



OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

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## Mission statement

*The Open Society Foundation for South Africa (OSF-SA) is committed to promoting the values, institutions and practices of an open, non-racial, non-sexist, democratic society.*

*It will work for a vigorous and autonomous civil society in which the rule of law and divergent opinions are respected.*

## The OSF-SA Board

### Azhar Cachalia (Chair)

Azhar Cachalia has been a judge of the Johannesburg High Court since 2001. He has a long history of active involvement in South Africa's struggle for democracy, having been a key figure in the United Democratic Front and working as an attorney specialising in human rights and administrative law during the 1980s. Judge Cachalia studied constitutional law at Yale University in 1992. He played a key role in developing the security and defence aspects of the national Constitution. As Secretary for Safety and Security between 1996 and 1999, Cachalia advised the government on police reform and the development of the National Crime Prevention Strategy. He has been a member of the OSF-SA Board since 2000.

### Zyda Rylands (Deputy Chair)

Director of People at Woolworths' head office, Zyda Rylands is a qualified accountant and has held financial positions at several large corporations. She serves on the boards of a number of schools and technikons and in 1997 received the Black Management Forum (BMF) Manager of the Year Award. She was among the top ten people nominated for the Impumelelo/ BMF Business Personality of the Year in 2001.

### Barney Mthombothi

Barney Mthombothi has been editor of *Financial Mail* since 2005. He has served as editor of the *Sunday Tribune* (2003–2005); chief executive: South African Broadcasting Corporation (SABC) news (2000–2002); editor-in-chief: SABC news (1999–2000); and has held senior positions at *The Star*, *Sowetan* and British Broadcasting Corporation news. One of South Africa's most respected journalists, Mthombothi was awarded a Reuters fellowship at Oxford University in 1986 and a Niemann fellowship at Harvard University in 1994.

### Nomfundo Walaza

Nomfundo Walaza is the chief executive director of the Desmond Tutu Peace Centre and holds an MA in Clinical Psychology. She worked at the Valkenberg Psychiatric Hospital between 1990 and 1994. Walaza went on to join the Trauma Centre for Survivors of Violence and Torture where she served as director between 1996 and 2005. She spent several years lecturing and doing consulting work and has served on the boards of several non-governmental organisations.

### Jody Kollapen

Jody Kollapen is chairperson of the South African Human Rights Commission. He worked as an attorney focusing on public interest law between 1981 and 1992 before joining Lawyers for Human Rights where he served as national director in 1994 and 1995. Kollapen was part of the panel which interviewed candidates and made recommendations on who should be appointed to the Truth and Reconciliation Commission. He chairs the Equality Review Committee, a body established in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act. Mr Kollapen serves on the boards of various national and international human rights bodies, including the Legal Resources Centre and the Foundation for Human Rights, and has written extensively on human rights and constitutionalism.

### Nomsa Masuku

Nomsa Masuku is the head of corporate social investment at Standard Bank. She holds a PhD in applied English linguistics from the University of Birmingham, a language degree from the University of Swaziland, and a teaching diploma from the University of Sydney. Masuku worked for the Independent Electoral Commission of South Africa for eight years where her portfolio included developing programmes to entrench constitutional democracy, and the provision and promotion of voter and balloting education.

### Karrisha Pillay

Karrisha Pillay is a practising advocate at the Cape Bar with a particular interest in constitutional and administrative law. Before entering the legal profession, she was a researcher at the Community Law Centre, University of the Western Cape, where her work focused on socio-economic rights. Adv. Pillay has served on the boards of various non-governmental and community-based organisations.

# Staff

<b>Zohra Dawood</b>	Executive Director
<b>Zaid Israel</b>	Director: Finance & Human Resources
<b>Anita Kleinsmidt</b>	Director: Human Rights & Governance
<b>Louise Ehlers</b>	Director: Criminal Justice Initiative
<b>Noloyiso Mchunu</b>	Senior Project Officer: Media Programme
<b>Chesne Albertus</b>	Project Officer: Criminal Justice Initiative
<b>Mandy Charles</b>	Junior Project Officer: Criminal Justice Initiative
<b>Miyelani Khosa</b>	Project Officer: Media Programme
<b>Kira-Leigh Kuhnert</b>	Project Officer: Human Rights & Governance
<b>Monica Zifo</b>	Senior Bookkeeper
<b>Helene van der Watt</b>	Grant Manager & Programme Administrator: Criminal Justice Initiative
<b>Lulekwa Gqiba</b>	Administrator: Media and Human Rights & Governance Programmes
<b>Lorraine Salt</b>	Personal Assistant to the Executive Director
<b>Siya Mgujulwa</b>	Grant Assistant
<b>Kim Benjamin</b>	Frontline Administrator

## From the Chairperson

I have served on the Board of the Open Society Foundation for South Africa since January 2000 and, apart from a brief interlude in 2005, have been its chairperson. When I step down in March 2008 my association with OSF-SA and its parent body, the Open Society Institute (OSI) in New York, will end.

The work of these organisations is made possible because of the generous financial support of George Soros and his passionate commitment to promoting open societies. His conviction is based on the recognition that nobody possesses the ultimate truth. Implicit in this is the belief that democratic societies depend for their sustenance on being able to recognise they are fallible, and must therefore encourage the open contestation of ideas.

South Africa can be characterised as a one-party dominant democracy. Despite the electoral dominance of the governing party, an independent judiciary, an assertive fourth estate and a long tradition of civil society activism allows for such necessary contestation. Sometimes the situation is best served by working with government to support and enhance its programmes; at other times it requires opposing what government is doing. OSF-SA has thus collaborated with government in a number of key areas such as criminal justice and policing reform. At the same time we have supported organisations such as the Treatment Action Campaign that assertively challenge government policy on HIV/Aids. The tension between working with government when appropriate and challenging government when necessary is healthy; indeed it is inevitable in an open society. We in OSF-SA review our strategy in an ongoing way to ensure that we get the balance right.

Since the advent of democracy in 1994, South Africa has carried the hopes of most Africans and much of the international community as a beacon of hope on a faltering continent. But we are beginning to see features dangerously characteristic of many post-colonial states where politicians engage in a reckless scramble for power and profit, civil service jobs are dispensed as means of securing political patronage, political debate is increasingly conducted in acrimonious and abusive language, and race and ethnicity are manipulated for political advantage. This behaviour is the antithesis of the vision of an open society and imperils our constitutional order. OSF-SA and other organisations that constitute civil society, including the media, will have to respond to the challenge posed

by these developments. I have every confidence that OSF-SA will succeed in doing so.

***Sometimes the situation is best served by supporting government and enhancing its programmes; at other times it requires opposing what government is doing***

I leave the Board in the capable hands of my colleagues and the enthusiastic leadership of Zohra Dawood, the executive director. It would be remiss not mention a few other people with whom I have worked closely. I will miss Zyda Rylands for her financial acumen and strong sense of propriety, Mike Savage (who stepped down recently) for an incalculable contribution over more than a decade, and Barney Mthombothi who asks the questions that only a tough independently-minded journalist can. At the same time I welcome to the Board Jody Kollapen, Nomsa Masuku and Karrisha Pillay, all of whom come from impressive backgrounds. Of course no organisation can function without competent staff. OSF-SA has managed to attract the best.

Julie Hayes of the OSI office in New York has always been helpful and a great resource for OSI's work on the continent. Finally, I must acknowledge Aryeh Neier, the President of OSI, whose steady temperament and guiding influence is an indispensable asset.

Thank you all

**Azhar Cachalia**

## From the Executive Director

Over the last fourteen years of its existence, OSF-SA has committed R548 million to building and sustaining the conditions for an open society in South Africa.

The Foundation has operated during South Africa's transition from apartheid to an electoral democracy. Much has been achieved during this time, including the drafting of a Constitution as the supreme law for the country's legal, regulatory and institutional life.

However, South Africa continues to grapple with the complexity of issues related to democratic governance in a number of areas, including citizen participation in policy-making, accountability and transparency. These issues arise not only in relation to government and state institutions but, vitally, in the workings of a ruling party which faces no threat of being voted out of power in the foreseeable future.

The African National Congress (ANC) won overwhelming majorities in the 1994, 1999 and 2004 elections. The ANC does not face any threat to its dominance from other political parties; rather, its challenges come from within the party. Events at the ANC National Conference in December 2007 attest to a party confronting issues of internal democracy, the balancing of interests and power, and the myriad hidden hierarchies in its ranks.

