



CASE NUMBER: 08/2025

DATE OF HEARING: 17 JULY 2025
JUDGMENT RELEASE DATE: 22 SEPTEMBER 2025

CMR NORTH

COMPLAINANT

VS

M-NET, CARTE BLANCHE

RESPONDENT

TRIBUNAL:

DR S LÖTTER (CHAIRPERSON)
DR MA CHICKTAY
MR I DHLUDHLU
DR L VENTER

FOR THE COMPLAINANT:

MS ANEL JACOBS FROM VAN LAW ATTORNEYS

FOR THE RESPONDENT:

ADV BEN WINKS INSTRUCTED BY WEBBER WENTZEL

Comments complied with clause 28.2 of the Code. CMR North, Case No: 08/2025 (BCCSA).

SUMMARY

Complaint that the complainant's response to allegations of misconduct regarding the placement of children was not fairly reflected. Participants' comments complied with clause 28.2 of the Code. Complainant was offered an interview but rejected the offer and requested written questions to which written

answers were submitted. The respondent provided the complainant's response in line with the allegations during the broadcast. No contravention of Clause 28.3.1.

JUDGMENT

S LÖTTER

[1] A complaint was lodged with the BCCSA against a programme about alleged misconduct in child protection services entitled '*The Crisis of Self-Defence*' which was broadcast on 4 May 2025.

[2] **The complaint corrected on 14th May reads as follows:**

"BCCSA Complaint: Carte Blanche Segment on Child Protection (Aired April 2025)

Submitted by: Dr Aylward

Organisation: CMR Noord – Registered Child Protection Organisation (CPO), NPO and PBO

Date of broadcast: Sunday, 4 May 2025

Broadcaster: M-Net / Carte Blanche

Programme title: Carte Blanche

Episode topic: Alleged misconduct in child protection services (Episode title: 'The Crisis of Self-Defence')

Grounds for complaint: Violation of Clauses 28.2 and 28.3 of the Broadcasting Complaint's Commission Code of Conduct for subscription broadcasting service licensees

Nature of the Complaint

I, ...Aylwayrd, the General Manager of the Christelik Maatskaplike Raad North(hereafter "CMR Noord") hereby lodge a formal complaint against the journalist, producers and broadcasters of *Carte Blanche* regarding the segment aired on Sunday, 4 May 2025 that purported to investigate alleged misconduct by child protection organisations in Gauteng.

I confirm that I had personally watched the impugned program as referred to above.

CMR Noord is a registered and accredited Child Protection Organisation (CPO) that has provided statutory services, trauma counselling, and community development for over 89 years. We are deeply disturbed by the segment's portrayal of our work, which was **factually inaccurate, grossly misleading, and harmful to public confidence in child protection structures.**

The segment featured six families and was driven by members of the Foster Care Action Group (FCAG). Allegations were made against CMR North and affiliated caregivers,

including claims of child removals without court orders, unsafe placements, and misconduct by social workers.

Despite submitting a detailed, written response explaining the legal child protection process and our role in the specific matters raised, this response was **ignored and/or excluded from the broadcast**. Carte Blanche instead aired **a one-sided narrative**, guided largely by FCAG, **an unaccredited organisation that does not have legal authority to render child protection services** under the Children's Act. In this regard I interject to record that it should have been considered that since the FCAG is not an accredited organisation and does not have the legal authority to render child protection services, that it follows that they do not have the knowledge, training, skills and expertise to deal with the intricate and ethically complex nature of child protection as required by the Children's Act.

