

# Conference of Editors Redakteurskonferensie

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7 July 1993

Professor L. du Plessis  
Convenor  
Technical Committee on Fundamental Rights  
during the Transition  
c/o The Secretariat  
P.O. Box 307  
ISANDO  
1600

Dear Professor du Plessis,

The Conference of Editors, which represents the editors of most of South Africa's major newspapers, has asked me to submit to you the following resolution taken at its meeting on 29th January 1992 in Cape Town. A copy of the resolution was sent to the secretariat of Codesa last year, but we understand that it did not reach your committee.

On behalf of the Conference, may I express the hope that the issues of freedom of speech and information will receive serious consideration by your committee.

Yours sincerely

  
R.S. STEYN  
CHAIRMAN

Chairman/Voorsitter : R. Steyn  
Vice Chairman/Onder Voorsitter : A. Klaaste



## MEMORANDUM ON PRESS FREEDOM

The Conference of Editors, constituted from the editors of all the leading newspapers in South Africa, studied several foreign models of legal protection of press freedom, particularly where press freedom and freedom of speech are defined in a constitution or a bill of rights.

The most notable among these models are the constitutions of Switzerland, Brazil, Namibia, Germany and the United States.

The Conference also studied the SA Law Commission's report on group and human rights, as well as the ANC's proposals for a media charter.

The model the Conference prefers is that of Germany, which contains perhaps the strongest legal assurance about press freedom.

The Conference recommend that press freedom must be entrenched in a new constitution, even though there could be provision for freedom of speech in a bill of rights. The last-mentioned possibility is indeed what Mr Justice Olivier's Law Commission propose in Article 12 of their proposed Bill of Rights, which reads:

"Everyone has the right of freedom of speech and other modes of expression and to obtain and disseminate information."

This article does not explicitly refer to press freedom, which the Conference regards as a shortcoming. The Conference prefers the specific entrenchment of press freedom in the German constitution. It is embodied in the Basic Law (Grundrechte), the part of the German constitution dealing with basic rights which may not be altered in substance - not even by way of the two-thirds majority of Parliament required for an amendment to the constitution.

The Conference proposes that the German clause be adopted, firstly by adding the necessity of protecting media diversity, and secondly by removing the words "from generally accessible sources". Thus the draft submission (without the underlined words) would read:

"Everyone has the right freely to express and disseminate his opinion in words, writing and images and to inform himself unhindered from generally accessible sources. Press freedom and the freedom of reporting by broadcasting and film are guaranteed, while diversity of information and opinion in the media shall be protected. Censorship shall not take place."

The Conference of Editors recommends that this submission should form part of the absolutely entrenched basic rights in a new constitution.