SOUTH AFRICA COUNTRY REPORT

BEIJING DECLARATION

WOMEN IN MEDIA

FILM INDUSTRY

FEBRUARY 2015

Report Prepared by the National Film and Video Foundation of South Africa

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1. BACKGROUND

Since the advent of democracy and the adoption of United Nations Declaration of Human Rights and other conventions, South Africa has a made a lot of strides in the development of women through a number of policy interventions, legislation and programmes.

The advancement of women is particularly important in South Africa where the female population is estimated to be just over 50% according to Statistics South Africa (Stats SA; 2014). Therefore, the economic empowerment of women as well as their inclusion in management positions in both government and private sector is of importance for the economic growth. This requires an approach that demystifies patriarchy as well as promoting equality amongst genders in all spheres of society. This report focuses on the film industry, a subsector of the media and entertain within the context of Women in Media, as part of the Beijing Declaration of 1995.

1.1 State of the Film Industry

Since its evolution more than 100 years ago, the South African film industry has been male dominated, partly because the restrictive apartheid policies and discriminatory laws restricted the participation of women in the economic activities. The fact that the industry is also labour intensive and is subject to long and abnormal hours of work did not make it any easier for women to participate meaningfully.

The underrepresentation of women in other sectors of the economy was not unique to the film industry. The end of apartheid in 1994 ushered in transformation legislations and policies that were geared at levelling the playing field and giving women opportunities to participate in the economy.

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Prior to 1994 there was a mere 2.7 of women representation in parliament and today we have a resounding 42% which puts SA in the fourth position worldwide in terms of the greatest number of women in parliament. The Labour Force Survey reveals the following:

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- A 6.9% growth of women in managerial position between April-June-2013 to April-June 2014;
- A 4.9% growth of women in professional position between April-June-2013 to April-June 2014;
- A -5.1% change of women in technical position between April-June-2013 to April-June 2014.

Between 2000 and 2007, of the 55 films that were produced locally the following was observed:

- Only 6 of the 55 films were produced by women;
- 9 films of the 55 were based on stories written by females; and
- 6 of the films had female directors.

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Industry organisations such as the Independent Producers Organisation acknowledge the male dominance in both participation and owners as an area that requires the industry to transform (NFVF Film Indaba, 2009). Unfortunately, this has set the tone for the male dominance as an industry trend that still continues to dominate the South African industry reality. However, post-apartheid cinema has also seen the emergence of new voices that also includes women directors and writers who are making names for themselves locally and internationally.

The film industry remains largely commission driven, a trend that was abruptly interrupted in 2009 when the public broadcaster, reduced its spending for the procurement of independently sourced content. This development forced the industry to re-examine funding models with a view to diversify their company business model. Out of this experience, producers are actively seeking alternative models of funding which includes crowd funding a new trend to finance the production of films. Producers are also seeking international soft funding from Europe in an effort to source as much soft funding as possible – this gives the producer a chance to participate in the profit sharing as soft funders tend to have less aggressive recoupment stance unlike gap, debt or equity investors.

Box office trends in South Africa also highlighting the need for indigenous languages as observed between 2009 -2011. For example films such as *Izulu Lami*, *Elelwani* have been well received by local and international audiences (NFVF Box Office Report 2011).

In the 2009 Report on the Investigation to Establish the Viability of Establishing a National Film school, the NFVF found that film industry training was not coordinated and resulted in training curriculum in public and private institutions of higher education was out of touch with the needs of the industry. The NFVF and industry have since come together in order to ensure that training is aligned to the needs of the industry. To this end, the Department of Arts and Culture is spearheading a project that will establish a national skills academy for the creative industries including films. This initiative, coupled with regular stakeholder collaborations which will include internship and mentorship programmes for film graduates will enrich film education and training.

1.2 Policy Interventions and Initiatives

The table below is a summary of broad national policies and legislation that impact on gender empowerment in the film industry that were introduced post 1995.

It is important to highlight that the Constitution of South Africa, regarded as one of the most liberal in the world is the highest law of South Africa. The constitution's Bill of Rights in Chapter 2 for the purpose of this report includes provisions for gender equality as well as prohibiting hate speech which takes many forms including gender based violence. The Commission for Gender Equality is an example of an independent constitutional entity that has been set up to promote, monitor gender practices and policies of government, other organisations and private sector. The Commission also conduct research, raise public awareness, investigates complaints as well as ensure compliance with international conventions.