To illustrate the **factually inaccurate, grossly misleading, and harmful** manner in which the CMR Noord was portrayed in the segment, which was submitted by Carte Blanche's legal team was aired as it was 'a controversial issue that is of public importance', I deem it necessary to provide the following short narrative of the segment:

1. The segment opens with dramatic narration stating that 'children were moved from their homes without consultation, framing the allegations as part of a broader systemic failure within South Africa's child protection services. Six families share emotive accounts, with Carte Blanche describing them as victims of a system that 'answers to no one.'
2. One of the first cases highlighted is that of Hannelie, a grandmother who claims her granddaughter was removed by CMR after an abuse disclosure. She says that she was told the placement would last only three months, but the child remained in care for over six months without meaningful contact. **Hannelie also alleges she was denied entry to the Children's Court and that her granddaughter was placed with a friend of the social worker.**
3. David and Rebecca's story follows. David, the biological father of Melissa, **claims he was never contacted or consulted prior to his daughter's removal.** Despite having no protection order or findings against him, he was allegedly allowed only one-hour supervised visits over several years. Rebecca alleges **bias against fathers and notes that no one from CMR made any attempt to involve him.**
1. Melissa's case becomes central as her disclosures of abuse reportedly changed over time. Her father and stepmother believe she was coached. Melissa says she was washed at night by temporary safe care parent, Michelle McGuire, whose actual surname is De Beer. Although she did not repeat this in court, **Carte Blanche suggests that trauma or coercion may have impacted her testimony.** CMR social workers denied these allegations.
5. Another case involves Sarah, who recounts that social worker Nadia van der Merwe took her for **milkshakes and shopping before she made her abuse disclosures.** Sarah's language in the interview is fragmented and troubling, referring to herself as having become a 'sex dog' and stating that **Nadia took her for medical check-ups. Carte Blanche implies the disclosures may have been influenced.**
6. Perhaps the most disturbing allegations involve the placement of children with Mr Jacobus Horn, a businessman later arrested for sexual assault and possession of child pornography. **Hannelie's granddaughter was placed in his care by CMR. She reported injuries and concerning behaviours but alleges that her complaints were dismissed. Her granddaughter was returned without explanation.**

7. The segment also features Tammy, a young mother placed in House of David, a care facility allegedly run by Pastor David Scholtz. Tammy claims she was separated from her baby **without a court order and was later coerced into signing adoption papers. She says the facility refused to let her see her child and that CMR took no action.** An anonymous source claims children were transferred between House of David and Mr Horn's residence. One child was allegedly filmed in a room with faeces on the floor.
8. Throughout the broadcast, Carte Blanche repeats the theme that **social workers manipulated disclosures and made life-changing decisions without accountability.** Families describe being **blocked from court, misled about placements, and retraumatised by the system.** The programme frequently highlights a **lack of oversight and frames CMR as part of an unchecked problem in the child welfare system.**

If consideration is given to the e-mail correspondence attached hereto the CMR Noord's response specifically included the following facts:

1. All decisions were made in line with the Children's Act and under court authority and with the oversight of the Department of Social Development. Details of same was provided in as far as it was possible to do so.
2. Confirmation that the families referred to in the questions provided by Tarryn Crossman, were all permitted to attend the Children's Court proceedings, alternatively did attend such proceedings, participated in such court proceedings and made submissions to court during these court proceedings.

All court orders granted were only after the submission of all the parties were considered together with expert reports, including medical reports.

3. Social workers deny bias, coaching or form or wrongdoing. Social worker A stated: *'I will have nothing to gain by fabricating a sexual abuse matter.'* Temporary Safe care parent Y also denies inappropriate conduct. The final quote from CMR is: *'We are accountable to the Department of Social Development and the Children's Court, not to the media.'*

This reporting, in our view, **violates the principles** of the BCCSA Code of Conduct and more specifically section 28.2 and 28.3 of the BCCSA's Code of Conduct for subscription broadcasting service licensees.

Section 28.2 allows Carte Blanche to *broadcast comment on and criticism of any actions or events of public importance* but requires *that 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.***

Section 28.3 requires Carte Blanche to *"**make reasonable efforts to fairly present opposing points** of view either in the same programme or in a subsequent program forming part of the same series of programmes presented within a reasonable period of time of the original broadcast and within substantially the same time slot."*

1. It is my view that no effort was made to fairly present opposing points. The journalist, producers and broadcasters of Carte Blanche followed a very specific narrative and as detailed above.
2. Although Carte Blanche's segments are aired under the banner of 'controversial issues of public importance' they are at the very least required to consider all versions, which must include the facts provided in our official response. In this regard Carte

Blanche specifically failed to verify critical claims with any neutral expert and/or third parties, even after they were provided with the contact details of same.