In the words of one newspaper editor published in January 2008: "This is to be the bellwether year for South Africa's democracy when we either build on the Constitution's dictate that we live by the rule of its law and the breadth of its vision or we turn that Constitution into a loud-sounding nothing by becoming a nation of populists given to keeping skeletons in cupboards".

The latter caution notwithstanding, there is still much cause for optimism, not least by the continued existence of resilient activist politics and a vibrant media that has increasingly been used as a space for exercising democratic voice, sometimes in lieu of other spaces for dialogue.

By the end of 2007, it was not clear what the relationship would be between the ANC as a party and the ANC in government. However, it is clear that civil society organisations will have to ensure they are able to continue to exercise influence in an environment of

greater contestation and potential fragmentation. Civil society, by no means a homogeneous force, must maintain its vigilance and oversight of the work of a government committed to the values of the Constitution.

***Civil society organisations will be working in an environment of greater contestation and potential fragmentation. There is much cause for optimism – we still have resilient activist politics and a vibrant media***

This annual report gives a flavour of the Foundation's work over 2006/2007. In addition to general programme reports, it seeks to highlight a small slate of issues around which the Foundation has engaged in both grant-making and operational activities.

South Africa has the dubious reputation of having one of the highest levels of crime in the world. One of our major concerns is the increasing tendency to emphasise responding through incarceration and harsh punishment; an approach which Mark Mauer argues is flawed (page 8). Minimum sentencing legislation appears to have increased the number of prisoners serving long sentences and exacerbated the already serious levels of overcrowding. This, in turn, has major health, human rights and social impacts. The Foundation believes a more considered approach to crime and safety should be adopted; one which prioritises the development of a humane prison system as well as a more efficient and effective system of criminal justice.

Jonathan Berger reflects on the need to widen and deepen human rights discourse by including the right to health as a vital pillar for advocacy, and promoting the development of appropriate policy (page 14). Quality of life and the enjoyment of civil and political liberties are severely compromised when access to health care, even at the most basic level, is constrained by ineffective service delivery and the lack of accountability that can be seen in the Auditor-General repeatedly criticising the financial management of the Department of Health.

Control of the media was a vital prop in the apartheid architecture. Many analysts and commentators have commented on the resurgence of dire threats to the independence of the media. Justice Malala reflects on the threats faced by the media and the risk of an increasing convergence of interest between the public broadcaster and the ruling party (page 20).

Each of these themes informs the Foundation's support for civil society organisations to engage in processes of social change and policy input and reform.

The Foundation's own operational activities have had great impact on the programme priorities of the organisation. Many publications have been the result of these engagements.

In concluding, I would like to pay tribute for the steadfast commitment and support provided by the Board, staff and all of our partners and friends over this period. Without the support of George Soros and Aryeh Neier, none of what we do would be possible, and I salute your commitment to building global open societies.

**Zohra Dawood**

***“This is to be the bellwether year for South Africa’s democracy when we either build on the Constitution’s dictate that we live by the rule of its law and the breadth of its vision or we turn that Constitution into a loud-sounding nothing by becoming a nation of populists given to keeping skeletons in cupboards.”***

*Mail & Guardian 4 January 2008*

## The use of incarceration as a crime control strategy

### **Marc Mauer, Executive Director: The Sentencing Project, Washington DC**

Having had the privilege of participating in a sentencing conference hosted by the Open Society Foundation in 2006, I am well aware of the challenges South Africa faces in balancing the need to combat crime and violence while also maintaining a humane justice system. As the nation considers how to address these issues, there may be some who look to the unprecedented prison expansion in the United States in recent decades as a model for crime control. Unfortunately, history has shown that such a strategy is not only harmful to public safety interests, but diverts resources and attention from more constructive approaches.

Over the past several decades the US has been engaged in what I have termed a “race to incarcerate.” From a combined prison and jail population of just over 300 000 in 1970, our use of imprisonment has increased at a rate unprecedented in any democratic society to a level of 2.2 million today. Our incarceration rate of more than 700 per 100 000 population places us as the world leader in this regard, a dubious distinction for a nation that prides itself on its democratic traditions.

Some observers say the declining crime rate in the US since the early 1990s, a time when incarceration increased, is evidence that imprisonment is an effective tool to reduce crime. But such an explanation ignores broader

incarceration and crime trends and grossly oversimplifies the complex question about how society should address public safety concerns. Over the 35-year period of continuously rising imprisonment, crime rates have both increased and decreased in various periods. And while incarceration no doubt prevents certain crimes through its incapacitating effect, that impact is surprisingly limited. In the US, for example, the most optimistic estimates are that rising imprisonment may have been responsible for about 25% of the decline in crime since the 1990s. This then suggests that three-quarters of the decline had nothing to do with imprisonment. The best evidence to date is that this resulted from the combined effects of a healthy economy and job availability in the 1990s, the decline of violence associated with crack cocaine markets, and community policing, among other factors.

We have also learned that whatever utility incarceration may provide in controlling crime is very much one of diminishing returns. First, long prison sentences do not contribute to any existing deterrent effect of the criminal justice system. Criminologists have long known that the certainty of punishment – the chances of being apprehended – is far more important than the severity of punishment in this regard.

Rising rates of incarceration also mean that we are increasingly incarcerating less serious offenders. For example,

at modest rates of imprisonment, to the extent that incarceration is used for burglars, it will be mostly high-rate offenders who are locked up. But in an expanding prison system, more low-rate burglars will be sentenced as well, and whatever incapacitating effect is produced by prison will be reduced proportionally.

Finally, in the long term, investments in building and operating prisons divert resources from social and economic development that provide more cost-effective and humane approaches to preventing and reducing crime. Research in the US has demonstrated

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***The certainty of punishment is far more of a deterrent to crime than the severity of punishment***

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that a variety of approaches in the areas of preschool education, drug treatment, and high school completion are more effective than expanding the use of incarceration. South Africa faces challenges in confronting day-to-day problems of crime, but in doing so I would hope that the nation will not lose sight of the context in which these problems exist.

# The Criminal Justice Initiative

## Louise Ehlers, Programme Director

The goal of the Criminal Justice Initiative (CJI) is to build accountability within the criminal justice system with the intention of ensuring a more humane, efficient and effective justice process; strengthening democratic processes, and operationalising the principles embodied in the Constitution. During 2006 and 2007, the CJI focused its efforts on a range of interventions targeting strategic leverage points in the police, the courts and the correctional system.

## Incarceration

In respect of corrections, the CJI's aim is to exploit current opportunities for change in this sector and focus on a range of issues related to strengthening of civil society oversight over prisons, monitoring of individuals entering into the custody of the state, and advocacy work aimed at reducing the levels of imprisonment in South Africa. In addition to its grant-making function, OSF-SA has entered into a three-year partnership with the Department of Correctional Services (DCS) to monitor the extent to which the Correctional Services Act 111 of 1998 and its amendments are being implemented; to understand how the new laws are impacting on prisons conditions and the management and functioning of prison facilities; to assess the ability of government to meet its obligations in terms of the legislation; and to provide the DCS with recommendations in regard to both legislative amendments as well as alternative implementation strategies. The priority areas for monitoring include: conditions of incarceration; protection of human rights; oversight; prison management; the function and duties of parole boards; health care; and reintegration of offenders.

Thousands of prisoners are released every month. Unless offenders are effectively reintegrated into mainstream society, they are a potential threat to public safety and the chance of achieving a substantial reduction in crime is reduced. There are substantial information gaps in South Africa with regard to good offender reintegration practice. In 2007, the CJI embarked on a process of identifying and supporting community-based organisations undertaking work in this field.

Sentencing practice is seen by many to be inconsistent. It continues to be influenced by race, gender and differential access to legal

representation. Over the past two years, the CJI has sought to gather a body of empirical evidence to inform the sentencing debate in the long term. Two pieces of research were completed in 2006 – one on the impact of sentencing practice on the size of the South African prison population, and the other on the impact of the minimum sentencing legislation compared to its stated objectives. The findings were presented at an international conference on sentencing hosted by OSF-SA in October 2006. The conference agreed with the research findings and confirmed anecdotal evidence that the imposition of long sentences is ineffective as a mechanism for rehabilitation or as a deterrent to crime, and that incarceration rates have no significant impact on levels of crime. A third piece of research was commissioned in 2007 that revisits the Sentencing Framework Bill developed by the South African Law Reform Commission (SALRC) in 2000 and attempts to ascertain why it has failed to find support among lawmakers and policy makers. The findings from this research will be presented at a seminar in March 2008.

