The Law Regulating the Press
Outcomes

- Discuss the role of the press in South Africa as compared with the United States of America, Great Britain and Germany
- Discuss the constitutional right to press freedom in terms of Section 16 (1) (a) of the Constitution
- Discuss the term “journalistic freedom” i.e. the right to receive and impart information and ideas; the right to receive information and ideas and the right to gather information
- Compare and contrast the principles and considerations of public interest in favour of the disclosure of the identity of a journalist’s source of information and those principles and considerations against disclosure
- Compare and contrast the interests in favour and those against compelling an editor to disclose his sources
- Discuss the terms “investigative journalism”, “cheque-book journalism” and “cross-ownership”
- Discuss the main guidelines as adopted by the South African Press Code and which guidelines are considered by the Press Ombudsman and Appeal Panel
What is the role of the press?

The press serves an important role in providing the individual with information on a wide range of topics, supplies information of a political nature; provides entertainment; fulfils a cultural role; articulates public opinion and roots out corruption and malpractice in society generally.
Constitutional right to freedom of the press

Section 16 of the constitution protects the right to freedom of the press which includes the right to receive and impart information and ideas; the right to receive information and ideas; the right to gather information and the right to impart information and ideas.
Journalistic Freedom

Journalistic or internal freedom is regulated contractually between journalists, editors and proprietors and specific guidelines are generally laid down by the specific newspaper. Journalists have the right to protect their information sources except where a treasonable act or an unnatural death is caused and they might have information for the police. There are many advantages as well as disadvantages for compelling disclosure of information by journalists.
... the especially important role of the media.... must in my view be recognised

Cameron J in Holomisa v Argus Newspapers 1996 (6) BCLR 836 W
The SA Press Code

- SA Press Code is a self-regulating method of ensuring free press and an accountable and responsible press.
- Press Code provides a number of guidelines for journalists such as obliging journalists to report the news honestly, truthfully and fairly; verifying sources; seeking views of the subject of serious critical reportage in advance of publication; sensitivity on publications involving indecency; protecting identity of rape victims, protecting individuals right to privacy, etc.
Role of the press in SA vs other countries

- USA – free speech (First Amendment) & free press but freedom is not absolute
- Germany – free speech (Article 5) & free press – Federal Court has found free press to be essential element of a liberal state
- UK – no constitutional entrenchment of free speech but common law gives freedoms – the adoption of European Convention of Human Rights & fundamental Freedoms has given more emphasis to freedom of press