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**CASE NUMBER: 23/2017**

**DATE OF HEARING: 18 OCTOBER 2017**

**JUDGMENT RELEASE DATE: 12 DECEMBER 2017**

**M...**

**COMPLAINANT**

**vs**

**SABC, METRO FM**

**RESPONDENT**

**TRIBUNAL: PROF SUNETTE LOTTER (DEPUTY CHAIRPERSON)  
PROF BONKE DUMISA  
ADV BOITUMELO TLHAKUNG**

**FOR THE COMPLAINANT: MR MAFEO IN PERSON.**

**FOR THE RESPONDENT: MR NYIKO SHIBAMBO, ACTING MANAGER, BROADCASTING COMPLIANCE, POLICY & REGULATORY AFFAIRS OF THE SABC ACCOMPANIED BY MS REFILWE TIWANA, BROADCAST COMPLIANCE AND MR ANTHONY SOGLO, PROGRAMME MANAGER OF METRO FM.**

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*Comments about black men who should respect black women's power of no – no infringement of Clause 12. Mafeo, Case No: 23/2017(BCCSA)*

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## **SUMMARY**

**A complaint was received about comments by Dineo Ranaka, the co-presenter of the Bridge on Metro FM, that black South African men do not accept “no” from a black**

woman. These comments were made when she shared the experience she had at a set of traffic lights that morning. Clause 12 of the Code of Conduct is not infringed as the topic that gave rise to the statement is not of public interest. If a matter of public interest is broadcast on a talk show the same rules that apply to any station that broadcasts a matter of public interest, will apply.

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## JUDGMENT

### S LÖTTER

[1] The Registrar of the BCCSA received a complaint about a conversation that took place between the two presenters of The Bridge on Metro FM on 29 September 2017. Dineo expressed her views on black men in South Africa. She started the conversation with reference to her experience at a traffic light where a person continued to wash her car's windscreen despite her telling him not to do it. The complainant lodged a complaint as he was of the opinion that the incident at the traffic light had nothing to do with gender but all with crime. All South Africans are exposed to the same conduct at traffic lights and some motorists are physically assaulted and robbed irrespective of their gender or race.

[2] **The complaint reads as follows:**

"I wish to lodge a complaint against a comment that I feel it was unfair and distasteful. On metro fm the bridge on the 27th of September 2017 Dineo Ranaka made a comment about black South African men of which I felt it was unfair. She claimed that at some intersection while she was in her car , one black South African man approached her car and insisted to was her windshield to which she said no. She went on to say that since this person ignored her "no" she felt raped and she made a plea to South African black men to respect woman on the basis of her incident.

I personally respect women and despise any one committing any acts of violence against them, with that being said though I believe it's unfair to place acts of criminality or bullying on "black men". What happened to her happens to me all the time when in presence of these so called windshield washers, to a point where I have to activate my wipers every time when I see them, in an effort to try and distract them from forcefully washing my windshield.

Those people are the very people that do not care if you are old, young, black, infant, white, men or women if you have what they want they take it...they can even go as far as taking ones life just to get what they want. I think criminals should be addressed as such..not be branded women abusers. If I as a man says no, then what does that mean...does it mean according to Dineo that it's less of invasion of my space by virtue of me being black South African man ?... or should they not heed my "no" whey they forcefully take my car with my child in it then it's less of a crime because it was committed against black man by another black man.

I want her to apologize for her comment because she made it sounds as if these acts don't happen to men. I will never would have written this mail if I felt that what happened to her

happened because of her being a woman. What she described, happened to her because she was in a car and it happens to every irrespective of if race or gender.”

**[3] The SABC responded as follows:**

**“BCCSA COMPLAINT: M - METRO FM - THE BRIDGE - 27.09.2017 - 11:50**

In respect of the above-mentioned matter, please find our comments as follows:

1. At the start of the show, Dineo informed her co-anchor Lerato to remind her about a story that she would like to share with the listeners about an incident that took place on Empire Road on her way to work. She felt it is something that every single black South African man needs to hear and understand her frustration.
2. Dineo went on to narrate her story. Her analogy as she mentions, is tapping into the power of ‘NO’ as a black woman. She said no to the man who wanted to forcefully wash her windscreen for a fee. The man’s action of not acknowledging her refusal angered her. Instead of letting go, the man swore at her.
3. There was absolutely nothing wrong with her likening the man’s actions to rape contextually, she was indicating that if you cannot obey somebody’s instructions in a simple matter like cleaning a windscreen; what about serious matters like rape.
4. She then encourages black men to have conversations with each other and clarify as to, at which point it is wrong for a black woman to say no!
5. She referred specifically to black men and didn’t want to generalize as this was an experience with a black man. South Africa has a high crime rate and violence against women by men who do not understand the meaning of a woman saying no.
6. Even though these things do also happen to men at intersections as the complainant indicated, women are more vulnerable in such situations than men. Anything could have happened to her when she said no without being listened to. Part of our responsibility as a public broadcaster is to bring such incidents to the surface and get them talked about.
7. Nowhere in the discussion did Dineo or her co-anchor paint all men in the same brush. The issue at hand was about a certain man in a specific location, doing specific things. Her call was for all men to have a conversation to help each other to be better citizens.