***Our police are at the frontline of dealing with the social problems caused by apartheid***

## Policing

Policing is another key pillar of the CJI's work. South Africa has one of the highest crime rates in the world and while it would seem that there have been some improvements in the last few years, levels of recorded crime in categories such as murder, rape and aggravated robbery remaining at unacceptably high levels. Government's primary response has been one of law enforcement with the South African Police Service (SAPS) at the forefront of efforts to curb crime and violence in South Africa. The CJI's interest in pursuing the policing issue is captured succinctly by Bruce et al. in their recent assessment of the SAPS: "South Africa has not found the answer to the question of how to address the mass exclusion that is the legacy of apartheid and until such time that they do, the

police in South Africa will remain in the frontline of dealing with the social problems that it generates.”<sup>Δ</sup>

Key focus areas for policing during 2006/2007 have included the restructuring of the SAPS; oversight and accountability; and the emergence of non-state policing and private security.

An assessment of the performance of the SAPS against indicators for democratic policing was launched on 18 May 2007. The assessment informs debate about the current state of SAPS and of policing in South Africa from the unique perspective of the emerging notion of democratic policing. It completes a body of work begun with the framework published in *The Police that we Want: A Handbook for Oversight of Police in South Africa*. The findings give considerable emphasis to the level of turbulence to which SAPS has been exposed in the last decade and a half. The report recommends an approach which emphasises the need to bring stability to SAPS.

#### **Private security**

The need to review the governance of the private security industry has been highlighted on several occasions during the last year. OSF-SA has made available two grants in relation to privatisation of security: one to the Centre of Criminology at the University of Cape Town (UCT) and the other to the University of South Africa (UNISA). The UCT project explores the current arrangements that exist formally and informally between the state police and private security and the implications this has for the oversight and accountability of both institutions. The UNISA project examines the capacity of the Private Security Regulatory Authority to oversee the industry. The results of both pieces of research will contribute significantly to the ongoing debate on the changing nature of policing in South Africa.

#### **Parliamentary oversight**

Parliamentary oversight is a critical component of the broader policing oversight architecture. Capacity constraints inhibiting Parliament from playing a proper oversight role were highlighted

as a serious weakness in the evaluation of the OSF-SA funded Strengthening Police Oversight in South Africa project which ran from 2002 to 2004. The CJI's work with the parliamentary oversight structures saw the development of *A Handbook on Strengthening Oversight Practices for Members of Provincial Portfolio Committees on Safety and Security* for the Free State, North West and Northern Cape provincial legislatures. Technical assistance was also provided to the National Assembly Portfolio Committee on Safety and Security in its strategic planning and in the development of a police station monitoring tool to support field-based oversight and constituency work.

### ***Community-based reintegration of offenders will boost public safety and reduce crime.***

#### **Crime prevention**

In addition to its existing work, the CJI made a decision during 2007 to expand its strategy to explore the nexus between law enforcement and crime prevention, in particular the extent to which provincial governments operationalise their safety plans and are able to create meaningful partnerships with civil society. The aim is to contribute to the development of a sound national strategy for the management of crime and safety by supporting promising local crime prevention interventions where they interface with broader safety and law enforcement interventions at local, provincial and national government level. Partnership negotiations are well underway with the departments responsible for community safety in the Western Cape, Eastern Cape and Gauteng, and this work will be fully implemented in 2008.

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<sup>Δ</sup> Bruce, D, Newham, G & Masuku, T. 2007. In *Service of the People's Democracy: An Assessment of the South African Police Service*. Centre for the Study of Violence and Reconciliation and the Open Society Foundation for South Africa, May 2007.

# CJI projects supported in 2006 and 2007

## **Adele Kirsten**

R100 000.00

Contact: Ms Adele Kirsten  
Tel: 012 349 9500  
E-mail: [noguns@global.co.za](mailto:noguns@global.co.za)

## **APCOF (African Policing Civilian Oversight Forum)**

R226 666.00

Contact: Mr TTshabalala  
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E-mail: [ttommy@ICD.gov.za](mailto:ttommy@ICD.gov.za)

## **Bright Learning Media**

R187 500.00

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E-mail: [brightmedia@iafrica.com](mailto:brightmedia@iafrica.com)

## **Cape Mental Health Society**

R462 613.00

Contact: Ms Estelle Geldenhuys  
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Fax: 021 448 8475  
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## **Centre for Court Innovation**

R70 000.00

Contact: Mr Julius Lang  
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## **Dopstop**

R577 940.00

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Fax: 021 883 8780  
E-mail: [director@dopstop.org.za](mailto:director@dopstop.org.za)

## **Donor Network on Violence Against Women**

R16 020.00

Contact: Ms Penny Plowman  
Tel: 011 648 7780  
Fax: 011 648 7780  
E-mail: [plowman@iafrica.com](mailto:plowman@iafrica.com)

## **Former Convicted Offenders' Development Initiative (FOCODI)**

R274 000.00

Contact: Mr J Radebe  
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## **HURISA (Human Rights Institute of South Africa)**

R40 257.00

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## **Institute for Security Studies**

R1 446 000.00

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Fax: 012 460 0998  
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## **Johnny Steinberg – SAPS Handbook**

R140 000.00

Contact: Dr Jonny Steinberg  
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## **Justice for Prisoners and Detainees Trust (JPDT)**

R439 900.00

Contact: Mr Derek Mdluli  
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Fax: 031 301 8351  
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**Khartoum Centre for Human Rights and Environmental Development**

R14 000.00

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Fax: +0924 49 837 2324  
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**Khulisa**

R107 500.00

Contact: Ms Lesley-Ann Van Selm  
Tel: 011 788 8237  
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E-mail: info@khulisaservices.co.za

**Lawyers for Human Rights**

R100 000.00

Contact: Adv. R Jansen  
Tel: 012 320 2943  
Fax: 012 320 7681  
E-mail: rudolph@lhr.org.za

**Legal Resources Centre**

R464 590.00

Contact: Ms Sarah Septhon  
Tel: 046 622 9230  
Fax: 046 622 3933  
E-mail: sarahs@lrc.org.za

**Mosaic & Gender Health & Justice Research Unit**

R571 355.00

Contact: Ms Marieta de Vos  
Tel: 021 761 7585  
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**NICRO (National Institute for Crime Prevention and the Reintegration of Offenders)**

R230 000.00

Contact: Ms Venessa Padayachee  
Tel: 021 462 0017  
Fax: 021 462 2447  
E-mail: venessa@nicro.co.za

**RAPCAN (Resources Aimed at the Prevention of Child Abuse and Neglect)**

R585 200.00

Contact: Ms Cheryl Frank  
Tel: 021 712 2330  
Fax: 021 712 2365  
E-mail: cheryl@rapcan.org.za

**REALISTIC**

R280 000.00

Contact: Mr S Madikane  
Tel: 021 638 0300  
Fax: 021 638 0300  
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**String Communications**

R82 500.00

Contact: Ms Sarah Hetherington  
Tel: 021 461 9692  
Fax: 021 461 4953  
E-mail: sarah@string.co.za

**The DNA Project**

R43 000.00

Contact: Ms Venessa Lynch  
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E-mail: venessalynch@dnaproject.co.za

**The Goededacht Catholic Trust**

R115 500.00

Contact: Ms Sue Powers  
Tel: 021 873 6396  
Fax: 021 873 7059  
E-mail: powers@kingsley.co.za

**Tshwaranang Legal Advocacy**

R25 000.00

Contact: Ms Anu Pillay  
Tel: 011 403 4267  
Fax: 011 403 4275  
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**UNISA**

R66 604.00

Contact: Prof. Anthony Minnaar  
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**University of Cape Town Centre of Criminology**

R252 500.00

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**University of Pretoria Centre for Child Law**

R1 249 322.00

Contact: Dr Ann Skelton  
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**University of Pretoria Centre for the Study of AIDS**

R358 000.00

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**University of the Western Cape Community Law Centre  
CSPRI (Civil Society Prison Reform Initiative)**

R814 400.00

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**University of the Western Cape Community Law  
Centre and Saartjie Baartman Centre**

R515 614.00

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**University of the Western Cape Community Law Centre**

R880 000.00

Contact: Ms Jacqui Gallinetti  
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Fax: 021 959 2411  
E-mail: jgallinetti@uwc.ac.za

**Vezokuhle Youth Development Project**

R220 000.00

Contact: Mr X Salman  
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**The Wits Institute for Social and Economic Research (WISER)**

R427 600.00

Contact: Prof. Deborah Posel  
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**Women and Men against Child Abuse**

R500 000.00

Contact: Mr Kevin Barbeau  
Tel: 011 789 8815  
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## Beyond the right to health

### **Jonathan Berger, Head of Policy & Research: Aids Law Project**

Section 27 of the Constitution expressly recognises the right to have access to health care services, and it requires the state to progressively realise this right. Emerging jurisprudence suggests that, while there is significant value in having socio-economic entitlements expressly protected in the Constitution, this is not enough in itself.

