

# Kholwane says press freedom in SA is protected by law

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**Address by the chairperson of the portfolio committee on communications, S.E. Kholwane**

**World Press Freedom Day commemoration**

***Celebrating 20 years of media freedom and media diversity***

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Industry stakeholders

Members of the media

Ladies and gentlemen

Good morning. Sanibonani. Dumelang.

It with utmost humility that I greet you all this morning as we draw closer to the fifth free and fair elections in a democratic South Africa. As we look towards this day, we remember the heroes and heroines who lost their lives, shed blood, sweat and tears for the liberation of the African child in his very own country. We salute the great work done by those who came before us for they fought a good fight.

Distinguished guests, in commemorating these fallen heroes, allow me to commence by borrowing from the words of the father of our nation, the late former president Nelson Mandela who proclaimed from the dock in April 1964, *"I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons will live together in harmony with equal opportunities. It is an ideal which I hope to live for, and to see realised. But my Lord, if needs be, it is an ideal for which I am prepared to die."*

20 April 2014 marked 50 years since the late Nelson Mandela uttered these words which came to define our liberation struggle. Distinguished guests, on 27 April, we celebrated Freedom Day, 20 years since the dawn of democracy and today we celebrate the 21st anniversary of World Press Freedom Day. As we commemorate this day, we remember that in preparation for an inclusive and democratic governance, the years which preceded the first democratic elections were

characterised by the formulation of a purposive and inclusive broadcasting policy direction. As part of state restructuring, consultative processes to democratise state machinery and the broadcasting sector in particular continued. The interim Constitution was put in place with clear pronouncements on freedom of expression, the media and the right to impart information. The final democratic Constitution of the country affords everybody the right to freedom of expression, the media and the right to impart information.

Throughout the world, 3 May is celebrated as World Press Freedom Day. As per the proclamation by the United Nations (UN) at its General Assembly in 1993, in line with Article 19 of the Universal Declaration of Human Rights. This followed the 26th session of UNESCO General Conference in 1991, which adopted the Windhoek Declaration, a statement of principles calling for a free, independent and pluralistic media throughout the world. The Declaration affirms that a free press is essential to the existence of democracy and a fundamental human goal.

It is therefore critical for us to first establish a common understanding of what is meant by press freedom in the South African context. South Africa has undergone profound political and economic transformation over the last 20 years, resulting in new and strong political institutions that underpin democracy and a macro economic framework that encourages greater freedom and competition. The Constitution Act No.108 of 1996 protects and provides for the freedom of the media, freedom of expression and access to information. South Africa enacted many laws that give meaning and effect to the Constitution Act like ICASA Act, MDDA Act, Access to Information Act, Promotion of Administrative Justice Act, Electronic Communications Act of 2005, Broadcasting Act of 1999, etc. including Chapter 9 of the Constitution which sets up institutions to support democracy, brought to you by the ANC.

Post 1994 the Bill of rights put in place constitutional guarantees for media freedom and freedom of expression thereby putting an end to the rampant censorship and the brutal suppression of an alternative voice which existed pre 1994. The South African Constitution Act No. 108 of 1996, Section 16 and 32 recognises and states in Section 16 that: *"Everyone has the right to freedom of expression, which includes-*

- (a) freedom of the press and other media;*
- (b) freedom to receive or impart information or ideas;*
- (c) freedom of artistic creativity; and*
- (d) academic freedom and freedom of scientific research."*

Whilst section 32 states that: *"Everyone has the right of access to-*

- (a) any information held by the state; and*
- (6) any information that is held by another person and that is required for the exercise or protection of any rights."*

These constitutionally guaranteed media rights formed an important foundation for a suite of other enabling legislative frameworks that have been enacted since 1994 with the express intention to foster an open society free from oppression and censorship. The legislative instruments put in place post 1994, are tools aimed at democratising the media space and create access and promote diversity in the form of gender, race, language and geographical spread.