Policy/Legislation	Purpose	Summary of objectives
White Paper on Arts Culture and Heritage, 1997	Policy framework for the arts, culture and heritage sectors in South Africa	Sector funding; Role of sector in South Africa Proposal for the establishment of institutions.
National Film and Video Foundation Act , 1997	Established a government agency for the promotion and development for the film industry	Mainly transformative; Creation of opportunities to enter the film industry for previously disadvantaged individuals which includes women.
Film and Publication Act, 1996	Regulation of the creation, production, possession and distribution of films, games and certain publications	Degrading material and hate speech which includes gender based may constitute unclassifiable material.
Electronic Communications Act , 2005	Introduces a Code of Conduct for Broadcasters	Part of the Code of Conduct regulates the broadcast of violence and hate speech which is not part of the plot, character which judged within a context not part of a broadcast programme.
Film and Television Production and Coproduction Incentive, 2004	Introduced a cash rebate for local production for cash spent in the production of films	Growth of local production companies and sustainability of the sector through job creation.
Foreign Film and TV Production and Post-Production Incentive, 2004	Introduces a cash rebate for foreign films that are shot in location and post produced in South Africa	To attract foreign direct investment from Hollywood studios and other countries. Job creation and skills development opportunities for local production companies.
Income Tax Act – section 12 (o) film allowance	Tax allowance for film owners	Encourages private sector investment in the production of local films.
Digital Migration Strategy	Policy framework for the migration of broadcasting services from analogue to digital	Introduction of a multichannel environment for digital terrestrial television. Opportunities for content creation for content producers. Skills and training requirements for DTT.
Revised White Paper on Arts, Culture and Heritage, 2013	Policy for the role of the arts, culture and heritage sectors in South Africa	Recognises the economic and cultural value of the cultural industries. Sector funding.

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		Training and skills development.
Black Economic Empowerment Act and Broad-based Black Economic Empowerment Acts	Introduces the economic empowerment of Black owned companies	Women are included in the previously disadvantaged groups. Inclusion on Women in Management Positions for companies.
African National Congress 53rd National Conference Resolutions, 2013	Sets out focus areas for the ruling party for South Africa	Resolutions on Women: Fight against patriarchy and forms of abuse against women. Access to economic opportunities for women. 50/50 representation for women in decision making structures of government and society.

2.3.1 FILM INDUSTRY INITIATIVES TO EMPOWER WOMEN

This section gives a summary of some programmes that have been implemented post 1995 to empower female filmmakers:

- In 2004, the NFVF and the South African Broadcasting Corporation (SABC) in celebration of democracy created a 10 documentary series named Project 10 wherein 10 documentary projects were commissioned for the SABC and out of the 10 documentaries 9 of them were directed by women.
- In 2012, the NFVF introduced slate funding and one of the companies awarded a slate deal was a female owned production company.
- A call for proposals for 10 short film projects for direction by women in 2014 has resulted in 10 short films written, directed and produced by first time female participants. The initiative is aimed at female filmmakers who have just entered the industry in order to build capacity and launch careers in the film industry.
- The NFVF's in-house Sidebar Screenwriting training programme is headed by women mentors.

2.3.2 ACHIEVEMENTS

South African films have been doing well in the international stage. The films below are examples of some well-known films made by women who have done well at the local box office, the international film festival circuit and international film competitions.

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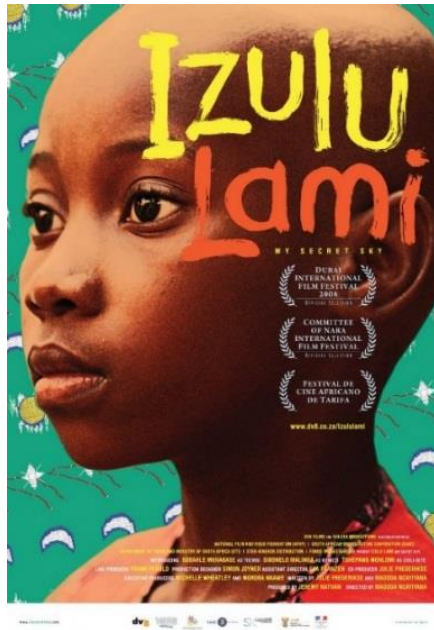
Izulu Lami (My African Sky) and Otello Burning were written, produced and directed by Sarah Blecher.

