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UNDER SIEGE

Mapping threats to the media in South Africa

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EXECUTIVE SUMMARY

This report provides an in-depth examination of the multifaceted threats facing media freedom in South Africa, tracing the evolution from the colonial era through apartheid to the contemporary democratic dispensation.

The analysis reveals that while South Africa maintains robust constitutional protections for press freedom (ranking 27th globally according to Reporters Without Borders), the media landscape faces unprecedented challenges across five critical domains: legal and regulatory constraints, political and institutional pressures, economic vulnerabilities, digital disruptions, and societal hostilities.

On the legal and regulatory front, there are four problematic Bills and Acts under review. The Cybercrimes Act, which creates offenses related to cybercrime, imposes obligations to report cybercrimes, and criminalises the disclosure of certain “harmful” data messages, is the first problematic piece of legislation under review. It lacks any override for communications that are intentionally published in the public interest particularly by members of the media who may seek to report on these communications. The Protection of Personal Information Act (often called the POPI Act or POPIA) of 2013, has been abused by politicians or government officials who attempt to wriggle out of scrutiny over shady decisions they make on government tenders. It is often used to frustrate and delay the work of investigative journalists when they send media inquiries regarding instances of alleged corruption cases under the Promotion of Access to Information Act 2 of 2000.

The third problematic legislation is the Prevention and Combating of Hate Crimes and Hate Speech Act of 2023 which has a broad definition of “hate speech”. It has potential to stifle open dialogue in sensitive issues of race, especially in a country like South Africa with a deeply racial past. Finally, under review is the Regulation of Interception of Communications and Provision of

Communication Related Information Act 70 of 2002 (RICA), which was declared unconstitutional by the Constitutional Court in 2021, after security agents used the law to illegally spy on investigative journalist Sam Sole of amaBhungane Centre for Investigative Journalism. Parliament has however failed to finalise the amendment process which required that there must be a clause for disclosure to a judge that the person who is intended to be surveilled is a practising journalist or defence lawyer.

Strategic Litigation Against Public Participation (SLAPP) suits, first recognised in South Africa in a landmark judgement delivered on February 9, 2021, by Deputy Judge President Patricia Lynette Goliath, are becoming a regular method that bad actors use to bully and intimidate journalists and human rights defenders.

Economic challenges are threatening the survival of the South African media, with almost every media house being forced to retrench or restructure in recent years due to financial challenges. In June 2025, *Media24* announced restructuring plans which saw the closure of the print editions of Beeld, Rapport, City Press, Daily Sun and Soccer Laduma. Media24 also shut down the digital (PDF) editions of Volksblad and Die Burger Oos-Kaap as well as the digital hub SNL24. In September 2024, Daily Maverick announced restructuring plans that would affect at least about 5% of its permanent employees. The Independent Media Group also announced 259 jobs were at risk following a round of retrenchment that saw 141 employees laid off in 2023. In May 2025, Mail & Guardian informed its staff it was initiating a process of retrenchment. Out of a newsroom that employs just 25 permanent staff, approximately half have lost their jobs.

The South African media landscape is also experiencing challenges emanating from social networking burnt-out such as Google and Meta. In February 2025, the Competition Commission of South Africa examined how algorithms and dominance of Google and Meta platforms divert financial value and undermine content generated by the South African media outlets. It determined that the financial value of South African media that Google potentially destroyed in a 14-year period amounts to R300-R500 million. On a positive note, the commission in November 2025 announced a series of concessions from global tech platforms, including a 688-million-rand (\$40 million) media support package agreed with Google and YouTube, following an investigation into the sector. The development provides hope for the ailing media which has struggled to monetise its content.

South African female journalists have also been experiencing gendered attacks. The online harassment journalists are subjected to include trolling, baiting, doxxing and automated attacks from Twitterbots. The major initiators of the attacks are elected government officials and political leaders, offended by critical reportage.