Given the context outlined above, we submit that there was no contravention of the Code.”

**[4] The Complainant replied as follows:**

“In short I was a victim of a guy who approached me insisting on washing my windscreen, i then refused...the next thing there was a knock on my window and as I look with irritation I came face to face with a barrel of a gun. So I don’t know which “black man” am I gonna have a conversation with to address my trauma. My point is criminality should be addressed as such. We are all affected by acts of bullying and crime...no one is more vulnerable than the other...”

I guess the answer that am given by SABC is...instead of deploying security agencies to tacked these hooligans at intersections...why not just have a conversation as blacks. I mean we have

wasted so much of financial resources as a country training security agencies while the answer to our problem lies in having a conversation as blacks.”

## EVALUATION

### [5] Relevant Clause of the Code of Conduct

#### **Comment**

2(1) Broadcasting service licensees are entitled to broadcast comment on and criticism of any actions or events of public importance.

(2) Comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.

[6] The Complainant appeared in person and this Tribunal always appreciates the presence of complainants in person before us. The complainant did not identify an applicable Clause in the Code when he lodged his complaint. The purpose of the BCCSA and the nature of the proceedings are such that listeners can lodge a complaint without having to resort to legal representation. As listeners do not always have access to the Code and are not always familiar with the clauses of the Code, there is no need for a complainant to identify the applicable clause. Once the complaint is received, the Registrar decides whether it should be entertained.

[7] Dineo’s comment was clearly triggered by the incident at the traffic light. Her comment, namely that black men do not take “no” as an answer from black women referred to the incident she described. She discusses the incident in some detail and states that it is about the power of no. She asks whether her statement makes sense and then continues and says that it is not about the windscreen “thing” but the power of no – at which point is it not wrong for a black woman to say no. She refers to the fact that she was sworn at and speculates that she could have been beaten by a black man if the incident had spiralled out of control. She then asks whether no can please hold water because “if you fail to understand “no don’t clean my windscreen” then her “No I don’t want to have sex with you or go on a date with you,” will be ignored. She uses her experience at the hand of the windscreen washer to pontificate about the power of no and asks when black men will

accept no from a black woman. This question implies that they do not take “no” without her stating that as a fact. The question Dineo posed and elaborated on, namely that “when will a black woman’s no be accepted by a black man” was initiated by her experience that morning. Her recommendation that black men should tell their black brothers that they should respect black woman who says “No” follows from her experience at the traffic lights.

- [8] The complainant experienced a similar situation as Dineo but he was held at gunpoint with his family in the car. He did not view his experience as a gender issue but as a criminal act. He, as a black man suffered actual violence at the hand of another black man. The manner in which windscreen washers treat motorists at traffic lights is therefore not a gender issue according to him. Dineo’s recommendation that black men should talk to their black brothers about their treatment of women will therefore not prevent these incidents from happening. However, the complainant stated emphatically that he does not support violence against women and that he will never tolerate any violence against women and that he will address the issue with his “brother” should the need arise.
  
- [9] Clause 12(1) clearly stipulates that the requirements set out above apply when comments are made or criticisms levelled at events of public interest. In *Phillip vs Talk Radio 702, Case No: 02/2015* this Tribunal came to the conclusion that the broadcaster’s comment was “permissible within the ambit of clause 12 of the Broadcasting Code. It amounted to an honest expression of opinion and was presented in such manner that it appeared clearly to be comment, and was based on facts fairly indicated and referred to.”
  
- [10] Dineo’s comment was an honest expression of opinion and based on facts clearly indicated and referred to. The fact that it can be argued that her final views on “the power of no” are not completely borne out by the facts does not result in a contravention of clause 12. The incident at the traffic lights is not a matter of public interest. “Public interest” clearly pertains to matters of public importance in the Republic itself, see *N Malick vs 567 Cape Talk Case No: 25/2004*.

In the result we find that the broadcaster did not infringe any Clauses of the Code of Conduct.



**PROF S LÖTTER**  
**BCCSA COMMISSIONER**

*Commissioners Dumisa and Tlhakung concurred in the above judgment.*