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## **FREEDOM DAY, 20TH ANNIVERSARY**

The Freedom of Expression Institute joins South Africans in celebrating the 20<sup>th</sup> anniversary of freedom. The dawn of democracy which was finally marked by the first non-racial, democratic election on the 27 April 1994, brought hope for accountable, transparent and good governance to millions of South Africans.

The FXI has no doubt that the current situation cannot be compared with the one prior to 1994. Freedom of expression and access to information has continued protection in the Bill of Rights of the Constitution of South Africa, 1996. Flawed as it is, the Promotion of Access to Information Act has, to a fair extent, played an important role in the realization of the right to access to information. Despite some challenges the media continues to play its information dissemination function as well. Generally these rights can be exercised without much fear.

Our in-depth reflection however on the state of the right to access to information and freedom of expression is a cause for concern. Recent trends suggest that the rights for many are just words on paper. The worrying factor is the role played by some organs of the state in contributing towards the regression. Over recent years South Africans have experienced the brutal suppression of the right to protest through the use of live ammunition by law enforcement agencies. In addition a conducive environment for a thriving media has been threatened with the introduction of measures such as the Protection of State Information Bill (currently awaiting the President's assent) and the National Key Point Act. As well as proposals for a statutory regulation of print media and sometimes unfair verbal and physical attacks on media practitioners and artists. Censorship and incidents of political interference within public broadcaster constantly rears its ugly head. The Public Protector has shared with the nation, her frustrations in accessing necessary information in her investigation into the Nkandla saga; this then leaves a question about such difficulties experienced by the layman on the street. These are but a tip of the iceberg in terms of the direction the country seems to be moving, and something drastic needs to be done. As we reflect on the significant event of Freedom Day 20 years ago, we must be reminded that if not defended, freedom can easily be lost.

The FXI want to use this opportunity to urge the public to take necessary steps to ensure that the right to freedom of expression is equally enjoyed by all and does not remain a pipedream, and only a privilege for the chosen few. There is a need to break the silence whenever there are experiences of transgressions, and support for attempts to promote and protect the rights. We also call upon institutions of the state as custodians of the Constitution to actively make sure that the rights in the Bill of Rights are upheld as expected and not undermined. As we continue to celebrate Freedom Day leading up to the 7<sup>th</sup> May, we hope that this fifth general election, seemingly the most highly contested, will see both the public and political parties exercising tolerance and allow each voter sufficient space to express their choice without any fear, and subsequently the acceptance of the will of the people. Freedom Day should remain an important reminding as break with the past and act as a deterrent in ensuring that trends towards an unjust society are avoided.

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