The new National Strategic Plan on HIV/Aids (NSP) for the period 2007–2011 was developed in partnership with civil society and sets clear goals, objectives, targets, timeframes and indicators. The South African National AIDS Council (SANAC), which advises the government and must ensure implementation of the NSP, has been restructured to ensure stakeholder participation and a powerful civil society voice.

However, indications are it will not be plain sailing. Firstly, these developments took place when the Minister of Health was ill. Her commitment to the NSP is in question, given her controversial views on HIV/Aids. Secondly, allocated budgets fall far short of the projected cost of the NSP. Thirdly, progress on a number of necessary policy shifts identified in the NSP is excruciatingly slow or absent.

If SANAC were to fail in any aspect of its mandate, an organisation like the Treatment Action Campaign (TAC) is likely to do what it does best – mobilise, advocate and lobby for change, possibly

litigate. If, for example, SANAC were to fail to deal with inefficiencies in accrediting public health facilities to provide antiretroviral (ARV) treatment, TAC might threaten court action.

But even this kind of civil society action, which may resolve the particular issue at hand, will not necessarily result in systemic change in the absence of an unwavering commitment by all government departments to ensure the effective and efficient implementation of the NSP. A slew of court applications may not achieve the desired comprehensive result, it would probably not be desirable, and it would probably not be sustainable either.

Perhaps we should be looking at using some of the more foundational principles of the supreme law to ensure government accountability. It may be time to investigate ways of using the courts to compel government officials to account for their acts and omissions in respect of any failure to realise socio-economic rights.

The Constitution seeks to hold public officials to account on the basis of a number of principles: legality, rationality and accountability, found in or flowing from its provisions. They apply regardless of who exercises the particular power in question, the specific source of the power, and whether or not the case involves any entrenched constitutional rights. Even the President is required to act lawfully, rationally and accountably.

Imagine a senior government official who is responsible for ensuring that key goals of the NSP are reached but undermines progress by frustrating implementation in a way that is not specific to any particular aspect of the plan. A court application based on Section 27 might fail to adduce sufficient evidence to prove that the official's conduct was unreasonable based on a particular act or omission.

It is unclear whether the Constitution can be used to force the political head of the department to discipline or dismiss the official in question, but there may be real value in holding

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***It may be time to use the courts to compel government officials to account for their acts and omissions***

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an open trial in which, for example, the Minister of Health is compelled to publicly explain why a senior departmental official or even the Director-General should not be fired. Fear of testifying in court might even get other officials to think twice before acting, or worse, failing to act. Perhaps more importantly, it could help to move the focus from a particular aspect of a policy or programme to the systemic problems that limit access to constitutionally guaranteed and Cabinet-approved health care services.

# Human Rights & Governance Programme

## **Anita Kleinschmidt, Programme Director**

The Human Rights and Governance Programme seeks to promote a culture of human rights, democracy and the rule of law, to support and strengthen people's access to justice, and to encourage transparent, accountable and participatory governance. To this end the grant-making work of the Programme has sought to strategically fund organisations which further these values, in the interests of an open society in South Africa.

Funding was made available by the OSF-SA Board for organisations working in the area of public participation in governance at local, provincial and parliamentary level. Afesis-Corplan and the Centre for Public Participation assist communities to monitor the budgets of municipalities and to participate in planning and resource allocation. The Parliamentary Monitoring Group (PMG), also a grantee, performs a valuable service recording the proceedings of parliamentary portfolio committees and making the minutes and sound recordings available on its website. PMG's work allows the public to track the progress of Bills and make submissions to the portfolio committees. The Children's Institute of the University of Cape Town has assisted stakeholders throughout the country to make written and oral submissions to portfolio committees on legislation affecting children.

The lack of available African case law and legislation from countries other than South Africa has made it difficult for constitutionalism to take root in legal systems on the continent. This deficit is being ameliorated by grantees such as the Centre for Human Rights at the University of Pretoria, the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC), and the Constitutional Court Trust. These organisations have made huge strides in capacity-building for legal academics and creating web-based access to African jurisprudence.

Law reform and access to justice in the area of gender equity falls within the remit of the Women's Legal Centre (WLC) and Tshwaranang Legal Advocacy, which have utilised OSF-SA grants to create groundbreaking legal precedents in the case of WLC, and a forum for paralegals involved in combating domestic violence in the case of Tshwaranang.

The Human Rights & Governance Programme has recognised the need for open, vigorous public debate on the issues of the day,

and has therefore funded organisations which provide forums for discussion and debate, often attracting speakers highly regarded in their areas of expertise. These debates also serve the programmatic strategy of access to information, an indispensable component of an open society.

In 2007, the Board approved the inclusion of health as a human right as part of the Programme strategy to support civil society efforts to advocate for a well-functioning health system and acceptable levels of patient care. A roundtable discussion was held to identify and explore the main issues relating to health care as articulated by civil society experts in the field of HIV/Aids, gender, health systems and health law. The meeting identified a number of advocacy areas for OSF-SA in the health sector. These will be taken up in 2008.

The Programme focus areas of public participation in governance, access to justice and South Africa in Africa have provided a platform for the launch of three publications in co-operation with the Africa Governance Monitoring and Advocacy Project (AfriMAP). AfriMAP

## ***The lack of available African case law and legislation has made it difficult for constitutionalism to take root in legal systems on the continent***

is an initiative of the Soros Foundation Network's four African foundations, and works with national civil society organisations to conduct systematic audits of government performance in three areas: the justice sector and the rule of law; political participation and democracy; and effective delivery of public services.

## **Justice sector and the rule of law**

The publication of the *Justice Sector and the Rule of Law* discussion paper and report is the result of a year-long research project which solicited views from civil society organisations. The report highlights the need for South Africa to improve its support for

international human rights instruments by streamlining the process of bringing domestic law into synch with international law obligations and by signing important conventions on the rights of women, migrant workers and victims of torture. The report also assesses South Africa's compliance with the rule of law in terms of the independence of the judiciary and the National Prosecuting Authority (NPA). Although written before the furore around judges' conflicts of interest erupted and before the head of the NPA was suspended, the report is prescient in its injunction that the ruling party is capable of dominating the Judicial Services Commission's appointments to this body and that no organ of state may improperly interfere with the powers, functions and duties of the NPA.

### **Democracy and political participation**

This report was launched in November 2007 and evaluates the extent to which political institutions and processes in South Africa are genuinely inclusive and allow for citizen participation in governance. The report warns of the danger of excessive leadership dominance of party lists and executive dominance over Parliament. Reforms ending the practice of floor-crossing and the creation of a multi-member constituency system of proportional representation would engender more public accountability amongst elected representatives. Political participation is dependent upon the supply of information. A concern is raised about the reluctance of government departments to comply with legitimate requests for information. Voluntary automatic disclosure of certain types of information is recommended as a solution. The regulation of party finances would also contribute to public accountability of political institutions, although disclosure of party finances is opposed by all the main political parties.

### **Service delivery in the health and education sectors**

The report examines the accountability of government departments responsible for fulfilling key economic and social rights, such as health and education. Government departments are encouraged to foster greater involvement of civil society in planning, particularly the Department of Health, which should take the initiative to rebuild relations with groups working in HIV/Aids. Many government departments receive qualified audits repeatedly from the Auditor-General but take no action to improve fiscal accountability. The recommendations of oversight bodies such as the Auditor-General should be acted upon and punitive consequences should arise for failure to do so. Service delivery protests are an ongoing feature of the political landscape in South Africa; these protests are closely linked to resistance to public participation at provincial and

***The recommendations of oversight bodies such as the Auditor-General should be acted upon and punitive consequences should arise for failure to do so***

local government level, despite the legal requirements for such participation. The report recommends that the government's Batho Pele ('people first') principles be made part of the institutional ethos in all spheres of government departments.