SUMMARY OF MAJOR FINDINGS

Although the identified laws militating against the media, were not necessarily passed to target journalists and their work, the unintended consequences are that they create a chilling effect that discourages the media from covering stories that are essential for democracy. The use of SLAPP suits by those who abuse court processes also has a devastating impact for media workers. This usually comes at a cost because regardless of the outcome of the legal challenge, fighting SLAPP suits requires the commitment of time and resources. Journalists are often taken away from doing journalism and forced into assisting with the preparation of court documents. Aside from the time taken away from their jobs, media houses are also forced to carry steep legal fees.

The impact of economic threats has led to newsrooms to operate on a burnt-out workforce and with minimal resources to pursue stories. The weakening of newsrooms has led to news outlets being over-reliant on press releases and journalists struggling to do stories that are well researched, especially with demanding deadlines. The impact of economic pressures leads to newsrooms avoiding certain topics out of fear to fight drawn out legal battles with politicians, government departments and private institutions.

Some of the challenges emanating from social networking platforms such as Google and Meta have been devastating because Google's algorithm distorted competition between news media organisations insofar as it over-represents global news media in South Africa for search and Top Stories and under-represented vernacular and community media. The gendered harassment that female journalists experience has led them to increasingly become weary of attending events of some political parties because of personal safety fears. A careful analysis of the patterns and the scale at which journalists are harassed shows that journalists are under attack from all fronts. It has become increasingly dangerous to become a journalist in South Africa.

CORE RECOMMENDATIONS

Considering all the threats facing media workers, the following recommendations are necessary to redress these challenges. For policymakers/ governments; there is a need to review laws that enable censorship or Acts with clauses that have broad definitions which temper with freedom of expression and the media. For whistleblowers, there should be a dedicated institution to oversee the implementation of existing legislation, or coordination and collaboration of efforts focusing on abuse protection and support of whistleblowers. Finally, the Information Regulator of South Africa should educate government counterparts about the responsible use and application of the POPIA Act and PAIA.

For civil society and media, there is a need to expand access to pro bono legal support to media workers and human rights defenders to be able to fight against SLAPP suits and intimidatory tactics. There is also a need to create a coordinated legal defence fund and emergency hotline for journalists facing harassment. Technological companies such as Meta and Google should ensure that their algorithms do not undermine audience reach for different media platforms, which leads to loss of advertisements and revenues.

The companies should ensure that news publishers have the option to opt-out of AI summaries and do away with technological choices that block or discourage traffic referral to websites of newsrooms or publishers. Donors should assist by providing funding for independent news organisations, training programmes for journalists, assistance for those facing legal threats and advocacy campaigns aimed at influencing policy changes to broaden and protect media freedom.

INTRODUCTION

Media freedom constitutes the cornerstone of democratic governance, serving as a vital mechanism for accountability, transparency and informed public discourse.

This principle is enshrined in Section 16 of South Africa's 1996 Constitution, which protects freedom of the press, the right to receive and impart information, as well as artistic and academic freedoms. This constitutional protection has fostered a culture of holding power to account, and yet the ability to exercise this right increasingly faces repression and threats; some subtle, some aggressively anti-democratic and unconstitutional.

The primary objective of this report is to identify, analyse and offer guidance on mitigating these challenges. The report's scope is focused on the South African context, examining the evolution of media threats from colonial, pre-democracy to the current landscape.

The methodology used in this report primarily involves a discourse analysis of existing literature, reports from organisations such as Reporters Without Borders (RSF), Intelwatch, Amnesty International South Africa, the Campaign for Free Expression (CPE), the Committee to Protect Journalists (CPJ), Media Monitoring Africa (MMA), the South African National Editors' Forum (SANEF), and the Competition Commission South Africa. It also draws on landmark court judgments, academic studies and journalistic articles for specific incidents and cases. The report's geographic scope is exclusively South Africa, with a thematic focus on the various threats impacting media freedom and the responses to these threats.

DEFINITIONS OF KEY TERMS

Independent Media: Media organisations that operate free from direct government or corporate control, often relying on diverse funding sources to maintain editorial autonomy.

Media Freedom: The ability of media outlets and journalists to report, publish, and disseminate information and opinions without fear of censorship, intimidation, or reprisal from state or non-state actors.

