

The undermentioned organisations, representing a wide range of press and broadcast media, wish to draw to your attention the following statement drafted at an emergency meeting called to discuss the latest version of the draft interim Bill of Rights:

"The Negotiating Council is due to finalise an interim bill of rights this week. There is concern about the clauses in the interim bill which affect access to information and freedom of expression.

* Clause 23, which guarantees access to information, is drawn far too narrowly. It guarantees access only to information necessary for the protection or exercise of one's rights. It is therefore a derivative right rather than a general right of access to information. We urge the deletion of the qualification in the clause (after the word "government") which restricts the right in this way and propose that the clause should read as follows:

"Access to Information: Every person shall have the right of access to all information held by the state or any of its organs at any level of government".

This would not have the effect of exposing sensitive information, such as information that might jeopardize personal privacy, commercial confidentiality, law enforcement or national security. Such information should be protected by special exemption made under the authority of the limitation clause in the Bill of Rights and codified in a Freedom of Information Act. We urge that work begin now in developing such an Act.

We are also concerned that the powers granted (by the limitation clause) to pass laws that might restrict free speech are too generous. We urge that:

* Clause 15, the general freedom of expression clause be given the highest protection from limitation possible. In other words that it be listed as one of the rights specially protected against limitation in Clause 34 (1) (b) (ii) (using the numbering in the draft 11th progress report). There is no reason why freedom of expression should not enjoy the same level of protection of freedom of thought, belief and opinion, which are given the highest form of protection.

* Clause 34 be amended to exclude any limitation on the right of free speech unless, at a minimum, it complies with South Africa's obligations under international law.

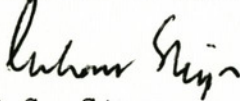
We call on the negotiating council and the technical committee on fundamental rights to consider these submissions as a matter of urgency and to amend the interim Bill of Rights accordingly."

Signatories to the statement are representatives of:

The Conference of Editors
The Press Council of South Africa
The Newspaper Press Union
The National Association of Broadcasters
The Magazine Publishers Association
The Campaign for Open Media
The Anti-Censorship Action Group
The SA Union of Journalists
MWASA
The SA Society of Nieman Fellows
The Media Defence Trust
The International Press Institute

For further information please contact Prof Etienne Mureinik (tel 716-5618 or 646-8923) or Mr David Dyson (tel 337-6947/8/9)

Signed on behalf of the above



R.S. Steyn
Chairman, Conference of Editors