# Human Rights & Governance projects supported in 2006 and 2007

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R471 179.00

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## Centre for Policy Studies

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## Centre for Public Participation

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R1 350 000.00

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## Community Law & Rural Development Centre

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## Education and Training Unit

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## Fair Share

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## Foundation for Contemporary Research

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## Health Systems Trust

R1 400 000.00

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## Hospice Palliative Care Association

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## Human Rights Institute of South Africa

R1 514 025.00

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## Impumelelo Innovations Award Trust

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### **Institute for Security Studies**

R1 881 600.00

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R356 000.00

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### **Sex Worker Education and Advocacy Task Force**

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### **Social Change Assistance Trust**

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E-mail: info@scat.org.za

### **The Constitutional Court Trust – Southern African Legal Information Institute**

R847 500.00

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E-mail: kerry.anderson@saffli.org.za

### **The Goedgeacht Forum for Social Reflection**

R530 000.00

Contact: Ms Felicity Harrison  
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E-mail: projects@goedgedacht.org.za

**The Goedgedacht Trust**

R250 000.00

Contact: Ms Sue Powers  
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E-mail: powers@kingsley.co.za

**The Platform for Public Deliberation**

R100 000.00

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**Treatment Action Campaign**

R750 000.00

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**Trauma Centre for Survivors of Violence and Torture**

R500 000.00

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**Tshwaranang Legal Advice Centre**

R900 000.00

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**University of Pretoria Centre for Child Law**

R422 000.00

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**University of Pretoria Centre for the Study of Aids**

R358 000.00

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R300 000.00

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**West Coast Community Foundation**

R150 000.00

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**Women's Legal Centre**

R1 800 000.00

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## “This is not black Wednesday, but we hear the war drums”

### **Justice Malala, columnist for *Financial Mail* and *The Times***

Suddenly, thirty years after the event, everyone here is talking about Black Wednesday. On Wednesday 19 October 1977, the iconic newspapers *The World* and the *Weekend World* newspapers were banned, their editor and deputy editor detained, and 17 anti-apartheid organisations banned. It marked one of the lowest points of the dark days of apartheid and the beginning of the most sustained assaults yet on a free press in the country. In the decade that followed hundreds of journalists were detained, forced into exile, banned and newspapers shut down and censored.

In the new South Africa, no journalists are in jail. No journalists have been shot at or assaulted. No newspapers have been shut down by government decree. Instead, new newspapers are being launched, television and radio stations are springing up and there is a healthy blogosphere that reflects views from the extreme right to the rabidly leftist.

So why all the talk of Black Wednesday? The truth is that, in the sunset of President Thabo Mbeki's term of office, the media has come under increasingly vicious attack from government and ruling party officials (referred to as “turncoats”, coconuts and their loyalty to their country questioned) while, at the same time, all evidence points to the public broadcaster being turned into a government mouthpiece. Most worrying, however, have been threats to arrest the country's most influential editor, pull advertising from his newspaper (*Sunday Times*) and frantic activity by ruling party officials to buy critical media platforms.

In South Africa today, it is not the hard fist of apartheid at work, but the insidious reach of political power into the media in the manner of Italy's Silvio Berlusconi. There is no violence, just sustained intimidation and bullying accompanied by the increasingly real potential of total ownership of media assets.

This underhanded assault on the media has taken two forms: first, stripping the public broadcaster (the South African Broadcasting Corporation) of much of its talent and editorial independence, banning voices that are critical of government from appearing on its radio and television stations, and loading its board with individuals overtly critical of other media while campaigning to have the SABC air pro-government news.

The second leg of the assault on the media has been a ratcheting up of threats to regulate the print media, constant and vociferous attacks on individual editors and columnists, refusal of access to critical voices and attempts by pro-government business leaders (and government officials) to buy newspapers critical of government.

At the SABC, which reaches more of South Africa's population through its vernacular stations than any other organ, editorial positions were handed to ANC sympathisers

***The media has come under increasingly vicious attack from government and ruling party officials. The ANC's call for the establishment of a media appeals tribunal ends a long tradition of media self-regulation. Pro-government business leaders are seeking to buy newspapers critical of government***

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and members such as head of news Snuki Zikalala. In his tenure, Zikalala has banned the usage of independent analysts and journalists seen as critical of government on the broadcaster. The Sisulu Commission of Enquiry into the incident found against the SABC and Zikalala. The SABC board, however, expressed its full confidence in Zikalala. The 'whistleblower' in the incident, celebrated news veteran John Perlman, was served with a warning and later left in disgust.

Meanwhile, the same discredited board was this year returned almost wholesale, with some of its members nominated specifically by the Office of the President. Zikalala – who peddles the idea of running with "nation-building" stories only – believes critical stories destroy the new South Africa: "I don't think some of my colleagues are interested in building this nation."

The SABC chief executive and editor-in-chief, Dali Mpofu, refutes allegations that the SABC is biased. "I challenge critics who accuse us of being biased to put tangible proof on the table to prove and sustain their allegations," he says. Last year, Mpofu commissioned a documentary on Mbeki – then pulled it because it was critical of the President. Subsequently, he tried to stop the producers from screening the documentary privately.

But it is the print media which has come under the most vociferous attacks from President Thabo Mbeki and his supporters. By far the most serious have been attacks on Mondli Makhanya, the editor of the *Sunday Times* which sells 504 000 copies a week, and is the country's highest-circulation newspaper.

Makhanya published a story in August this year detailing how Health Minister Manto Tshabalala-Msimang – an Aids-sceptic who had received a donor liver – had behaved abusively in a private hospital and consumed large quantities of alcohol while on medication. The newspaper followed up with revelations that the minister had also stolen goods off

patients at a hospital where she worked while a doctor exiled in Botswana.

"Tshabalala-Msimang is unsuitable for office," said the newspaper. "She has spectacularly failed to deal with the biggest challenge her ministry has faced, the Aids pandemic. Thousands and thousands of South Africans have been robbed of life while her department touted crackpot remedies such as garlic, lemon and beetroot as substitutes for anti-retroviral therapy."

The government's anger and retribution was immediate. In a country where more than half of the 18 000 murders a year go unsolved, Cape Town's chief of detectives was taken off his job to investigate the newspaper's source and find out how it had obtained the minister's medical records.

Further, Essop Pahad, the Minister in the President's Office, declared that he would encourage government departments to withdraw advertising from the *Sunday Times* as it was "sensationalist". Tellingly, none of the newspaper's claims have been denied by government or the health minister.

Then, in the week that South Africa commemorated "Black Wednesday", police told *Sunday Times* lawyers that they intended to arrest Makhanya and his chief of investigations, Jocelyn Maker, for possession of the health minister's hospital records. After a massive hue and cry by civil society organisations, the police said they were still investigating.

But there was to be more. In October Koni Media Holdings (Pty) Ltd made a R7 billion bid for Johncom (now known as Avusa), the company that owns the *Sunday Times* and half of financial daily *Business Day*, as well as cinemas and bookstores. The bid baffled analysts; after all, the company is generously valued at R4.3 billion.

Political adviser to Mbeki, Titus Mafolo, foreign ministry spokesperson Ronnie Mamoepa and former chief of state protocol Billy Modise have shares in Koni Media Holdings.

Mbeki launched an attack on critics of the Johncom bid by Koni and argued there is nothing wrong with public servants having shares in a company. Mbeki flatly denied that the government is involved in the bid in any way. "Why do we create these scarecrows? Suddenly big headlines about something that doesn't exist – it is unreal. It is not real, it doesn't exist, it is not anywhere, but we persist in creating these scarecrows. Why do we do it?" he said.

Mbeki's political opponent, Tokyo Sexwale, had the week before Koni's offer bought 30% of Johncom, a move that was described to as being of concern by the South African National Editors' Forum (SANEF). "It is... undesirable because of the conflict of interest when a newspaper's owners must choose between serving the public's right to know and pressure to serve the government or a political party"; SANEF said.

In the meantime, a slew of discussion documents and bills are doing the rounds in the ANC and Parliament, raising concerns by press freedom activists. At its December 2007 conference, the ANC resolved to call for Parliament to establish a media appeals tribunal, ending a long tradition of self-regulation by the media.