3. The broadcast blurred the line between fact and opinion. Serious allegations were presented without clear attribution, giving the impression that these were proven facts.
4. Although CMR Noord submitted a comprehensive written explanation, it was not fairly represented or quoted in the broadcast, nor were we offered the opportunity for a pre-interview or rebuttal after the version of the 6 families were provided.

In addition to the above, and although the programme did not show the faces of the children referenced, the **combination of detailed case descriptions and contextual clues made it possible for individuals in the community to identify specific minors**. This violates the principles of **child privacy, confidentiality, and protection against secondary trauma**, as stipulated in both the **Children’s Act (Clause 11.4)** and **Section 28 of the Constitution**, which states that *a child’s best interests are of paramount importance*. Carte Blanche failed to adequately consider the risk of exposing minor children to **stigma, shame, or re-traumatisation** through identifiable storytelling.

Relief Sought

We respectfully request the BCCSA to:

1. **Investigate the journalist, presenter and producer of Carte Blanche’s conduct** in relation to this segment.
2. **Instruct M-Net to broadcast a correction or right of reply**, presenting the facts as submitted by CMR Noord.
3. **Instruct M-Net, as well as the producers of Carte Blanche to remove the segment from all platforms with immediate effect.**
4. **Caution or reprimand** the producers and broadcaster for failure to comply with ethical reporting standards and protection of minors.

Attachments

- Full written response submitted to Carte Blanche before the broadcast
- Transcript or recording of the aired segment (link or file attached)
- Timeline of events (included in complaint)
- Evidence of accreditation and registration as a CPO
- Complaints or reputational harm evidence (optional)”

[3] The Broadcaster responded as follows:

“INTRODUCTION

1. This is the response by Electronic Media Network (Pty) Ltd (“**the broadcaster**”) to the complaint received from Christelik Maatskaplike Raad Noord (“**CMRN**”) concerning a 29-minute insert on the weekly current affairs television programme *Carte Blanche*, entitled

"Childcare Captured" ("**the insert**").¹ The insert was produced by Ms Tarryn Crossman and presented by Mr Govan Whittles.

2. The insert concerns allegations against:
 - 2.1. CMRN – a child protection organisation registered with the Department of Social Development, which is involved in the statutory processes of having children removed from allegedly abusive homes and relocated to places of safety (including placement with foster families);
 - 2.2. Ms ..van der Merwe – a social worker formerly employed by CMRN;
 - 2.3. Ms ... de Beer – a foster carer formerly used by CMRN and Ms van der Merwe;
 - 2.4. Mr ...Horn – a foster carer formerly used by CMRN, until he was arrested and prosecuted for several sexual offences relating to children;
 - 2.5. House of David – a place of safety run by Pastor Wally Scholtz.
3. CMRN (and each of the other persons against whom any allegations were made) were afforded ample opportunity to reply to the allegations, and their replies were fairly reflected in the insert.
4. CMRN says that the insert contravened the following clauses of the Subscription Code of Conduct ("**the Code**"):
 - 4.1. Clause 28.2.2

"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."
 - 4.2. Clause 28.3
 - 28.3.1. In presenting a programme in which controversial issues of public importance are discussed, a licensee must make reasonable efforts to fairly present opposing points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within a reasonable period of time of the original broadcast and within substantially the same time slot.
 - 28.3.2. A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned."
5. The broadcaster denies that the Code has been breached in any way.

¹ A full transcript of the insert is attached marked "A".

6. This response is structured as follows:

- 6.1. the investigation;
- 6.2. efforts to obtain and reflect comment from CMRN;
- 6.3. traversal of the complaint.

