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Make your voices heard!

The Freedom of Expression Institute is pleased to launch a newsletter which was identified as a means to enhance communication between the FXI, FXN and all who have an interest in advancing the right to freedom of expression. The FXI identified this newsletter as one of the platforms through which information, ideas, lived experiences and opinions on freedom of expression can be brought to a much larger audience of the concerned public. It is envisioned that the newsletter will bring to light many of the freedom of expression issues that are not reported in the media and stimulate debate and activate action for the

advancement of freedom of expression in South Africa.



The newsletter will also provide information on activities and events that promote, defend and advance freedom of expression in various areas and this will provide an opportunity for individuals and organizations to participate and make their voices heard. Be sure to submit articles on how the right to freedom of expression affects what is happening in your area.

Pheny Butale, Executive Director



Participants: Public Policy Dialogue in Limpopo

December 2013

Freedom of expression promoted through Nelson Mandela's legacy



Nelson Mandela

File picture

On the 5th of December, South Africa's former President, Nelson Mandela, passed on. His life is marked with many exemplary works which people all over the world strive to emulate. Among these included his strong belief in the right to free expression as a facilitative human right through which citizens enjoy other rights. During this period, the whole world mourned his death whilst also celebrating his life; and as he himself envisioned, South Africa came together -different races, political groups, and people from all walks of life. Madiba's resilience in the fight for freedom from apartheid and for a democratic South Africa is a legacy for which his life

will be celebrated for generations to come. He played an impactful role in the advancement of free expression by emphasising his belief in media and press freedom. In his address to the International Press Institute Congress in February 1994, he stated that "a critical, independent and investigative press is the lifeblood of any democracy". He also believed that "the press must be free from state interference and it must have sufficient independence from vested interests to be bold and inquiring without fear or favour".

Madiba understood that the press must enjoy the protection of the Constitution, so it can defend our rights as the public to freedom of expression in all possible forms. By following his footsteps, we can continue his legacy of ensuring that a just society is sustained through empowering all of South Africa to fight for their right to access information, share it, and hold the necessary bodies accountable where maladministration is evident.

January 2014

The right to protest under threat- 20 years into democracy

It is common in any democratic society that when the public is disgruntled about the lack of services or if their grievances are not attended to, taking to the streets and protesting is resorted to as a last and desperate means to gain the attention of those in authority. This is indeed common in South Africa and various forms of gatherings and protest have proven a successful tool in gaining public and media attention to localized grievances. However, the right to protest is under threat as citizens whose only means of making their voices heard is to mobilize and march against being denied the services they are entitled to have. In these protests, there has been an alarming increase in the number of cases of where police have used excessive force against people exercising their right to protest over the past few years. In January this year, the City Press reported of four lives lost in the Mothutlung water shortages protest in the North West; the police were allegedly responsible for these deaths. Times LIVE also reported another shooting which led to the death of a protester in the Durban Deep informal settlement protest against eviction and lack of housing also in January. If the proper procedures are fol-

lowed, being able to gather to discuss issues that need to be addressed by the necessary authorities is a right that is guaranteed by the constitution.

these protesters adversely, in some cases causing deaths through alleged police attacks. Therefore police brutality is becoming a highly contested issue as lives are being

ing during protests, the police will protect protesters. Police officers who are found guilty of involvement in attacks on innocent protesters should be held accountable in order to reinforce the fact that police must be law abiding citizens just as the public.



Civil society gathering against police brutality, JHB Central Police Station

Upon attaining freedom, the Constitution afforded South Africans to work towards significant changes away from the kinds of repression experienced during. In her article 'Politics of Counting Protests', Professor Jane Duncan refers to assessing the protest trends and whether what we learn from the media captures accurate information on the nature and frequency of protests'. Her research suggests that the ways in which occurrences of protests are quantified and reported are problematic and lead to responses that affect the lives of

lost in relation to protests. As Professor Duncan also refers to, there is an element of bureaucracy involved in applying for gatherings and protests. Municipalities make the processes of applying for gatherings and protests difficult in the efforts to reduce 'violent protests'. Such incidences should not have to result in self-censorship through fear to gather and discuss ways of conveying concerns of concern to affected communities. After 20 years of democracy, the right to protest should be respected and citizens should have confidence that in the event of violence break-

Did you know?