Former *Rand Daily Mail* editor Raymond Louw, chairperson of the Media Freedom committee of SANEF, called the proposal "extraordinarily worrying" and said the ANC was moving towards thought control.

The Films and Publications Amendment Bill, ostensibly written to protect children from being exploited by pornographers, contains a clause which requires publications to submit articles or reports dealing with among others HIV and Aids education, declarations of war, violent demonstrations, violent incidents or civil unrest and reports on public utterances of ordinary persons, religious leaders or even terrorist organisations that could invoke hatred.

This would essentially make the work of newspapers impossible, say editors.

"The revised draft law poses serious consequences for media freedom and the right of South Africans to receive information... The media shares with government the fight against child pornography, but we believe the Bill in its current form is unconstitutional and will render the media dysfunctional," said SANEF in a submission to Parliament.

Should one worry about media freedom in South Africa? A recent incident is telling.

Recently, after President Mbeki inexplicably suspended the head of the National Prosecuting Authority, a journalist asked if Mbeki had fired the man because he was about to arrest Jackie Selebi, the National Commissioner of Police and a known Mbeki ally – for corruption. Mbeki became visibly angry. Pahad, the Minister in the Presidency, then instructed bodyguards to throw the reporter out of the room, shouting: "You are out of order, you are out of order!" Mbeki was flanked by several of his Cabinet ministers. They laughed as the reporter was hustled out.

It was a far cry from December 1997, when Nelson Mandela in his farewell speech to the ANC faithful, said: "Instrumental in keeping us in touch and informed, in the dissemination of both the good news and the bad, the sensational and the mundane, has been the media. I wish to pay tribute on this occasion to their unflinching, and often ill-appreciated, commitment to their task and their contribution to a more informed and hence a better world."

Since then Selebi has been charged, and the present head of the NPA has made an affidavit which contradicts Mbeki's repeated assertions that he knew nothing about evidence of corruption against Selebi.

We are not at Black Wednesday yet. But we hear the war drums, now, every day. And the sound is getting louder and closer. We are afraid.

# Media Programme

## Zohra Dawood, Executive Director

The work of the Media Programme is premised on the fact that a free and independent media is a vital institution for an open society. This strategy essentially seeks to promote a vibrant and sustainable media environment that comprises multiple, free and independent voices essential to a well-informed society. In the period 2006 and 2007, the Media Programme functioned in an environment that was particularly hostile to fostering and preserving an open society.

The ability of the SABC to fully meet its mandate of broadcasting in the public interest remained under threat. The past two years have been full of criticism for the SABC. Accusations have ranged from the blacklisting of certain political commentators deemed anti-government to bias in the SABC news coverage favouring government. For example, the public broadcaster refused to air a documentary it had commissioned on President Thabo Mbeki on the grounds that the film was controversial and portrayed him in a negative light. Through a grant provided by the OSF-SA to Broad Daylight Films, the documentary was shown in a number of venues throughout the country, despite threats of litigation to stop these screenings. The SABC eventually screened the documentary.

Again, through OSF-SA funding, the Freedom of Expression Institute (FXI) was able to play a very robust and challenging role in Parliament regarding the appointment of the new SABC board. However, the selection process for the board eliminated most media experts who could have steered the SABC towards fulfilling its mandate as the public broadcaster.

The Media Programme also embarked on a number of other initiatives including monitoring media statutory bodies, researching the status of broadcasting in Africa, engaging in information and communication technology-related programmes, and awarding media fellowships to experienced journalists.

## Monitoring statutory media bodies

In 2006 OSF-SA awarded a grant to a consortium of NGOs to undertake an assessment of the statutory bodies mandated to offer media and information services. The Freedom of Expression Institute, the National Labour and Development Institute (Naledi), the Media Monitoring Project and Gender Links came together to

critically analyse whether the Media Development and Diversity Agency (MDDA), the Universal Service and Access Agency of South Africa (USAASA), the SABC (SABC) and the Independent Communications Authority of South Africa (ICASA) were meeting their mandates. The results of this research was published in a book entitled *Meeting their Mandates? A Critical Analysis of South African Media Statutory Bodies*, which was launched in November 2007.

***A free and independent media is a vital institution for an open society. Twelve countries, including South Africa, are being researched to determine the status of public/state/national broadcasting services and public interest programming on the continent***

## The status of broadcasting in Africa

In 2007, OSF-SA was part of AfriMAP 4, a survey to assess the extent to which broadcasting in African countries opens space for debate. Twelve countries, including South Africa, are being researched to determine the status of public/state/national broadcasting services and public interest programming on the continent. Central to the survey is the assumption that development and democracy cannot thrive without open and free public space where issues affecting citizens' lives are aired and debated. At present, there is immense debate among African broadcasters, politicians and interested civil society groups about the nature of the mandate of public broadcasters and the need to transform state broadcasters into true public broadcasting services serving the public interest; ensuring full respect for freedom of expression; and being accountable to the general public.

### **Information and communication technologies (ICTs)**

OSF-SA has continued its interest and engagement in the ICT sector, particularly the use of ICTs to improve access to information and efficiency of the media. To enable community media to serve their communities more effectively, OSF-SA, in partnership with the OSI Information Programme, provided funding for the Meraka Institute – which is affiliated to the Council for Scientific and Industrial Research – to undertake a pilot research project into whether wireless mesh networks are viable for use by South African community radio stations. A wireless mesh is a mode of connectivity within a given area where telephony services and even data (e.g. e-mail) may be made available without support from established or big service providers. The service would be free for users in a given area.

### **Roundtable discussions**

In order to explore some of the critical questions facing the public broadcaster referred to above, OSF-SA hosted a roundtable discussion on the role of the public broadcaster in July 2006. After private and public entities threatened to take legal action against media publishing “damaging” stories about them, the Media Programme hosted a roundtable discussion on *pro bono* legal assistance for the media in September 2006. The discussion was attended by attorneys, members of the Johannesburg Bar, journalists and civil society organisations.

### **Media fellowships**

The Media Programme awards fellowships to journalists and media organisations in order to advance their writing skills. Fellowships are also aimed at facilitating the production of more robust material in the media by providing space and time for experienced journalists to do more in-depth investigative work. Support was also given to schools to start and maintain school newspapers with the aim of inculcating a culture of reading and debate among youth.

In addition, the programme supports journalism students from tertiary institutions across the country in partnership with Highway Africa through a project called the Future Journalists Programme. The Programme serves as a practical training platform for South African journalism and media studies students and has potential to become a key pillar in the education and training of the next generation of South African journalists.

### **2006 Fellows:**

- East Cape News
- Business Day
- African Eye News
- Wits University School of Journalism
- South African Press Association – Wendell Roelf
- Marion Edmunds – *Mail & Guardian*
- Liz Clarke – *The Mercury*
- Mike Stent – *Cape Times*
- Carol Paton – *Financial Mail*
- Nathan Geffen – Treatment Action Campaign

### **2007 Fellows:**

- Tanya Farber – Independent Newspapers
- Verashni Pillay – News24
- Erika Schutze – *Sunday Tribune* and *Noseweek*
- Mark Thomas – *Noseweek*
- Ann Skelton – Centre for Child Law, University of Pretoria
- Rhodes School of Journalism
- Highway Africa
- Amandla Publishers

### **Publications – 2007**

- *Meeting their mandates? A critical analysis of South African media statutory bodies*
- *Promotion of access to information: A best practice handbook*

# Media projects supported in 2006 and 2007

## ABC Ulwazi

R150 000.00

Contact: Mr John van Zyl  
Tel: 011 339 2277  
Fax: 011 403 4017  
E-mail: info@abculwazi.org.za

## Agenda Feminist Media Project

R865 000.00

Contact: Ms Michelle Odayan  
Tel: 031 304 7001  
Fax: 031 304 7018  
E-mail: director@agenda.org.za

## Association of Independent Publishers of Southern Africa

R300 000.00

Contact: Mr Justin Arenstein  
Tel: 013 755 4118  
Fax: 013 755 4119  
E-mail: justin@africanpress.com

## Amandla Publishers

R56 600.00

Contact: Mr Brian Ashley  
Tel: 021 686 7930  
Fax: 021 685 3087  
E-mail: brian@sonke.com

## Bright Learning Media

R187 500.00

Contact: Ms Ingrid Bruynse  
Tel: 011 614 5923  
Fax: 011 614 5923  
E-mail: brightmedia@iafrica.com