Strategic Litigation Against Public Participation (SLAPP) suits: Legal actions, often defamation claims, filed to intimidate and silence critics (such as journalists, activists and academics) who speak out on issues of public interest.

General Intelligence Laws Amendment Bill (Gilab): A proposed South African law seeking to restructure the State Security Agency (SSA) into two separate domestic and foreign intelligence agencies.

Cybercrimes Act of 2020: A South African Act (effective from May 26, 2021) that creates offenses related to cybercrime, imposes obligations to report cybercrimes, and criminalises the disclosure of certain "harmful" data messages.

Prevention and Combating of Hate Crimes and Hate Speech Act of 2023: A South African Act (signed into law in May 2024) aimed at addressing hate crimes and speech.

Protection of Personal Information Act (POPIA) of 2013: A South African Act (effective from July 1, 2021) that sets minimum requirements for the processing of personal information by public and private bodies.

Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 (RICA): A South African law regulating the interception of communications.

HISTORICAL CONTEXT

This section aims to unpack the historical context of the media and accompanying threats. Thus, these historical threats will be examined through two significant phases of South Africa's history: colonial era and the apartheid era.

COLONIAL ERA

The first newspaper in South Africa was the *Cape Town Gazette and African Advertiser*, launched on August 16, 1800 by Alexander Walker and John Robertson. The content was restricted to government proclamations and public notices. About two decades later, a non-government *South African Journal and the Nederduitsch Zuid-Afrikaansche Tijdschrift* loosely translated as *Netherlands South African Magazine* was established in December 1822. This paper, run by poet and writer Thomas Pringle and a Dutch clergyman, Dr Abraham Fourie, appeared in English and Dutch from March 1823. The South African Journal was closed after it published an article critical of Governor Somerset. Pringle was bluntly warned to cease publication or face the consequences. However, the Dutch edition lasted for nearly 20 years and avoided topics of politics and social controversy until its demise in 1843. Meanwhile, Pringle also persuaded his close friend John Fairbairn, an experienced writer and journalist, to join him to set up *The South African Commercial Advertiser*, which first appeared on January 7, 1824. It is generally considered to have been the first independent South African newspaper.

About eight months later, on August 18, 1824, *The South African Chronicle and Mercantile Advertiser* appeared and was published until 1826. The paper was a government

mouthpiece that reflected the views of Governor Somerset and deflected any criticism of the colonial government at the Cape. In stark contrast Somerset allowed his propagandist paper to continue, while he vehemently opposed Pringle's publication that resulted in the publication's early closure. Pringle reportedly refused to continue publication unless the press was protected in accordance with well-established British traditions of press freedom. On May 8, 1829, the press was freed from the control of the governor and his council with the proclamation of Ordinance 60 of 1829.¹

In a recently published book, *Reconsidering the History of South African Journalism: The Ghost of the Slave Press*, author and journalism professor Gawie Botma argues, "What I found during my research was the sobering fact that several of the owners, editors, publishers and printers of around 16 early newspapers and magazines between 1800 and 1838 were slave owners themselves. In addition, the publications they were involved with regularly published advertisements and notices to enable the slave trade as well as to recapture enslaved people who absconded... Walker and Robertson were men of many interests, who in addition to being wholesale merchants on a large scale, were slave-dealers dealing in as many as six hundred slaves in a single consignment."²

1 Hilton Robert Kolbe. (2005). *The South African print media: from apartheid to transformation*. Available at https://ro.uow.edu.au/articles/thesis/The_South_African_print_media_from_apartheid_to_transformation/27828705?file=50592420

2 Gawie Botma. (2025). *South Africa's earliest newspapers made money from slavery: book offers new evidence*. Available at <https://theconversation.com/south-africas-earliest-newspapers-made-money-from-slavery-book-offers-new-evidence-262376>

Several newspapers appeared in the wake of Ordinance 60 of 1829. The *South African Commercial Advertiser* expanded to the Eastern Province and because it was deemed 'liberal', Dutch trekkers did not welcome its expansion. In response, *The Graham's Town Journal* was established and sought to fend off criticisms of the Afrikaners from the liberal newspaper in Cape Town. In addition, *De Zuid Afrikaan* was launched to "defend the good name of the Dutch" and opposed what the settlers viewed as the "radicalism of the negrophilist philanthropists."³

