

UCT presents media law course

Trial by media, invasions of privacy and orchestrated smear campaigns are some of the allegations hurled at members of the South Africa Media, who also face related threats of financially crippling law suits. At issue is the media's role in satisfying the public's right to know. With this in mind, the Professional Development Project at the University of Cape Town has launched a course entitled Media, its Ethics and the Law.

It can be a messy environment in South Africa's relatively young democracy where there is little agreement over what constitutes the public's right to know and how far the media can go before overstepping ethical and legal parameters.

It can be a brutal battle field – for example, President Thabo Mbeki, President-elect Jacob Zuma and Health Minister Manto Tshabalala-Msimang are three high profile personalities who get caught up in front page reports regarding their personal and administrative lives.

The course, targeted at news journalists, editors and publishers, as well as media law practitioners, is presented from both a media and a legal perspective. It concentrates on:

- The importance of the media in society – its relevance and its efficacy
- Media ethics – what are the “rules”?
- Legal considerations – the constitution, freedom of the press and possible civil and criminal consequences

Course facilitators include Richard Calland, an associate professor in the Public Law Department at the University of Cape Town, whose focus is on the constitution and freedom of expression; Marion Walton, a lecturer at the Centre for Film and Media Studies, whose focus is online media; and former consumer journalist of the year André Wiesner, whose focus is on ethical issues including the use and protection of sources.

The facilitators make use of case studies, including recent high profile incidents where media practitioners have come in for abuse, such as comments by Arts and Culture Minister Pallo Jordan who blamed the media for fuelling a fixation on personalities rather than policies – he was referring to the politics of the ANC and blamed the media for the personality circus created between Jacob Zuma and Thabo Mbeki.

The *Sunday Times*, citing the right of the public to know, “exposed” the Minister of Health as an alleged alcoholic and a thief. The minister attempted to obtain a gag order against the paper, but the court ruled that censorship of that kind is not in the interest of democracy.

The Freedom of Expression Institute was of the view that a constitutional right to privacy exists, which should be respected regarding health matters. The disclosure of medical information without express, informed consent, is a gravely serious

matter, and is not excused simply on the grounds of freedom of expression.

But, when it comes to the public figures, then it is possible that their right to privacy may be outweighed by overriding considerations of public interest. There is no magic formula when it comes to weighing up which comes first: the right to privacy or the public interest. Getting the balance right depends on the facts of a particular story.

These are the types of issues covered in the course, which takes place in Cape Town 23 – 25 April 2008. Direct enquiries to Irèna Wasserfall by email or tel +27 (0)21 650 5621.

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