THE INVESTIGATION

- 7. Carte Blanche conducted field research and interviews with numerous families, who had experiences with the child protection system. In total, 12 families made allegations against CMRN and social workers employed there. These included:
 - 7.1. coaching children to make false or exaggerated abuse allegations against family members (in at least 7 cases);
 - 7.2. placing children into foster care with persons who would later be found to have abused them and/or other children (in at least 3 cases); and
 - 7.3. obstructing efforts by other family members (not accused of any abuse) to obtain or exercise custody or visitation rights in respect of children removed by CMR (in at least 12 cases).

EFFORTS TO OBTAIN AND REFLECT COMMENT FROM CMRN

- 8. CMRN was afforded ample opportunity to respond to allegations made against it in the insert.
- 9. CMRN was offered (and initially accepted) an on-camera interview, but declined this unless certain demands were met, which included disclosing “the names and roles of [the other] intended interviewees”, as well as the “angle and intent of the upcoming insert”. This demand was obviously unacceptable, as it would amount to subjecting Carte Blanche’s editorial discretion and source list to an audit by a subject of the insert.
- 10. The full set of correspondence is attached marked “**B**” (note that the real names of the children and family members concerned have been redacted and replaced with the pseudonyms used in the insert).
- 11. The correspondence unfolded as follows:

- 2 April 2025 Carte Blanche invites CMRN to an on-camera interview for Thursday 10 April 2025
- 3 April 2025 CMRN indicates that it will consult its legal team and revert
- 7 April 2025 CMRN agrees to an on-camera interview and requests the draft questions
- 8 April 2025 After a phone call from CMRN confirming the time and place of the interview, Carte Blanche identifies the “specific cases we are looking at”

CMRN then requests “a detailed pre-interview brief prior to confirming any filming arrangements”

Carte Blanche requests clarity on whether CMRN will participate in an on-camera interview

Carte Blanche sends questions to CMRN

14 April 2025 Carte Blanche sends more detailed questions to CMRN

15 April 2025 CMRN responds to the list of questions and requests more time to respond to those relating to Sarah and Tammy

Carte Blanche requests responses to questions relating to Sarah and Tammy by end of 16 April 2025

16 April 2025 CMRN says it needs to more time to respond

Carte Blanche grants a two-day extension and requests clarity on certain earlier responses

CMRN responds to the requests for clarity, but indicates that it will no longer respond regarding Sarah and Tammy, and that this will be its final communication on the matter

TRAVERSAL OF THE COMPLAINT

Ad page 2, para 1

12. It is denied that CMRN has any valid basis to be “disturbed” by the insert, and it is denied that it is “factually inaccurate, grossly misleading, and harmful to public confidence in child protection structures.”
13. CMRN has failed to point to any specific inaccuracy or misleading statement, and has failed to explain how the insert supposedly harms public confidence in child protection structures.
14. The remaining allegations are admitted.

Ad page 2, para 2

15. The insert did not feature six families, but four.
16. The insert was not driven by the Foster Care Action Group. It was “driven” by a three-month in-depth investigation by the Carte Blanche team, informed above all by the personal accounts of the children involved and their family members.

The investigation was conducted in a wholly independent and impartial manner. CMRN has put up no evidence to the contrary.

17. CMRN’s use of plurals is misleading.
 - 17.1. There was one claim of a child being removed without a court order.
 - 17.2. There was one claim of an unsafe placement – that of Mr Horn.

17.3. There was one social worker accused of misconduct – Ms van der Merwe.

Ad page 2, para 3

18. It is denied that CMNR's written response was "ignored and/or excluded". It was fairly reflected in the insert.
19. It is denied that the insert was a "one-sided narrative".
20. It is denied that the insert was in any way "guided" by the FCAG.

Ad page 2, para 4

21. The vague allegation that the insert was "factually inaccurate, grossly misleading, and harmful" is denied.

Ad pages 2-3, subpara 1

22. This description is denied.
23. The insert does not describe families "as victims of a system that 'answers to no one'". What the insert actually says is "We found families torn apart. Childrentaken. And a system that seems to answer to no one." This is clearly a comment, not a statement of fact, and it is based on facts truly stated and fairly indicated in the insert.