By 1840, the South African press had grown to seven newspapers and nine printing houses from the origins of the four small newspapers publishing in Cape Town in 1826. By 1881 the Colonial Office in Cape Town had registered more than 125 assorted journals and newspapers. Appearing in the early 1900s as colonial rule subsided were the influential *Rand Daily Mail* (1902-1985), *Sunday Times* (1906) and *Die Burger* (1915).⁴ The *Cape Argus* and the *Cape Times* remain the major English newspapers in the Western Cape and *Die Burger* is one of the most popular Afrikaans newspapers.

BLACK AND ALTERNATIVE PRESS

The development of a black press, largely independent of religious and other influences, began in 1884 with the establishment of *Imvo Zabantsundu* (The People's Voice) established by Jo Tengu Jabavu in the Ciskei, Eastern Cape. By the late 19th Century, several newspapers under Bantu control were publishing but most didn't last long in business and are hard to trace. In 1912, *Abantu-Batho* was launched in Johannesburg and the newspaper became an official organ of the South African Native

National Congress (SANNC) which later renamed to be the African National Congress (ANC).

The paper primarily aimed to mobilise for change in the oppressive conditions that black South Africans were living under and popularised political slogans such as 'Mayibuy' iAfrika'. The newspaper gained so much traction that the Chamber of Mines established *Umteteli wa Bantu* to counter the narrative of the paper. The establishment of *Umteteli wa Bantu* in May 1920 was an exercise of soft power. In its first issue, the paper stated its vision to ensure that there is understanding between white and black people. Essentially, *Umteteli wa Bantu* became "a prototype of the captive black commercial publications that gradually replaced the independent African protest press between the 1930s and 1950s."⁵

ROLE OF THE MEDIA DURING APARTHEID

The Afrikaner press was a creation of Afrikaner political aspirations, established by the National Party to spread its message and strengthen its power base. Unlike a lot of the English papers, none of the nationalist newspapers began as commercial ventures. *Zuid-Afrikaan*, which called for recognition of Dutch instead of Afrikaans, suffered from its competition *Die Burger* until it folded in 1930. Another rival was *Di Afrikaanse Patriot*, with the first issue published on January 15, 1876. The newspaper took an anti-English, anti-capitalist and anti-imperialist stance. The newspaper used a version of Afrikaans that was accessible to ordinary Afrikaners with some labelling it a 'kitchen language'. Published as a monthly from January 1876, the paper became so successful that it became a weekly in January 1877 and in 1892, the paper started to lose readership

3 Ibid.

4 Ibid.

5 Sisanda Nkoala (2012). *Early South African Black Press: Abantu-Batho and Umteteli wa Bantu*. Available at <https://revolutionarypapers.org/teaching-tool/early-south-african-black-press/>

after its editor had begun to endorse Cecil John Rhodes in the Rhodes' battle against Paul Kruger, who was the president of the Transvaal.⁶ The two were bitter rivals as Rhodes made his fortunes through diamond mining and was the supporter of the unification of South Africa under the British rule while Kruger was the supporter of Boer independence.⁷

Those based in the Cape formed Nasionale Pers (Naspers) in 1914 while the northern interests formed Perskor. The two houses clashed economically and ideologically. To advance their ideological differences, they needed the media. Naspers, linked to Willie Hofmeyr, Sanlam and the Cape NP, established a number of outlets such as *Het Volksblad*, *Beeld* and *Die Burger*. Perskor would go on to publish *Die Transvaler*, *Die Vaderland*, *Oggenblad*, *Volkshandel* and *Inspan*. The first edition of *Die Transvaler* appeared on October 1, 1937. An editorial in the first issue, on 'The Jewish Question from the Nationalist Point of View', written by Verwoerd, attacked Jews for 'meddling' in Afrikaner financial affairs and called for them to be deported. The paper used derogatory words to describe black people and had problems attracting advertising. The paper was also in competition with *Die Vaderland*, the Transvaal evening newspaper that ran until 1998. The newspaper provided massive support for the National Party in the run-up to the 1953 general election, in which the party increased its support. The *Transvaler* campaigned for South Africa to be declared a republic on 31 May 1961.⁸

