



ADJUDICATION NO: 14/A/2026

NAME OF PROGRAMME: BIG BROTHER MZANSI SEASON 6

DATE AND TIME OF BROADCAST: 1, 5 TO 6 FEBRUARY 2026
BETWEEN 23:00 TO 2:30

BROADCASTER: CHANNEL 198

COMPLAINANTS: TSHILIDZI, NGWENZE, MOSIA, MOLAPO

COMPLAINT

The complaints concern a broadcast episode of the reality programme *Big Brother Mzansi Season 6*, in which two participants, Thandeka and Ramona, directed remarks at a fellow housemate, Ilano, a transgender woman. During the broadcast, housemate Thandeka's remarks were widely perceived as transphobic and dismissive of Ilano's gender identity.

APPLICABLE CLAUSES: CODE OF CONDUCT FOR SUBSCRIPTION BROADCASTING SERVICE LICENSEES

Clause 10.3 A subscription broadcasting service licensee may not knowingly broadcast material which, judged within context, advocates hatred that is based on race, ethnicity, gender or religion, and which constitutes incitement to cause harm".

Clause 10.3 A subscription broadcasting service licensee may not knowingly broadcast material which, judged within context, advocates hatred that is based on race, ethnicity, gender or religion, and which constitutes incitement to cause harm.

Clause 28.4 Insofar as both news and comment are concerned, broadcasting licensees must exercise exceptional care and consideration in matters involving

the private lives, private concerns and dignity of individuals, bearing in mind that the rights to privacy and dignity may be overridden by a legitimate public interest.

ADJUDICATION

[1] A complaint was lodged with the BCCSA against On Tuesday, 10 February 2026 10:24 a series of formal complaints were referred to the Commission regarding an episode of *Big Brother Mzansi Season 6* broadcast between 5 and 6 February 2026. The Registrar accepted the complaints on the grounds that they prima facie fell within the ambit of the Code regarding discrimination and harmful speech. The Respondent, MultiChoice, submitted a formal response on 6 March 2026, denying a contravention of the Code and arguing that the legal threshold for hate speech was not met.

[2] **The complaints read as follows:**

Mosia: “**Programme:** *Big Brother Mzansi* (channel 198 on DSTV)

Date of Broadcast: [the night of 5th February to early hours of 6th February 2026]

Approximate Time: [between 11pm and 2am]

Description of the Incident:

During the broadcast, housemate Thandeka directed remarks at fellow housemate Ilano that were widely perceived as transphobic and dismissive of Ilano’s gender identity. The comments were broadcast to the public without sufficient intervention and, in my view, amounted to harmful and discriminatory speech.

Clause Believed to Have Been Contravened:

I refer to the **Subscription Broadcasting Code of Conduct**, particularly the provisions relating to human dignity and discrimination.

“A licensee must not broadcast material which, judged within context, sanctions, promotes violence or unlawful conduct, or material which amounts to hate speech or advocates hatred based on race, ethnicity, gender, religion or sexual orientation and which constitutes incitement to cause harm.”

Reasons for This View:

Broadcasting remarks that appear to demean a person based on gender identity risks normalising prejudice and undermining the constitutional values of equality and dignity. Given the programme’s wide audience, I believe the broadcaster has a duty to ensure that content likely to cause harm or perpetuate discrimination is handled with appropriate care and editorial responsibility.

Please let me know if any further information is required to assist the Commission in obtaining the relevant footage and the broadcaster's response. I appreciate your guidance and look forward to your acknowledgement of this revised submission."

[3] The Broadcaster responded as follows:

"RE: COMPLAINTS FROM MS MOSIA AND OTHERS REGARDING AN EPISODE OF BIG BROTHER MZANSI SEASON 6

Introduction

1. We refer to complaints from Ms Mosia, Mr Radzilani, Ms Ngweze and Ms Molapo ("the complainants") concerning alleged conduct by two participants, namely Thandeka and Ramona on the television programme *Big Brother Mzansi Season 6*, broadcast on M-Net Magic Channel 198 between 1 February 2026 to the 7th of February 2026.
2. We acknowledge the seriousness of any allegation involving discrimination, prejudice, or hate speech and welcome the opportunity to place our position on record.
3. We have been requested by the Office of the Registrar to respond to the complaints in accordance with provisions of clause 10.3 of the Code which deals with Hate Speech.