Programme Director, in commemorating this day, an opportunity exists for all South Africans to reflect on the key milestones achieved in the quest to achieve media freedom and celebrate the fundamental principles of media freedom as enshrined in the Constitution Act of 1996. We further pay homage to media activists and journalists who lost their lives in the line of duty. All South Africans have a reason to join the world, remember and celebrate World Press Freedom Day. Delivering her executive director's report on the state of media worldwide, Alison Bethel McKenzie reported that in 2013, 119 journalists died in the line of duty, a slight decline from the 133 who died in 2012, whilst 20 have died so far this year. These statistics are alarming and must be taken in a serious light. I therefore call upon the media fraternity to come together and advise on how to deal with this phenomenon.

Since 1994, transformation of the print media environment has been happening at a snail's pace, and there is general consensus within government that this sector requires more focus. Transformation issues have plagued the industry since 1994. Already, in 1996, the Comtask report initiated by former president Thabo Mbeki referred to the monopolistic control

of the media particularly in the areas of distribution and printing. This was seen as creating barriers to entry for prospective media owners.

In 2007, this situation had not changed significantly and at its 51st National Congress, the African National Congress again spoke of the slow transformation in the print media environment - and noted that there was a need to address this issue as well as to allocate more funding to the MDDA to ensure that as broad and diverse an audience as possible would be reached. The conference also recommended strongly that the MDDA should facilitate the development of media, aimed at youth, women, children and persons with disability.

There is no doubt that the community media sector including the small commercial print sector have been negatively affected by the lack of transformation in the print media, mainly due to the significant barriers to entry that exist in the market. In addition, lack of diversity in ownership and control, has led to a lack of diversity in terms of language, race, gender, content, and sources of news. In the ***The print media transformation dilemma*** paper published in March 2011, Jane Duncan supported the argument presented by media academics, Dr Mashilo Boloka and Ron Krabill who said that:

*"Successful transformation would be achieved when the media reflects, in its ownership, staffing and product, the society within which it operates. This is only possible if access is opened - again in ownership, staffing, and product - not only to the emerging black elite, but also to grassroots communities of all colors".*

This presented a strong argument as to why community and small commercial media needs to engage actively in the transformation process - to support not only a process to ensure the print media industry was a mirror of the present democratic dispensation but one that opened up the environment further to a diversity of voices.

On 18 June 2012 the Parliamentary Portfolio Committee on Communication held its Parliamentary Print Media Transformation Indaba at ICASA premises in Johannesburg. The committee called upon GCIS and MDDA to work with the industry on the roadmap towards the establishment of a Print Media Charter. This Print Media Charter was to be a stepping stone towards promoting BBBEE in the sector. Among other things, the Charter was important in that it needed to address:

- The availability of print media in languages all South Africans speak.
- The specifics of the industry, including setting deadlines and targets to meet transformation objectives, seen as a commitment by the industry into a diverse and transformed print media in the entire value chain (newsroom, publishing, news sources, printing, distribution and advertising). These will include areas of ownership and control, language, race, gender, employment equity, conditions of employment, skills development, contributions to promoting media diversity (through MDDA), accord on access to printing and distribution, etc.

The establishment of the Print and Digital Media Transformation Task team (PDMTTT) initiated by the Print and Digital Media SA (PDMSA) was against the background of the Parliamentary Print Media Transformation Indaba which was held on 18 June 2012 at ICASA. The Print and Digital Media Transformation Task Team report confirms all what the ANC and MDDA has been saying. It is an indictment of the extent of racial and gender transformation in their ownership and management structures, which remain far too white and male. The print media is its own worst enemy. It has brought onto itself legitimacy problems by denying the clarion call to transform or be forced to transform by a rapidly changing landscape.

Some of the findings are unfortunate, as the print media has yet again missed an opportunity to agree on a Charter which will broaden the transformation agenda of the press beyond ownership but to embrace real diversity that is required in a transforming society. It is our hope that newly amended Code of Good Practice in terms of the Broad-based Black Economic Empowerment Act brought to you by the ANC will stimulate commitment to the transformation and media diversity.

Programme Director, the theme for this year's celebration is, *"Media freedom for a better future: shaping the post-2015 development agenda."* The ruling party has resolved that the second transition of the liberation struggle is attaining economic freedom - that is our development agenda here on. The critical question is then do we then ensure that the media

plays a role in this agenda whilst preserving its freedom? As the backbone of a democracy, the media must continue to inform our citizens on the global social, political and economic activities which invariably enable them to effectively participate in the economy.