Sarah Blecher has won several local and international awards for her work in writing, directing and producing TV dramas and films.

White Wedding was co-written by Jann Turner who was won numerous local and international awards as a TV and film director.

The film also won a South African Film and Television Award for Best Actor and was official entry for South Africa for the Best Foreign Language Film at the 82nd Oscar Awards.
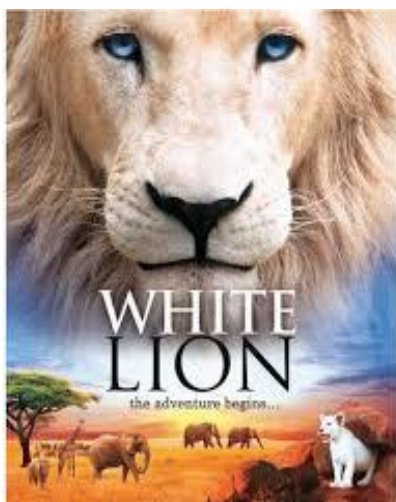
White Lion was written by Janet van Eeden; the film won the Audience award at the Lucas International Festival of Films for Children and Young People.

2.3.4 INDUSTRY INTERVENTIONS

- In 2005, Women in Film and Television South Africa (WIFTSA) was founded and has grown steadily into an active organization focused on providing a professional platform for women in the film and television industry to network and learn.
- Women of the Sun; now defunct was established to serve as an advocacy group for women issues within the film industry but is.
- In 2013, the NFVF and the Department of Women, Children and People with Disabilities which is now part of the Department of Social Services partner to collaborate for financing the production of films by women with disabilities. The project is still in progress.

2.3.5 GAPS AND CHALLENGES

In this section of the report, gaps and challenges are discussed as well as interventions that have been put in place or that are in progress to address these identified areas.

- Distribution networks for the widest possible distribution of content especially that which is owned by female owned content independent production companies remains a challenge. Access to content for ordinary South Africans due to disparities in cinema infrastructure remains a gap. There are a number of initiatives both public and private that seek to ensure that audiences are catered for.
- Sustainable enterprises – intellectual property ownership in content produced by filmmakers is still a challenge and requires legislative intervention for

broadcaster commissioned content to allow filmmakers to also profit share. This also require the exploration of diverse models for the financing of film production.

- Private sector support – there are efforts by the NFVF to attract private sector funding for the production of content as well as infrastructure development to enable distribution. Government has put in place financial incentives and tax breaks that remain the backbone of production funding for the industry.

- Nature of the industry-project based – in order to respond to the National Development Plan objectives; especially that of job creation, the film industry has developed a Macro Strategy for the industry to encourage industry development by increasing the number of annual films produced in the country. With a combination of a thriving servicing industry, intervention have put in place such as slate funding models and a production incentives that seeks to boost the number of production that will create regular work from industry practitioners.

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- Piracy – although counterfeit laws are in place, the enforcement of legislation and lack of awareness by the public continue to devalue the market potential of many local film who are pirated before official releases. The Southern African Federation against Copyright Theft (SAFACT) continues to raise public awareness and fight against piracy. The collaboration between industry, organisations and government (Department of Trade and Industry, the South

African Revenue Service as well as the South African Police Service) continues to grow in order to curb piracy and to address enforce anti-piracy and counterfeit goods legislation. A multi-prong strategy which also includes distributors and network providers to come on board to ensure content is as widely accessible as possible to South Africans of different backgrounds will ensure that piracy is kept to the minimum.

- Outdated Intellectual Property regime – the main challenge with the 1977 legislation is that it limits the ownership prospects for independent producers for commissioned work. The legislation is currently being overhauled to adapt to current realities for copyright and intellectual property ownership. This is a vital legislative framework for a progressive information economy.

- Digital Terrestrial Television Rollout is behind schedule – the opportunities for content creators is lost. Government and the ICT industry is working together to ensure that the policy as well as standards maximise interoperability and access for citizens.