



PRESS RELEASE

WORLD PRESS FREEDOM DAY: DECRIMINALISING DEFAMATION STILL A NECESSITY

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The Freedom of Expression Institute today used World Press Freedom Day to highlight the ongoing necessity to decriminalise defamation in South African law.

The chilling effect on reporting and the self-censorship that may be occasioned by continued criminalisation has no place in our society.

Our civil law and the Constitution has proved more than adequate in dealing with instances where an individual's reputation has been harmed. An effective media self-regulating mechanism makes criminalisation unnecessary. Our civil law and in particular section 16 of the Constitution, provide adequate measures in dealing with instances where an individual's reputation has been harmed.

The repeal in the common law of the crime of defamation would be in accordance with the Midrand Declaration on Press Freedom in Africa of 2013; the African Union Declaration on Principles of Freedom of Expression in Africa, 2002 and Resolution 169 on Repealing Criminal Defamation Laws in Africa of 2010 obligations which are binding on South Africa. The overhanging possibility that a journalist's report may result in a criminal record may hinder the role of the media and place undue restrictions on the media particularly in cases of corruption, amongst others.

While so far journalists have been resolute in reporting on alleged corruption, civil society and other formations need to redouble their efforts on this day to ensure that the crime of defamation is wiped off the statute books. The important role of the media in the realisation of the constitutionally guaranteed right to free expression and in the formation of our hard-fought democracy cannot be overlooked.

Contact Details: Rea Simigiannis – +2782 859 4856/+2711 482 1913
Reas@fxi.org.za