Nature of the Complaints

4. The complaints primarily relate to allegations that:
 - 4.1 Transphobic statements were made by certain housemates or participants; and
 - 4.2 There was a lack of remorse following a reprimand issued by the programme.
5. In essence, it is alleged that two housemates, Thandeka and Romona, made offensive remarks directed at Illano, a transgender woman who is one of the participants in the programme.
6. The alleged remarks include statements suggesting that Illano had "only been a woman for two minutes", that she should use the male bathroom, and that oestrogen was "making her crazy".
7. It is further alleged that Thandeka attempted to justify her conduct after being reprimanded, which conduct is interpreted by the complainants as demonstrating a lack of remorse.

Applicable Clause/s of the Code

8. As indicated in paragraph 3 above, the Commission has requested that we respond with reference to the hate speech provisions of the Broadcasting Code, specifically Clause 10.3, which provides:

"A subscription broadcasting service licensee may not knowingly broadcast material which, judged within context, advocates hatred that is based on race, ethnicity, gender or religion, and which constitutes incitement to cause harm."

The Nature of the Programme

- 9 *Big Brother Mzansi Season 6* is a reality television programme that follows a diverse group of South African participants living together under continuous surveillance.
- 10 The programme involves competition, social interaction, emotional tension, alliances, and conflict, all of which are intrinsic to the format of the show.
- 11 Housemates are required to navigate complex interpersonal dynamics while adhering to rules provided to them prior to entering the house.
- 12 The programme is broadcast on a subscription-based and exclusive channel, and its audience is generally familiar with the nature, format, and challenging themes associated with the show.
- 13 Due to the live and unscripted nature of the programme, it is not always possible for the broadcaster to anticipate statements made by participants.
- 14 As a result, interventions by the broadcaster are often retrospective rather than preventative.
- 15 In light of the above, we respectfully submit that the broadcaster did not knowingly broadcast discriminatory or transphobic material.

Hate Speech Considerations

- 16 South African courts have developed extensive jurisprudence on the meaning and threshold of hate speech, including decisions of the Constitutional Court, many of which have been cited by the Commission in previous determinations.
- 17 While the comments in question were undeniably distasteful and regrettable, it has been established in numerous BCCSA decisions that crude or offensive speech does not automatically amount to a contravention of the Broadcasting Code.
- 18 The threshold for a finding of hate speech is high and requires the presence of two cumulative elements, namely:
 - 18.1 Advocacy of hatred based on a listed ground and
 - 18.2 Incitement to cause harm.
- 19 The threshold for a finding of hate speech is high and requires the presence of two cumulative elements, namely:
 - 19.1 In the absence of these elements, a finding of hate speech cannot be sustained.
 - 19.2 The remarks made by the contestants questioned another participant's gender transition; however, such remarks, while offensive, did not advocate hatred nor incite harm.
- 20 Furthermore, the broadcaster did not knowingly anticipate or endorse comments targeting a transgender identity.

Allegation of Lack of Remorse

- 21 With regard to the allegation of lack of remorse, we submit that an attempt by a participant to explain or justify what motivated her conduct does not, in itself, constitute an absence of remorse.
- 22 Even if a finding of lack of remorse were to be made, such a finding would still fall short of satisfying the requirements for hate speech under Clause 10.3.
- 23 Notably, the offending comments were not repeated after disciplinary action was taken, and the conduct therefore does not meet the threshold required for a contravention.

Ignorance and the Role of the Programme

- 24 We submit that the utterances in question were based on ignorance, which, while regrettable, does not equate to advocacy of hatred.
- 25 *Big Brother Mzansi* provides an important platform for education, dialogue, and social awareness, particularly on issues of equality, tolerance, and diversity.
- 26 The participation of a member of the transgender community aligns with these objectives.
- 27 We submit that expelling a housemate would not have furthered these objectives, particularly where the legal threshold for a contravention of the Code was not met.
- 28 In **BCCSA Case No. 27/2012, Visser and Thompson v 94.7 Highveld**, the Commission held that ignorance is best addressed through more speech, public debate, and discussion, which are essential to changing entrenched attitudes in a free and democratic society. *"In a free and democratic country like South Africa the space to speak out needs to be carefully protected. This is irrespective of the extent to which the Commission empathizes with the complainants."*
- 29 This is consistent with the constitutional values of freedom of Expression in a democratic society which the commission firmly subscribe to.

Compliance Measures Taken

- 30 The impugned comments were in breach of the programme's participation guidelines, and disciplinary strikes were accordingly issued against the offending contestant.
- 31 All contestants are informed upon entry into the house that discriminatory language and slurs are prohibited and that violations will result in sanctions.
- 32 The programme was broadcast with an 18 age restriction, appropriately reflecting the potential for adult content and sensitive themes.