With half of the Afrikaans readership living in the north, Naspers sought to expand its footprint in the Transvaal and Free State. It decided to launch *Die Beeld* as a Sunday newspaper in 1965, which threatened *Dagbreek* and Perskor's virtual monopoly

of Afrikaans newspapers in the north. *Beeld* merged with *Dagbreek* to become *Rapport* in 1970 and proved to be popular, becoming the Sunday paper with the second largest circulation after the English *Sunday Times*. Facing fierce competition after the launch of the daily *Rapport* in September 1974, *Die Transvaler* underwent a liberal transformation of its image. "For the first time in years the paper's main emphasis was not on political matters but on news, however controversial and sensational at times." As the political climate was changing in the country, it emerged that the South African Department of Information had been conducting a secret propaganda war to sell apartheid to the world. The multi-million-dollar campaign ran for six years and used public funds, without the knowledge of Parliament, to influence the media, politicians in Europe and the U.S.⁹

The apartheid years saw the introduction of many restrictive laws that operated in combination with a variety of other equally repressive measures. In total, these curtailed freedom of speech and the way in which the press was allowed to report on prohibited gatherings. Under the Defence Act 1957 it was an offence to advise, support or encourage the aims of communism and provisions for the banning of newspapers considered to be advocating change. The law was so vague it cast a wide net that resulted in several newspapers being banned or shut down during the 1950s and 1960s. This manifested itself in 1952, when Prime Minister Danie Malan moved to silence the voices of criticism and dissent by banning South Africa's Communist Party-controlled newspaper, *The Guardian*. From it developed the *Advance*, which was also banned two years later, and then reappeared in various forms as *New Age* which was outlawed in 1962. Other minor newspapers that could loosely be defined as the alternative press in the 1960s all met the

6 South African History Online. (2018). *Afrikaner Newspapers and the newspaper industry from 1830*. Available at <https://sahistory.org.za/article/afrikaner-newspapers-and-newspaper-industry-1830>

7 South African History Online. (2011). *Second Anglo-Boer War 1899-1902*. Available at <https://sahistory.org.za/article/second-anglo-boer-war-1899-1902>

8 Ibid. South African History Online. (2018).

9 Ibid. South African History Online. (2018).

same government resistance. The Unlawful Organisations Act (No 34 of 1960) and amendments led to the Internal Security Act that enabled the State President to declare “anybody, organisation, group or association of persons, institution, society or movement” as an unlawful organisation. As a result, it became an offence to publish the names or anything written or said by a person or persons banned under the provisions of the Act.¹⁰

Maria Armoudian in the excerpt of *Kill the Messenger: The Media’s Role in the Fate of the Word*, argues that in the 1980s some Afrikaans-language press, such as the alternative *Vrye Weekblad*, became “outspoken, vigorous, and courageous

anti-apartheid.” This change was contagious, and even the staunch, loyalist mouthpiece of the apartheid government, *Beeld*, began to change tune by urging the government to release Nelson Mandela from prison and do away with apartheid. Armoudian highlights that without the significant role of the press, it would have been impossible to mobilise the international community to challenge the racist, apartheid system. “The anti-apartheid activists decisively won that war, particularly in the international media, through press, television, radio, books, theatre, and music. Their war of words persuaded leaders throughout the world to take actions that collectively, along with the internal battles, caused the change.”¹¹

10 Ibid. South African History Online. (2018).

11 Armoudian, A. 2013. Media and the End of Apartheid in South Africa. Available at: <https://truthout.org/articles/media-and-the-end-of-apartheid-in-south-africa/>.

CURRENT LANDSCAPE

The media landscape in South Africa has gone through rigorous changes from the advent of democracy, and with that, threats to journalists and media houses have become more dynamic and complex.

The media threats under review in this section include digital attacks, legal challenges, physical threats and economic pressures that the media industry continuously faces.