## Broad Daylight Films

R537 800.00

Contact: Mr Ben Cashdan  
Tel: 011 782 2214  
Fax: 086 671 7731  
E-mail: ben@vukani.net

## Cantadora Productions

R500 000.00

Contact: Ms Gillian Schutte  
Tel: 011 443 3017  
Fax: 011 443 3017  
E-mail: hands-on@iafrica.com

## Children's Institute, University of Cape Town

R360 000.00

Contact: Ms Helen Meintjies  
Tel: 021 685 1583  
Fax: 021 689 5403  
E-mail: helen.meintjies@uct.ac.za

## Community Health Media Trust

R1 350 000.00

Contact: Ms Yvette Kruger  
Tel: 021 788 9163  
Fax: 021 788 3973  
E-mail: yvette@method1.co.za

## Durban University of Technology

R80 000.00

Contact: Mr Robin Sewlal  
Tel: 031 373 6615  
Fax: 031 373 6623  
E-mail: robin@dut.ac.za

## Erika Schutze

R60 000.00

Contact: Ms Erika Schutze  
Tel: 031 208 9619  
Fax: 086 503 544  
E-mail: ets@iburst.co.za

## Freedom of Expression Institute

R750 000.00

Contact: Ms Jane Duncan  
Tel: 011 403 8403  
Fax: 011 403 4109  
E-mail: jduncan@fxi.org.za

### **Gender Advocacy Programme**

R250 000.00

Contact: Ms Pumla Mncayi  
Tel: 021 465 0197  
Fax: 021 465 0089  
E-mail: [genap@sn.apc.org](mailto:genap@sn.apc.org)

### **Gender Links**

R480 200.00

Contact: Ms Colleen Lowe-Morna  
Tel: 011 622 2877  
Fax: 011 622 4732  
E-mail: [clmorna@mweb.co.za](mailto:clmorna@mweb.co.za)

### **Health-e News Agency**

R900 000.00

Contact: Ms Kerry Cullinan  
Tel: 031 307 2954  
Fax: 031 304 0775  
E-mail: [kerry@health-e.org.za](mailto:kerry@health-e.org.za)

### **Helen Suzman Foundation Trust**

R700 000.00

Contact: Ms Raenette Taljaard  
Tel: 011 646 0150  
Fax: 011 646 0160  
E-mail: [raenette@hsf.org.za](mailto:raenette@hsf.org.za)

### **Hospice Palliative Care Association**

R89 834.00

Contact: Dr Elizabeth Gwyther  
Tel: 021 531 2094  
Fax: 021 531 1706  
E-mail: [liz@hpca.co.za](mailto:liz@hpca.co.za)

### **Institute for the Advancement of Journalism**

R800 000.00

Contact: Mr Jacob Ntshangase  
Tel: 011 484 1765  
Fax: 011 484 2282  
E-mail: [jacob@iaj.org.za](mailto:jacob@iaj.org.za)

### **Institute for Security Studies**

R734 000.00

Contact: Ms Antoinette Louw  
Tel: 012 346 9500  
Fax: 012 460 0998  
E-mail: [alouw@issafrica.org](mailto:alouw@issafrica.org)

### **Mark Thomas**

R60 000.00

Contact: Mr Mark Thomas  
Tel: 021 686 0570  
Fax: 021 686 0573  
E-mail: [Mark@maneconsul.com](mailto:Mark@maneconsul.com)

### **Market Theatre Foundation**

R700 000.00

Contact: Ms Penny Morris  
Tel: 011 880 7204  
Fax: 086 372 2683  
E-mail: [penny@maraketttheatre.co.za](mailto:penny@maraketttheatre.co.za)

### **Mputaland Community Radio**

R60 000.00

Contact: Mr Simon Ntsele  
Tel: 035 572 1173  
Fax: 035 572 1034  
E-mail: [mcr107@telkomsa.net](mailto:mcr107@telkomsa.net)

### **Media Monitoring Project**

R350 000.00

Contact: Mr William Bird  
Tel: 011 788 1278  
Fax: 011 788 1279  
E-mail: [williamb@mediamonitoring.org.za](mailto:williamb@mediamonitoring.org.za)

### **Parliamentary Monitoring Group (PMG)**

R400 000.00

Contact: Ms Gaile Moosman  
Tel: 021 465 8885  
Fax: 021 465 8887  
E-mail: [info@pmg.org.za](mailto:info@pmg.org.za)

**Pieter-Dirk Uys Productions**

R100 000.00

Contact: Mr Pieter-Dirk Uys  
Tel: 022 492 3208  
Fax: 022 492 3208  
E-mail: [evitadarling@hotmail.com](mailto:evitadarling@hotmail.com)

**Public Service Accountability Monitor**

R500 000.00

Contact: Mr Colm Allan  
Tel: 046 603 8358  
Fax: 046 622 7215  
E-mail: [c.allan@ru.ac.za](mailto:c.allan@ru.ac.za)

**Rhodes University – Highway Africa**

R730 000.00

Contact: Mr Chris Kabwato  
Tel: 046 603 7138  
Fax: 046 603 7189  
E-mail: [c.kabwato@ru.ac.za](mailto:c.kabwato@ru.ac.za)

**Rhodes University School of Journalism and Media Studies**

R292 000.00

Contact: Mr Siphon January  
Tel: 046 603 7110  
Fax: 046 603 7101  
E-mail: [siphon.january@ru.ac.za](mailto:siphon.january@ru.ac.za)

**Rhodes University Sol Plaatje Institute for Media Leadership**

R250 000.00

Contact: Ms Johanna Mavhungu  
Tel: 046 603 8921  
Fax: 046 603 9591  
E-mail: [j.mavhungu@ru.ac.za](mailto:j.mavhungu@ru.ac.za)

**Shuttleworth Foundation**

R65 000.00

Contact: Ms Karien Bezuidenhout  
Tel: 021 970 1200  
Fax: 021 970 1201  
E-mail: [karien@shuttleworthfoundation.org](mailto:karien@shuttleworthfoundation.org)

**South African Labour Bulletin**

R308 196.00

Contact: Ms Kally Forrest  
Tel: 011 403 3075  
Fax: 011 403 9873  
E-mail: [salbeditor@icon.co.za](mailto:salbeditor@icon.co.za)

**South African Press Association**

R500 000.00

Contact: Mr Duncan Guy  
Tel: 011 782 1600  
Fax: 011 782 1587  
E-mail: [trishguy@mweb.co.za](mailto:trishguy@mweb.co.za)

**String Communications**

R82 500.00

Contact: Ms Sarah Hetherington  
Tel: 021 461 9692  
Fax: 021 461 4953  
E-mail: [sarah@string.co.za](mailto:sarah@string.co.za)

**Tanya Farber**

R60 000.00

Contact: Ms Tanya Farber  
Tel: 021 671 3214  
Fax: 021 422 3243  
E-mail: [Tanya.farber@vodamail.co.za](mailto:Tanya.farber@vodamail.co.za)

**Treatment Action Campaign**

R750 000.00

Contact: Ms Linda Moore  
Tel: 021 788 3726  
Fax: 021 788 3507  
E-mail: [info@tac.org.za](mailto:info@tac.org.za)

**The Big Issue**

R250 000.00

Contact: Ms Trudy Vlok  
Tel: 021 461 6690  
Fax: 021 461 6662  
E-mail: [trudyv@eject.co.za](mailto:trudyv@eject.co.za)

**The Constitutional Court Trust – Southern African Legal Information Institute**

R337 500.00

Contact: Ms Kerry Anderson  
Tel: 011 339 3697  
Fax: 011 403 8898  
E-mail: kerry.anderson@saffli.org.za

**The Goedgeacht Catholic Trust**

R115 500.00

Contact: Ms Sue Powers  
Tel: 021 873 6396  
Fax: 021 873 7059  
E-mail: powers@kingsley.co.za

**Uhuru Productions**

R200 000.00

Contact: Mr Rehad Desai  
Tel: 011 403 8438  
Fax: 011 403 8499  
E-mail: rehad@icon.co.za

**Ungana-Afrika**

R137 177.00

Contact: Mr Toni Elias  
Tel: 012 809 0531  
Fax: 012 349 9327  
E-mail: toni@ungana-afrika.org

**University of Stellenbosch**

R300 000.00

Contact: Prof. Hennie Kotze  
Tel: 021 808 2137  
Fax: 021 808 2123  
E-mail: hjk@sun.ac.za

**University of Pretoria Centre for Child Law**

R60 000.00

Contact: Dr Ann Skelton  
Tel: 012 420 4502  
Fax: 012 420 4499  
E-mail: ann.skelton@up.ac.za

**Verashni Pillay**

R60 000.00

Contact: Ms Verashni Pillay  
Tel: 021 468 8000  
Fax: 021 468 8200  
E-mail: vpillay@news24.com

**Wingspan Media**

R360 000.00

Contact: Ms Marion Edmunds  
Tel: 021 409 7844  
Fax: 021 409 7845  
E-mail: medmunds@icon.co.za

**Women's Net**

R400 000.00

Contact: Ms Sally-Jean Shackleton  
Tel: 011 429 0000  
Fax: 011 839 9871  
E-mail: natasha@womensnet.org.za

# Economic Development & Justice Programme

The Economic Development and Justice programme began operations in 2005. While areas of support and construction of programme priorities are evolving, a key question influencing the direction of support is that of whether open societies can be promoted and sustained amidst high levels of inequality and low levels of economic growth and development.