Ad page 3, subpara 2

24. This summary of Hannelie's allegations is accepted.

Ad page 3, subpara 3

25. This summary of David and Rebecca's allegations is accepted.

Ad page 3, subpara 4

26. This summary is not accepted.
27. Carte Blanche did not "suggest" anything, let alone "that trauma or coercion may have impacted her testimony". Carte Blanche merely reported the allegations by Melissa's father and stepmother, as well as CMNR's responses (and those of Ms de Beer).

Ad page 3, subpara 5

28. This description is not accepted.
29. According to Sarah herself, she did not make "abuse disclosures". It was CMRN social worker Ms van der Merwe who told her to say that she had been abused.
30. Sarah's account was clear, cogent and detailed. She never described herself as a "sex dog".
31. CMRN omits Sarah's allegation that Ms van der Merwe gave her a vibrator, and told her to use it before her medical examination.

32. It was not Carte Blanche who “implied” that Sarah’s “disclosures may have been influenced. It was Sarah herself who stated categorically that she was influenced to make false statements.

Ad pages 3-4, subpara 6

33. This summary is accepted.

Ad page 4, subpara 7

34. This summary is accepted.

Ad page 4, subpara 8

35. This characterisation is denied.

Ad page 4, subpara 1

36. This comment was fairly reflected in the insert

Ad pages 4-5, subpara 2

37. It is admitted that this comment was provided to Carte Blanche, but no evidence was provided to contradict Hannelie’s version that she was denied an opportunity to address the Children’s Court (for example, in the form of court transcripts).

Ad page 5, subpara 3

38. It is admitted that these comments were provided to Carte Blanche. They were fairly reflected in the insert.

Ad page 5, third paragraph

39. These allegations are denied.

40. Clause 28.2 has been complied with, for the reasons set out above.

41. Clause 28.3 is not applicable. The insert was not about a public debate over abstract “issues” of public importance (e.g. the death penalty or climate change). It contained criticism of specific persons. Thus, the insert is governed by Clause 28.2 and not 28.3, as the BCCSA has consistently held in respect of broadcasts of this nature.

Ad page 5, para 4

42. This quotation from Clause 28.2 is admitted.

Ad page 5, para 6

43. This quotation from Clause 28.3 is admitted, but Clause 28.3 is not applicable, for the reasons given above.

Ad page 5, para 6, subpara 1

44. These averments are denied, for the reasons given above.

Ad page 5, subpara 2

45. Carte Blanche did “consider all versions”, as reflected in the insert.
46. Carte Blanche established that all of the allegations were sufficiently serious and substantiated that CMRN (and the others) had a case to answer. The allegations were always clearly presented as allegations.
47. Carte Blanche has no record of CMRN providing it with any “contact details” of a third party. CMRN is requested to produce evidence of this.

Ad page 6, subpara 3

48. These averments are denied. All allegations were presented as allegations and attributed to specific sources (using pseudonyms, as appropriate), and CMRN’s elected replies to those allegations were fairly reflected in the insert.

Ad page 6, subpara 4

49. These averments are denied.
50. Again, there were four families featured, not six.
51. CMRN was repeatedly offered an on-camera interview, which they declined.
52. CMRN was provided with all the allegations against them and their written replies to those allegations were fairly reflected in the insert.

Ad page 6, third para

53. These averments are denied.
54. The insert was carefully crafted to ensure that the children involved would not be identifiable, even indirectly.
55. In addition, Sarah and Tammy are no longer minors, and gave free, prior and informed consent to their inclusion in the insert.
56. It is thus denied that the insert contravened the Children’s Act (which is beyond the BCCSA’s jurisdiction in any event).
57. It is also denied that the insert violates the constitutional principle that a child’s best interests are of paramount importance”. On the contrary, the insert serves to honour that principle by enabling public scrutiny over the treatment of children in the child protection system.