LEGAL AND REGULATORY THREATS

South Africa is one of the top countries where freedom of the press is robust. Out of the 180 countries where Reporters Without Borders (RSF) monitors freedom of the press, South Africa ranked 27, in 2025.¹² It is the highest-ranking African nation followed by Namibia at 28. Part of the reason freedom of the press in the country remains robust is attributed to its 1996 Constitution, particularly Section 16 which guarantees freedom of the press and other media, freedom to receive or impart information or ideas, freedom of artistic creativity and academic freedom and that of scientific research. However, this freedom is not absolute. Rightfully so, the Constitution limits this right from anyone who wants to propagate war, incite imminent violence against another or advocacy based on hatred towards other people's race, ethnicity, gender or religion.

As such, the RSF observes that journalists are "rarely" arrested for their work and the media has established an impressive culture of holding power to account, regardless of how connected an individual is. This, however, does not mean that journalists in the country are not subjected to abuses and harassment from government officials, politicians and private corporations who intimidate those who hold

them to account. When bad players attempt to harass journalists for their work, the South African judiciary system becomes the last resort to shield and vindicate the media against those who attempt to stifle freedom of the press and freedom of expression.

There has been an increase in the pattern of bad actors instituting repressive tactics such as online attacks, SLAPP suits and defamation cases against journalists. Apart from the courts, what shields journalists from potentially repressive laws is the thorough process it takes to pass a law in South Africa. Before a Bill is passed into law, it undergoes a robust, democratic process. A department or ministry first drafts a Green Paper, which provides the general thinking that informs a particular policy. The relevant government department proposing a draft law is required to gazette the proposed policy document and allow for the public (composed of different stakeholders) to comment on the draft Bill. The stakeholders will scrutinise the draft Bill and provide detailed feedback, which the concerned department should not downplay but should thoroughly address. At this point, the draft Bill will be a White Paper, meaning it is ready to be introduced to Parliament by a minister, deputy, a parliamentary committee or an individual Member of Parliament (MP). The MPs representing various political parties will also debate the Bill and if there is need they will send it back to the relevant ministry for amendments. Once this has been addressed and approved by Parliament, it then goes to the President for assent to become an Act.¹³

¹² Reporters Without Borders (RSF). World Press Freedom Index (South Africa). Available at: <https://rsf.org/en/country/south-africa>.

¹³ Parliament of South Africa. (n.d). *How a Law is Made*. Available at <https://www.parliament.gov.za/how-law-made>.

To demonstrate the power of public participation, a troubling Bill, the General Intelligence Laws Amendment Bill (Gilab), which sought to restructure and break apart the State Security Agency (SSA) into two separate departments: the Foreign Intelligence Service (FIS) charged with intelligence gathering and the Domestic Intelligence Agency (DIA), responsible for counterintelligence as well as gathering of domestic intelligence was delayed because of public concern¹⁴. Separating the SSA into two departments was not necessarily the problem, the key concern— as *Intelwatch's* 2023 briefing note observed— was that the Bill had a broad definition of national security threats. It also seeks authorisation for bulk interception of communications.¹⁵ In short, the main concerns of the Bill had to do with its problematic definitions “*national security*” and “*opportunity or potential opportunity*” were circular definitions which relied on themselves within the same context, creating an endless loop of interpretation¹⁶, mandatory vetting of any person and non-compliance with a Constitutional Court judgement. Civil society and interested parties made submissions to Parliament, which listened to the people and considered the submissions. On 28 March 2025, the President signed the Gilab into law with substantial changes as submitted by the public.¹⁷

By virtue of this process, draft Bills in South Africa are not initiated with the sole intention to curtail the freedom of the press and freedom of speech. Usually, it is meant to address a genuine concern, where the law is inadequate to address an identified issue. Be that as it may, there are bills and Acts that inadvertently have potential to curtail freedom of the media. These include;

- Cybercrimes Act,
- The Protection of Personal Information Act and Promotion of Access to Information Act 2 of 2002,
- The Prevention and Combating of Hate Crimes and Hate Speech Act, 2023, and;
- The Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002 (RICA).