Conclusion

- 33 Having regard to all relevant facts, the applicable legal framework, and the steps taken by the broadcaster, we submit that:
- 33.1 There was no knowing broadcast of hate speech;
- 33.2 The legal threshold for hate speech was not met; and

33.3 Appropriate remedial measures were implemented.

34 Accordingly, we submit that there was no violation of the Broadcasting Code, and the complaints should be dismissed.”

[4] The Complainant replied as follows:

Mosia: “Thank you for forwarding the response submitted by MultiChoice in relation to my complaint concerning [Big Brother Mzansi](#).

Having considered the broadcaster’s submission, I respectfully wish to indicate that I do not agree with their position and would like to place the following reasons on record for the Commission’s consideration.

Firstly, while the broadcaster emphasises the live and unscripted nature of the programme, editorial responsibility ultimately remains with the broadcaster. Reality television programmes operate under continuous production oversight, and the broadcaster retains control over what is ultimately aired to the public.

Secondly, although MultiChoice characterises the remarks as merely “distasteful” and based on ignorance, the issue raised in my complaint concerns the potential impact of broadcasting remarks that appear to demean a participant on the basis of gender identity. Even where remarks do not meet the strict legal threshold for hate speech, the broadcast of such comments may still raise concerns relating to dignity and the responsible portrayal of vulnerable groups.

Thirdly, the fact that disciplinary action was taken against the housemate after the incident does not necessarily address the question before the Commission, which is whether the broadcast itself complied with the standards set out in the Subscription Broadcasting Code of Conduct.

For these reasons, I respectfully request that the Commission consider whether the broadcaster exercised adequate editorial responsibility in the circumstances, particularly given the wide audience of the programme and the potential impact of such remarks when broadcast.

Thank you for your attention to this matter. Please let me know if any further information is required from my side.”

EVALUATION

[5] In evaluating this matter, I have reviewed the footage alongside the submissions from both the complainants and the respondent. My assessment of whether the Code has been infringed is also informed by constitutional values based on the intersection of freedom of expression and the right to human dignity.

[6] The Respondent’s primary defence is that they did not “knowingly” broadcast transphobic material, citing the unscripted nature of reality television. While the

events in the house occur spontaneously, the broadcaster is not exempted from adherence to the Code. The question is therefore whether the broadcaster contravened clause 10.3 in the context of a reality show like Big Brother Manzi.

- [6] The respondent argues that the comments, while "distasteful," did not incite physical harm. In my view, the comments directed at Illano were not merely hurtful; they were harmful. Clause 10.3 determines that broadcasters may not broadcast content which advocates hatred that is based on race, ethnicity, gender or religion and which constitutes incitement to cause harm. By questioning her right to identify as a woman and suggesting she belongs in male-designated spaces, the participants targeted Illano as transgender woman and questioned her gender, which constituted an attack on her personhood. However, it did not cause incitement to cause harm to transgender people. While the impugned conversation may cause a social environment to ostracise transgender individuals or deny them their legitimacy and belonging, it did not constitute advocacy of hatred based on gender.
- [7] The disciplinary strike mentioned by the broadcaster is an internal administrative tool; that viewers appear to not have been aware of. However, it demonstrated the broadcaster's approach of zero tolerance of transphobic comments to participants of the show.
- [8] The BCCSA has consistently maintained that clause 28.4 can only be invoked by the individual whose dignity is believed to have been infringed. A third party cannot lodge a complaint on behalf of that individual.
- [9] This transphobic conversation was not a "tongue-in-cheek" remark as seen in the *Matlaila*¹ case. Illano was criticised and vilified as a transgender woman. The constitutional values of equality and respect should never be disrespected. After numerous seasons of this program, broadcasters should be able to navigate the

¹ *Matlaila v Power FM* (Broadcasting Complaints Commission of South Africa, Adjudication No 01/A/2026, 29 January 2026)

challenges of a reality show like Big Brother Manzi. However, the impugned content did not advocate hatred of transgender women, nor did it constitute incitement to cause harm to transgender women. Reliance on age restrictions and participant ignorance cannot be taken into consideration due to the nature of the impugned content.

[10] I accordingly conclude that the broadcasted comments did not constitute a contravention of clause 10.3 of the Subscription Code of Conduct, and the complaint is dismissed.

A handwritten signature in black ink, appearing to be 'mf', with a horizontal line drawn underneath it.

MELANY FUME
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION