained in a UGC policy).

15. Defence

- 15.1 It is a defence for the media to show that they did not author or edit the content complained of;
- 15.2 However, where a complainant has sent a written notice to the particular media, identifying the content concerned, specifying where it was posted, and motivating why it is prohibited (see Clause 14); the media must then either:
 - 15.2.1 remove the relevant UGC as soon as possible and notify the complainant accordingly; or
 - 15.2.2 decide not to remove the UGC and notify the complainant accordingly. In the latter case, the complainant may complain to the Press Ombud, who will treat it as if the UGC was posted by the member itself.

* This section applies where a complaint is brought against a member in respect of comments and content posted by users on all platforms in controls and on which it distributes its content.

Appendix D: How to Lodge a Complaint with the Press Council

To lodge a complaint with the Press Ombudsman of the Press Council and to view the complaints procedure, you can only do so online at: <http://www.presscouncil.org.za/Complaints?prev=http%3A%2F%2Fwww.presscouncil.org.za%2F>

The information you need to lodge a complaint includes:

1. Publication name
2. Publication date
3. Headline
4. Complaint
5. Upload file (choose the file of the publication)
6. First name
7. Surname
8. Telephone number
9. Work number
10. Cell phone
11. Email address
12. Physical address
13. Postal address

Appendix E: How to Lodge a Complaint with the Broadcasting Commission

Information on the criteria and process of lodging a complaint with the Broadcasting Commission of South Africa (BCCSA) can be found online at: <https://bccsa.co.za/criteria-for-a-complaint/>.

Complaints must be made to the Registrar in writing and it is important to provide full details.

If you see or hear something that concerns you, write down the following details:

- The date and time and channel of broadcast
- The name of the broadcast programme
- Examples of the material within the context that might have contravened the Code of Conduct of the BCCSA

A written complaint shall be made as soon as possible, but not later than 30 calendar days after the date of broadcast. The Registrar may upon reasonable grounds accept late complaints if in his or her opinion there is good and satisfactory explanation for delay.

The Registrar shall only accept a complaint:

- Which is not anonymous, or which, in his or her opinion, is not fraudulent, frivolous, malicious or vexatious;
- Which is directed at a signatory of the BCCSA Code;
- Which does not concern an advertisement broadcast by a signatory who is also subject to the Code of the Advertising Practice of the Advertising Standards Authority of South Africa.

Once you have written the complaint, including the necessary information outlined above, as well as your physical address and contact numbers, you can post, email or fax it to the following:

Broadcasting Complaints Commission of South Africa
PO Box 412365, CRAIGHALL, 2024
Fax Number: (011) 326 3198
e-mail address: bccsa@nabsa.co.za

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