The Constitution of the Republic of South Africa makes it expressly clear that to assemble, demonstrate, picket and present petitions is a right afforded to all who live in South Africa. It only makes the limitation that the right should be exercised peacefully and unarmed. Therefore no one may deny you this right without just cause.

PICKET – means a protest where protesters stand in a particular place to try to stop other from entering (for example non-strikers going to work), or to make sure those entering know what they are protesting about.

MARCH – means walking along public roads in an organised manner in the form of a protest.

PROTEST – An organized public demonstration expressing strong objection to an official policy or course of action.

PETITIONS – means a document that you present asking someone to do something usually signed by a lot of people.

February 2014

Access to Information- Open Letter to Hellen Zille

Below is an open letter written to the Western Cape Premier, Hellen Zille by Eleanor Hoedemaker reiterating concerns on the process of housing allocations in Zille-Raine Heights (Cape Town). Eleanor is a social justice activist and community leader. Over the years she has dedicated her efforts towards advancing the rights and interests of her community. Currently, she serves as the Freedom of Expression Network Coordinator for the Western Cape Province.

Attention: Hellen Zille

It is utterly disgusting how the residents of Zille-Raine Heights are treated. People are forced to break down their structures before receiving their keys. We are not animals but human beings and need to be treated with respect. I believe some will be receiving their keys tomorrow and the same will apply to them. How do you expect people to move into houses which are incomplete? The first lot had time to complete their floors and walls, what made them so special? Remember we have TB sufferers, asthmatics etc. Don't you people feel for the poorest of the poor? We had a scenario where [Name withheld] broke down her structure at 8:30 in the morning, she only received her keys after 8 in the evening. They were 14 altogether and she with her kids and grandchildren were left in the open till the evening. The daughter

and grandchild both are TB patients. There are no plans in place for the non-qualifiers and the saddest part is that people who slept in the open are the ones left behind. The city is supposed to be a caring, inclusive city but it only applies to a certain few. I have vowed to stay with ALL those who don't qualify and I even told the city officials who were throwing their weight around here, they will either carry my corpse out of here or put me in jail as I won't break down till everyone is consulted and know the way forward. When the promise was made on 19 March 2006, it was not said that it will come with conditions.

Eleanor Hoedemaker



Access to information on housing allocations in Cape Town

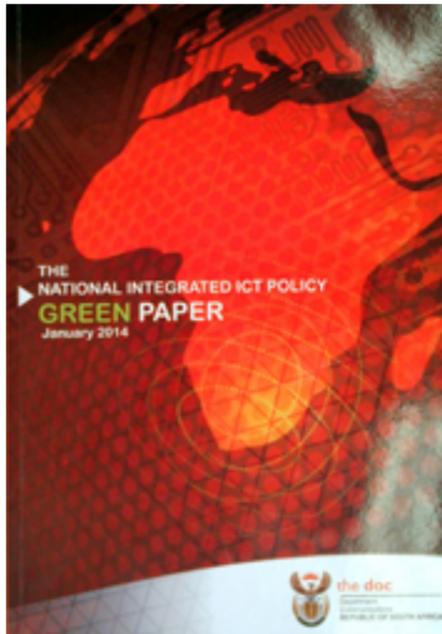
Call for freedom of expression articles

The FXI would like to encourage FXN members to send us their stories related to freedom of expression issues. These stories will be published in the upcoming newsletter issues.

File picture

March 2014

FXI Submission towards the ICT Policy Review



The National Integrated ICT Policy Green Paper

The FXI made a submission towards the review of the National Integrated ICT Policy Green Paper. The policy review resulted from discussions of the relevance of existing policy objectives and principles and what needs to be done to ensure an ICT sector that is responsive to the needs of South Africans. The ICT Green Paper covers a wide range of legislation within the communications sector; including electronic communications, broadcasting services, postal services and e-services.