Support to date has emphasised education for entrepreneurship, the role of provincial and metropolitan governments as drivers of economic change, as well as research and assessing the impact of growth coalitions between government, civil society and business on influencing economic growth, with equity.

## Economic Development & Justice projects supported in 2006 and 2007

### Black Umbrellas

R500 000.00

Contact: Mr Charles Maisel  
Tel: 021 448 9001/2  
Fax: 021 448 4833  
E-mail: charlesm@unemployment.co.za

### Centre for Development and Enterprise

R500 000.00

Contact: Ms Ann Bernstein  
Tel: 011 482 5140  
Fax: 011 482 5089  
E-mail: ann@cde.org.za

### Common Purpose

R213 000.00

Contact: Dr Esbeth Dixon  
Tel: 011 688 7884  
Fax: 011 688 7801  
E-mail: elsbeth.dixon@commonpurpose.org.za

### Institute for Security Studies

R1 430 000.00

Contact: Mr Hennie van Vuuren  
Tel: 021 461 7211  
Fax: 021 461 7213  
E-mail: hvanvuuren@issafrica.org

### Impumelelo Innovations Award Programme

R125 000.00

Contact: Ms Rhoda Kadalie  
Tel: 021 461 2559  
Fax: 021 462 0161  
E-mail: rhoda@impumelelo@org.za

### Msunduzi Innovation and Development Institute

R445 250.00

Contact: Mr B van Dyk  
Tel: 031 260 2017  
Fax: 031 260 3209  
E-mail: vandyk@ukzn.ac.za

### Partners with After School Care Projects

R300 000.00

Contact: Ms N Bolotina  
Tel: 021 713 0754  
Fax: 086 617 1378  
E-mail: info@pascap.org.za

### Social Change Assistance Trust

R225 000.00

Contact: Ms Linda Diedericks  
Tel: 021 418 2575  
Fax: 021 418 6850  
E-mail: info@scat.org.za

### Studies in Poverty and Inequality Institute

R580 000.00

Contact: Ms Isobel Frye  
Tel: 011 482 9049  
E-mail: isobel@spii.org.za

### South African Labour Bulletin

R82 196.00

Contact: Ms Kally Forrest  
Tel: 011 403 3075  
Fax: 011 403 9873  
E-mail: salbeditor@icon.co.za

**The South African Institute for Advancement**

R1 000 000.00

Contact: Ms Shelagh Gastrow  
Tel: 021 425 7929  
Fax: 021 425 7990  
E-mail: shelaghg@inyathelo.co.za

**TSiBA Education**

R5 500 000.00

Contact: Ms G Polovin  
Tel: 021 532 2750  
Fax: 021 532 3924  
E-mail: info@tsiba.org.za

**University of the Free State Centre for Development Support**

R500 000.00

Contact: Prof. Doreen Atkinson  
Tel: 051 401 2423  
Fax: 051 401 3424  
E-mail: karoo@intekom.co.za

**University of Pretoria – The Gordon Institute of Business Science (GIBS)**

R1 250 000.00

Contact: Ms Bridget Evans  
Tel: 011 771 4167  
Fax: 086 638 0521  
E-mail: evans@gibs.co.za

**West Coast Community Foundation**

R150 000.00

Contact: Ms E Walsh  
Tel: 021 712 5547  
Fax: 022 482 1994  
E-mail: wccf@wccaccess.co.za

## Other grants in 2006 and 2007

**Donor Network on Women**

R20 000.00

Contact: Ms Penny Plowman  
Tel: 011 648 7780  
Fax: 011 648 7780  
E-mail: plowman@iafrica.com

**Southern African Litigation Centre**

R49 000.00

Contact: Ms Nicole Fritz  
Tel: 011 403 3414  
Fax: 011 403 2708  
E-mail: nicolef@osisafrica.com

**Kings College London**

R300 000.00

Contact: Mr Dale Cooper  
Tel: 0944 20 7848 4707  
Fax: 0944 20 7848 3070  
E-mail: dale.cooper@kcl.ac.uk

**Centre for Justice and Crime Prevention**

R16 500 000.00

Contact: Mr Eric Pelser  
Tel: 021 687 9177  
Fax: 021 685 3284  
E-mail: eric@cjcp.org.za

**Synergos**

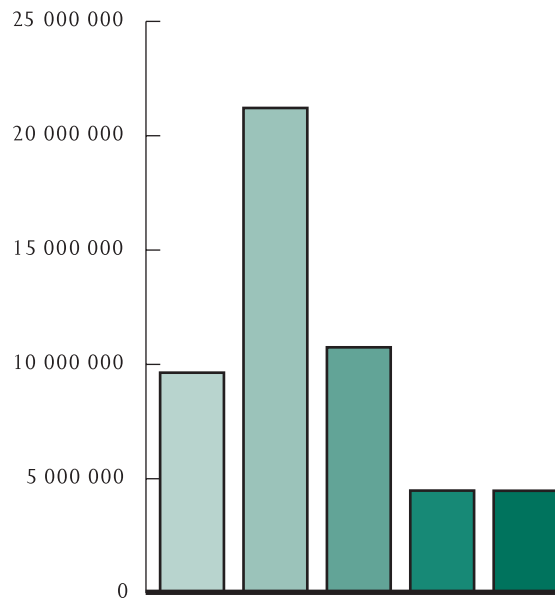
R350 000.00

Contact: Mr Barry Smith  
Tel: 021 421 9788  
Fax: 021 425 0413  
E-mail: admin@synergos.org.za

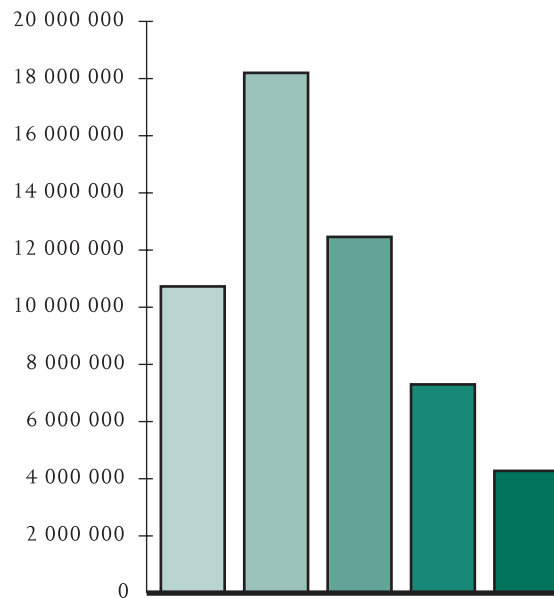
# Programme expenses 2006/2007

	2006 <sup>◊</sup>	2007 <sup>#</sup>
Media Programme	9 609 505	11 437 161
Criminal Justice Initiative	22 528 165	18 199 378
Human Rights & Governance	11 023 878	12 626 462
Economic Development & Justice	4 450 000	7 293 000
Administration	4 443 054	4 480 936
	<b>R52 054 602</b>	<b>R54 036 937</b>

Finance report: Programme expenses 2006



Finance report: Programme expenses 2007



◊ Annual financial statements as audited by KPMG may be obtained from OSF-SA.  
 # When this annual report was printed, the 2007 audit had not yet commenced.  
 Annual financial statements will be available when the audit has been completed.



**OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA**

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