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**SOUTH AFRICAN INSTITUTE  
FOR LIBRARIANSHIP AND  
INFORMATION SCIENCE**

**SUID-AFRIKAANSE INSTITUUT  
VIR BIBLIOTEEK EN  
INLIGTINGWESE**

**STANDING COMMITTEE ON CENSORSHIP  
VASTE KOMITEE VIR SENSUURSAKE**

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22 September 1993

The Secretary  
Multiparty Negotiation Council  
P O Bcx 307  
1600 ISANDO

**YOUR FAX NO: 011-392-211**  
**OUR FAX NO: 021-241-079**

**ATTENTION: Ms Sandy Hutchings**

Dear Ms Hutchings

During its Annual Conference held in Grahamstown from 7 to 10 September 1993 the Council of the South African Institute for Library and Information Science (SAILIS), representing more than 2600 librarians and information workers, again expressed its strong opposition to the South African censorship system. In this regard we wish to recommend the following to the Multiparty Negotiation Council:

1. the principle of the right of freedom of expression should be included in a Bill of Rights
2. open access be provided to all published materials, with no pre-censorship by any institution on political or religious grounds until a court of law pronounces negatively on the lawfulness of a particular publication. Such material should still be available for *bona fide* research
3. the Publications Act, 1974, should be repealed as soon as possible, which implies the abolishment of the Directorate of Publications
4. all other Acts on our statute books which still limit unnecessarily the free flow of information be urgently reviewed.

We should be grateful if this matter could be followed up as soon as possible by the Negotiation Process and representations made to the Department of Justice and the Department of Home Affairs. A two-page document explaining SAILIS's standpoint on censorship is attached.

Yours sincerely

**P E WESTRA  
CHAIRMAN**



## SAILIS COMMITTEE ON CENSORSHIP

### SAILIS'S POSITION ON CENSORSHIP

In considering a policy statement of this nature, it is vital to bear in mind *at least* the following factors:

- i) South Africa's population consists of an extraordinary diversity of cultures, interests and backgrounds;
- ii) government policy over many decades had deliberately emphasized and enforced such differences between people;
- iii) political activity is normally conducted in a robust way which is relatively intolerant of opposing views;
- iv) most South Africans describe themselves officially as adherents of one or other religion, which often (though not inevitably) leads to a conservative attitude to matters regarded as falling within the domain of 'morals';  
and
- v) South Africa is only now emerging from a rigid and pervasive system of official control of freedom of expression which has had a substantial effect on popular thought and tolerance.

In the light of these circumstances some temporary limitations may be deemed necessary, although complete freedom of expression remains the ideal. Here it would be important to distinguish between censorship in the area of politics and religion as opposed to censorship on the ground of 'morality'.

Before doing so in the South African context, we must note international protections in the area. Even the Universal Declaration of Human Rights (1948) (hereafter UDHR) contemplates an outer limit on the 'freedom of opinion and expression' provided for in article 19, for Article 30 states:

'Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.'

In addition, Article 7 provides:

'... All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.'

The International Covenant on Civil and Political Rights (1966) makes similar provision in article 19, including restrictions (in law) necessary '(1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order or of public health or morals.'

#### **A. POLITICAL CENSORSHIP**

The ANC Bill of Rights proposals (of 1990) provide for 'freedom of thought, speech, expression and opinion...' (Article 4.1). This right is limited in a way very similar to that contained in the UDHR (Article 15).

The SA Law Commission (Interim Report on Group and Human Rights, 1991) provides simply for 'freedom of speech and other forms of expression' (Article 12), subject to circumscription '... only in so far as it is reasonably necessary for consideration of state security, the public order and interest... or the rights of others or for the prevention or combating of disorder and crime...' (Article 34).