Ad “Relief Sought”

58. It is denied that the insert contravened the Code and thus it is denied that there should be any sanctions imposed on the broadcaster, let alone on the “journalist, presented and producer” of the insert (who fall outside the BCCSA’s jurisdiction).

CONCLUSIONS

59. The broadcaster respectfully submits that the complaint should be dismissed.”

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

“We respond herewith to the broadcaster’s written submission dated 29 May 2025. For clarity and convenience, our reply highlights the most important aspects regarding Carte Blanche’s response from CMR North’s perspective as it relates to the relevant sections of the BCCSA Code of Conduct for Subscription Broadcasting Service Licensees.

1. Nature and Purpose of the Programme

Carte Blanche characterises the broadcast as a “case study,” asserting that it did not single out CMR North unfairly. This characterisation is misleading.

Although structured as a “magazine” insert, the segment:

- **Identified CMR North by name,**
- Heavily implied **organisational misconduct,**
- Failed to present any balancing or countervailing views, and
- Made **emotionally suggestive editorial choices** (e.g., ominous narration, dramatic visual transitions, and mournful music overlays).

The framing was not neutral. It was accusatory, despite Carte Blanche’s attempt to downplay its impact. A reasonable viewer would have come away with the impression that CMR North had acted unlawfully or negligently — despite no such finding or evidence.

2. CMR North’s Right of Reply

Carte Blanche argues that CMR North declined participation and that the broadcaster was thus under no obligation to reflect its response.

This is factually and ethically incorrect. CMR North:

- Responded **in full**, in writing,
- Provided a detailed holding statement grounded in **legal and ethical obligations**, and
- Clearly explained why it could not appear on camera — namely, to **safeguard the identities and dignity of minor children** in line with the **Children’s Act** and its statutory mandate.

Carte Blanche not only failed to meaningfully reflect this response. It also portrayed the organisation as **non-cooperative**, effectively punishing it for acting in the best interests of children — a gross ethical failing.

3. Editorial Decisions and Use of Sources

Carte Blanche justifies its use of third-party voices as “personal experiences.” However, the individuals featured:

- Are **not mandated child protection professionals**,
- Had no **legal standing or statutory role** in the cases discussed,
- And were presented **without contextualising the limits** of their knowledge or involvement.

The editorial decision to omit the voices of experts or independent child protection authorities — or at the very least, to fairly present CMR North’s written reply — ensured that only one perspective prevailed: an untested, emotionally-driven, and at times **inaccurate** version of events. In addition,

there is no evidence in the insert itself that Carte Blanche's confirmed the "allegations" with independent parties who were also involved with these cases.

While Carte Blanche's maintains that the insert was not driven by the Foster Care Action Group, there is proof that all the individuals interviewed in the program have ties with the mentioned Action Group. We emphasise in this regard that the Foster Care Action Group is not a designated Child Protection Organisation and, therefore, does not have the qualifications, knowledge, experience, legal standing or statutory role to drive any campaigns related to Child Protection as "A controversial issue of Public Importance".

4A. Unequal Exposure of CMR Professionals

While Carte Blanche shielded the identities of interviewees critical of the child protection process — using pseudonyms and partial visuals — the same **courtesy was not extended** to CMR North staff or to the Place of Safety caregiver.

- **Social workers** were identified by first names (e.g., "Nadia"), with sufficient contextual information to make them **easily identifiable** to colleagues, clients, and the broader community.
- ... **de Beer**, the registered Place of Safety parent, was referred to by **full name** and **visually depicted** — in stark contrast to the anonymity granted to interviewees levelling accusations.
- In addition, Carte Blanche states that the insert was "driven" by a three-month in-depth investigation by the Carte Blanche team. CMR North would like to understand why the Carte Blanche team placed pressure on the organisation to respond within unrealistic time frames, posing additional questions on cases already answered, and adding questions on additional cases that were not part of the initial list. (See emails dated 8 April 2025 and 15 April 2025)
- Why did Carte Blanche not grant a **pre-interview brief** to CMR North as requested by the organisation (not "demanded" as indicted in Carte Blanche's response) prior to confirming filming arrangements (see emails dated 8 April 2025). Is this really fair that the "complainants" were interviewed (as part of Carte Blanche's "three-month in-depth investigation) prior to filming them, while CMR was not granted the same courtesy? It is unclear what is meant by Carte Blanche's response in this regard that "This demand was obviously unacceptable, as it would amount to subjecting Carte Blanche's editorial discretion and source list to an audit by a subject of the insert."

