

Annexure 2: Key references from South Africa's Constitution (Act 108, 1996)

Chapter 2: Bill of Rights

Freedom of expression

Section 16

- (1) 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.

- (2) The right in subsection (1) does not extend to -

- (a) propaganda for war;
- (b) incitement of imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Language and culture

Section 30

Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

Cultural, religious and linguistic communities

Section 31

- (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community -
- (a) to enjoy their culture, practise their religion and use their language; and
 - (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

- (2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

Access to information

Section 32

- (1) Everyone has the right of access to -
- (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

Chapter 9
Independent Authority to Regulate Broadcasting
Broadcasting Authority
Section 192

National legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.

Chapters 3-7

Provide for ordinary citizens' access to information on all levels of governance.