The FXI submitted comments to-

wards the review of the National Integrated Information Communications Technology Policy Green Paper. The comments of the FXI were limited to two specific issues affecting the promotion of media freedom and development through the ICT policy. The first issue addressed the importance of accurately defining media diversity. It is critical that media diversity is defined by drawing specific attention to the distinction between the diversity of content and the diversity of its sources thereof. Distinguishing these components allows for policy and legislation that effect positive development on specific elements such as the measurement and monitoring of diversity. The second issue highlighted concerns on small commercial and community print media. There is need to promote community print media and legislation affecting community media; the role that the Media Development and Diversity Agency (MDDA) being very critical in this. Also crucial is the support for this segment of small commercial/community print media in ICT policy; which the FXI noted to be absent in the analysis of the significance of this segment in so far as the Green paper is concerned.

Small commercial and community print media are a critical medium for providing low income and mostly rural communities with access to information which affects their daily lives. Therefore planning

for an integrated ICT policy framework must adequately include this segment. These changes affect the kind of structures that will be put in place for information sources, as well as the content received by the public. The FXI encourages FXN members to participate and give their input in the public hearings/consultations that will be held as part of the policy formulation process. The dates will be made available in the upcoming newsletter(s).

April 2014

Elections

During the electoral campaign period, political parties intensified their campaigns as they strived to secure winning numbers at the polls. Through the media, political parties justified their stance of governing the country and why they deserved the votes from the public. During this period, broadcasting stations such as the public broadcaster (SABC) were obliged to air these electoral campaign events and advertisements. Two advertisements in this electoral campaign were deemed as inciting violence by the SABC and were not aired. The concerned parties were told that their ads would only be broadcasted if they adhered to editing the scenes in the ads that incited violence. With the occurrences of these incidences, the role of ICASA, the Electoral Code of Advertising

Conduct and the Code of Advertising Standard Authority of South Africa has become more critical in ensuring that there is clarity in how political advertising ought to be conducted and what content may or not be produced and aired. Also reinforced was the need to ensure that there is tolerance by the regulators and between political parties in future electoral campaigns.

Elections are the ultimate opportunity for citizens of to express themselves through their decision on who governs them. Therefore, this fundamental exercise should be supported adequately by allowing the free flow of information on which decisions are based. In a democracy, this is vital for strengthening rights such as freedom of expression; as well as exercising tolerance among various political parties and the governing bodies involved.



Citizens casting their votes

Editorial

The first edition of Khulum'uDwakale covers a range of issues and events that have occurred over the past few months highlighting the current freedom of expression environment in South Africa. As this is an introductory edition, the opening article on the freedom of expression legacy of former President Mandela is an appropriate beginning to this newsletter. The difference is apparent between the vision of freedom of expression held by Mandela and realities portrayed in the articles on the right to protest and police brutality (January, 2014), housing and access to information (February, 2014) and tolerance of free expression during elections (April, 2014). However, while there may have been steps backwards in the exercise of freedom of expression, the efforts of government in trying to realign communications policy is a notable step forward (March, 2014). In short, this back and forth approach is the prevailing trend that characterizes the fight for the realization of a society in which everyone has the right to freedom of expression. In taking freedom of expression forward, Khulum'uDwakale will help give your concerns an audience. We hope that more and more people contribute to the success of this newsletter by sharing your ideas on free expression, opinions and experiences in your communities.

File picture

Events

This section highlights the events planned by the FXI in various provinces. These include steering committee meetings and training sessions with FXN members and participation in marches and pickets relevant to freedom of expression. Events organized by other organizations and groups can also be highlighted in this section by submitting information on the type of event, focus, date, time and contact details of coordination organization or group. We urge the FXN to participate where there are meetings and upcoming events.

Past events

- On the 21st of March (Human Rights Day), the FXI joined the Right2Know Campaign at the Johannesburg Central Police in support of a gathering against the increasing incidences of police brutality.
- On the 10th of April a FXN steering meeting and skills training event was held in Johannesburg, Gauteng
- On the 16th of April a FXN steering meeting and skills training event was held in Mmhlango, Limpopo.

Upcoming events

Type of Event	FXN Capacity building	FXN Capacity building
Activity	Technical and legal skills training	Technical and legal skills training
Date	27 May 2014	3 June 2014
Province	North West	Freestate

Submit your article for the next issue

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