The CMR North maintains that it's intent with the request was to ensure that the facts were accurately presented, and that the right questions were posed to the right people. This would not only have safeguarded the integrity of the story but would also have ensured that spokespeople were appropriately prepared, which is ultimately in the best interest of producing a compelling and high-quality piece.

This created a **clear editorial double standard**, placing frontline professionals at heightened personal and professional risk. These individuals were not offered the chance to withhold consent, nor was any explanation provided to viewers about their legal constraints in responding publicly. The social workers of CMR Brits, consequently and in fact, did experience hostility from the Brits and Hartebeespoort communities in doing their work where some were yelled at and chased away as a direct result of this specific broadcast.

This selective exposure not only **undermined their dignity** but falsely implied a lack of transparency or accountability. We submit that this constitutes an **additional ethical breach** and materially contributed to the defamatory framing of the segment.

4. Alleged Identification of Minors

Carte Blanche contends that it did not identify any child and that ethical boundaries were upheld.

We strongly disagree. Despite omitting names, the programme:

- Referenced **specific family structures** and **trauma histories**,
- Named **institutions** involved,
- Disclosed **timelines** of removals and placements,
- And aired **facial footage** of minors without adequate anonymisation.

The sum of these disclosures makes identification in the children's community **highly likely**, especially in a tightly networked geographic context. This constitutes a breach of **Clause 28** of the BCCSA Code.

5. Public Interest and Mandate

Carte Blanche defends its broadcast as being "in the public interest." While we agree that child protection deserves public scrutiny, such scrutiny must:

- Be **fair**,
- Be **balanced**, and
- Not come at the cost of **child dignity or reputational harm** to compliant organisations operating within legal bounds.

Instead, Carte Blanche ignored context, excluded corrective information, and **proceeded with a predetermined narrative** — one that placed a legally bound child protection organisation on public trial without a voice or defence.

Conclusion and Relief Sought

Carte Blanche's response does not exonerate it. On the contrary, it confirms that:

- CMR North's voice was **deliberately marginalised**,
- Ethical and legal standards for child reporting were **compromised**, and
- Editorial choices were not merely negligent — they were **strategically misleading**.

We reiterate our request for:

1. A formal finding that the broadcast violated **Clauses 28.2 and 28.3** of THE BCCSA'S CODE OF CONDUCT FOR SUBSCRIPTION BROADCASTING SERVICE LICENSEES namely:

28.2. Comment

28.2.2 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.

28.3. Controversial issues of Public Importance

28.3.1. In presenting a programme in which controversial issues of public importance are discussed, a licensee must make reasonable efforts to fairly present opposing points of view either in the same programme or in a subsequent programme forming part of the

same series of programmes presented within a reasonable period of time of the original broadcast and within substantially the same time slot.

28.3.2 A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.

2. The granting of an **equivalent right of reply**, aired on the same platform with comparable prominence.
3. Guidance to all broadcasters regarding minimum obligations when reporting on minor children and statutory bodies involved in child protection.

EVALUATION

[5] A complaint was lodged with the BCCSA against the Respondent concerning an investigative programme regarding the alleged misconduct of child protection services, entitled 'The Crisis of Self-Defence'. The complainant is of the view that the respondent contravened Clauses 28.2.2 and 28.3 of the Code of Conduct for Subscription Licensees.

[6] The members of the Tribunal, the complainant, the respondent, and their respective legal teams viewed the programme during the virtual hearing. Both parties' legal representatives addressed the Tribunal and had an opportunity to reply to each other's submissions.