Distinguished guests, this occasion also marks the launch of the second instalment of the MDDA's *"Transformation of Print Media"* research report. This report is an affirmation of the agency's mandate to create an enabling environment for media development and diversity that is conducive to public discourse and that which reflects the needs and aspirations of all South Africans. The MDDA Act provides for the MDDA to promote development and diversity in South African media throughout the country, consistent with the right to freedom of expression as entrenched in the country's Constitution (*Section 16 (1) of the Constitution Act No. 108 of 1996*). Section 3 (b)(i) provides that the MDDA (inter alia) encourages ownership and control and access to media by historically disadvantaged communities as well as by the historically diminished indigenous language and cultural groups.

Today, South Africa is a proud member of the international community with its proud recent history of building institutions that support and protect press freedom and freedom of expression. Our South Africa in 2014 is a different South Africa to the one we inherited in 1994. Our reality is different now, the strides we've made as a country to promote and protect media freedom in line with the prescripts of the Freedom Charter, The South African Constitution, all enabling body of legislative instruments and indeed the Article 19 of the United Nations' Universal Declaration of Human Rights is indeed worth celebrating and we can indeed say it with pride the "We have a good story to tell."

Honourable Deputy Minister, speaking at the 1994 World Congress of the International Press Institute (IPI) in Cape Town, former president Nelson Mandela said, *"A critical and investigative press is the lifeblood of democracy. The press must be free from state inference. It must have the economic strength to stand up to the blandishments of government officials. It must have sufficient independence from vested interests to be bold and inquiring without fear or favour. It must enjoy the protection of the Constitution, so it can protect our rights as citizens."* Twenty years later, I would like to assure you that the African National Congress remains committed to a media climate that is free from vested political and commercial interests.

Ladies and gentlemen, as we all celebrate World Press Freedom Day, we further have a responsibility to ensure that our rural communities have access to all media including television services and print media, in a language of their choice. We must ensure responsible journalism and that our media is transformed to reflect South Africa in every respect. We must also support and create an enabling environment for media development and diversity. Whereas, South Africans are celebrating legislative guarantees of press freedom, freedom of expression and editorial independence; as I have already mentioned, it became clear after the Parliamentary processes that a lot of work and commitment is need to ensure that the majority of South Africans enjoy these rights. This is an issue that the Portfolio Committee on Communications, working with the relevant stakeholders such as MDDA, will continue to work on earnestly in a quest to correct in the near future.

Once again remembering the late former president Nelson Mandela who said, *"... for to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."* This freedom is entrenched in the Constitution of the Republic of South Africa, which maintains, amongst others, each citizen's right to information - in effect, to be reliably informed. In this respect, whilst media freedom is imperative, the media also has a responsibility to report accurate information which is reflected in an unbiased manner; as well as to maintain professional ethics at all times. I therefore urge the media present here today to adhere to these ethics when executing your work.

In ending, I would like to encourage all eligible voters to ensure that you protect your own freedom by voting on 7 May. Voting is the single most effective way to make your voice to be heard. By not voting, you give away your right to influence the government and thus hold it accountable. I once again express my heartfelt gratitude to the programme organisers (MDDA and GCIS) for extending an invitation for me to join you at this momentous occasion. As Vera Nazarian once said, *"A choir is made up of many voices, including yours and mine. If one by one all go silent then all that will be left are the soloists. Don't let a loud few determine the nature of the sound. It makes for poor harmony and diminishes the song."* As we continue to tell a good story of a better life for all, let us not be discouraged by those opposed to transformation for together we can and will move South Africa forward.

With these few words, I thank you.

▪ **Deadline looms for MDDA-Sanlam Local Media Awards entries for 2014** 23 Jan 2015

▪ **MDDA-Sanlam Local Media Awards entries for 2014 now open** 26 Nov 2014

▪ **Entries open for MDDA-Sanlam Local Media Awards** 25 Nov 2014

▪ **Mandla Langa acknowledges 20 years of media freedom and diversity** 28 May 2014

▪ **MDDA-Sanlam Local Media Awards winners announced** 27 May 2014

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