[7] Licensees are allowed to broadcast commentary and criticism on actions or events of public importance in terms of Clause 28.2.1, if the comment is an honest expression of opinion. It must be clear that the comment is indeed an opinion, and it should be based on facts truly stated or fairly indicated. This requirement assists viewers in assessing the credibility of the opinion or criticism presented.

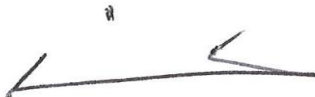
- [6] The program starts with footage of churches, accompanied by a voice-over suggesting that the accused organisation, despite appearing to be Christian, may not be conducting itself irreproachably as far as the placement of children is concerned. This scene is followed by four real-life stories where individuals share their interactions with the complainant regarding the placement of children. These individuals relate their experiences based on facts clearly stated or fairly indicated. The interviews take place at their homes, providing further context for their comments. The respondent portrayed the participants' experiences with the complainant as told and took reasonable steps to confirm the veracity of the content of these versions, *inter alia*, by requesting the complainant's response to the participants' versions of events.
- [9] The next issue to consider is whether the respondent violated Clause 28.3 of the Code for Subscription Broadcasting Licensees. Clause 28.3 does not always apply to investigative programmes as the issues being scrutinised are not usually *controversial* issues of public interest. However, that does not exclude its application *in toto*. The nature of a specific issue may dictate its application. In this case, the allegations of misconduct in the placement of children are controversial, especially since the interest of children is always paramount. The respondent clearly held this view, as evidenced by the effort put into obtaining the complainant's response.

- [10] Clause 28.3.2. is not applicable as the complainant was provided with a chance to address the allegations before the programme was broadcast. According to Clause 28.3.1, a broadcaster airing a program that discusses controversial issues of public interest must make reasonable attempts to present opposing viewpoints fairly, either within the same program or in a follow-up program. In investigative programs, the subject of the investigation is typically given a chance to respond to the allegations to meet the requirement for balance. Complaints about this type of program often involve dissatisfaction with how the response to the allegations was depicted.
- [11] It is common cause that the complainant was offered an opportunity to respond to the allegations made during the broadcast. The complainant, however, chose not to participate in an in-person interview but requested written questions to which a written reply was submitted.
- [12] It is important to consider the context in which the opportunity to respond is offered. An offer to respond to the allegations that would be probed during an investigative programme should be a feasible option for the subject/ individual involved. Factors such as the complexity of the investigation, the immediacy of public interest, the time allowed for the response, and the individual's ability to reply within the given timeframe should be considered. According to the timeline provided by the respondent, two weeks had passed between the initial contact with the complainant and the complainant's refusal to engage any further with the respondent.

[13] The viability of the option is, however, not the only consideration. Individuals or companies contacted by broadcasters should be attentive to the timeframes provided. Once the decision is made to reply in writing to written questions, the written response should be submitted within the specified timeframe. The way the responses are phrased will have an impact on how the allegations are perceived to have been addressed. It appears that complainants do not always fully understand the importance of providing particularised answers and meeting deadlines. In this instance, the respondent provided the complainant's response in alignment with the allegations, but it lacked the anticipated impact due to the wording chosen. The complainant also refused to provide certain information, citing the provisions of POPIA for its refusal. It is beyond the scope of this judgment to determine whether the complainant's reliance on POPIA was correct.

[14] The complainant was given the chance to directly respond to the allegations but chose not to participate in an on-air interview. The complainant's written responses were accurately reflected within the appropriate context. Any perceived lack of detailed responses to the allegations should be attributed to the general nature of the answers to the written questions posed.

The complaint is dismissed. No contravention of Clauses 28.2.2 and 28.3.1 or any other clause of the Code of Conduct for Subscription Licensees is found.



**DR SUNETTE LÖTTER
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COMMISSIONERS CHICKTAY, DHLUDHLU AND VENTER CONCURRED**