These identified Bills and Acts are not problematic entirely. They however contain clauses that overtime may pose threats to media freedom because their scope or definitions are broad, thus creating a loophole that encroaches on the freedom of the press and expression. RICA, declared unconstitutional by the Constitutional Court, is arguably one of the prominent problematic laws. Its constitutionality was challenged by Stephan “Sam” Sole of amaBhungane Centre Investigative Journalism after he became suspicious that he had been a victim of state surveillance. This conduct was authorised by a judge without his knowledge. On February 4, 2021, the Constitutional Court ruled in Sole's favour on the grounds that RICA made no provision for the surveilled person to be informed that they had been subject of state surveillance. The Executive is solely responsible in deciding who is appointed as a judge and for how long (and this obviously makes the judge's independence questionable). The court also found that the RICA made no provision to ensure that the subject of surveillance is protected in the *ex parte* application process. The law also lacks adequate measures to safeguard the examination, copying, sharing, sorting through, using and destroying or storing the information obtained through

14 The Presidency of South Africa. 2025. *PRESIDENT RAMAPHOSA ASSENTS TO GENERAL INTELLIGENCE LAWS AMENDMENT BILL*. Available at <https://www.thepresidency.gov.za/president-ramaphosa-assents-general-intelligence-laws-amendment-bill>.

15 Intelwatch. 2023. Briefing note: General Intelligence Laws Amendment Bill (GILAB). Available at <https://intelwatch.org.za/2023/11/17/briefing-note-general-intelligence-laws-amendment-bill-gilab/>.

16 FW de Klerk Foundation. (2024). *The Gilab; the problems and solutions*. Available at <https://fwdeklerk.org/the-gilab-problems-and-solutions/>

17 See 'General Intelligence Laws Amendment Bill' at https://static.pmg.org.za/B40B-2023_General_Intelligence_Laws.pdf

surveillance, and it also fails to provide any special circumstances where the subject of surveillance is a journalist or practising lawyer.

To prevent undue surveillance on those acting in the public interest and other identified shortfalls of the Act, the court ordered that the Act should be revised so that there is a clause for disclosure to the judge that the person who is intended to be surveilled is a practising journalist or practising lawyer. The judge should allow such surveillance when they are satisfied that it is essential to do so. The judgement makes it clear that:

“If the designated Judge issues the direction, extension of a direction or entry warrant, she or he may do so subject to such conditions as may be necessary, in the case of a journalist, to protect the confidentiality of her or his sources, or, in the case of a practising lawyer, to protect the legal professional privilege enjoyed by her or his clients.”¹⁸

The order of invalidity was suspended for three years (which expired in March 2024) to allow Parliament to make relevant amendments to the Act. In November 2024, Parliament passed and sent the revised Bill to President Cyril Ramaphosa to assent and to sign it into law. However, the President objected to sign it into law arguing:

“The Bill remains unconstitutional insofar as decisions in terms of section 25A(2) (b) of the draft law may lead to a subject of surveillance never being notified of

the surveillance [and] the legislation is deficient insofar as no review is possible of a decision in terms of section 25A(2)(b) to indefinitely suspend post surveillance notification obligations. The President also wishes to see the legislation provide adequate safeguards to address the fact that interception directions and notification suspension applications are sought and obtained ex parte (in the interests of one side or party only).”¹⁹

On May 26, 2021, President Ramaphosa signed the Cybercrimes Act of 2020, which aims to create offences that have a bearing on cybercrime and impose obligations to report cybercrimes and criminalise the disclosure of data messages, among others.²⁰ There are many grave concerns with the Act. In their 2022 joint submission report to the Human Rights Council, Amnesty International South Africa, the Campaign for Free Expression (CPE), the Committee to Protect Journalists (CPJ), Media Monitoring Africa (MMA) and the South African National Editors' Forum (SANEF) noted:

“The Act is a problematic and potentially malicious piece of legislation in several respects. These include the lack of any public interest override for communications that are intentionally published in the public interest, the interests of justice or that are already in the public domain, particularly by members of the media who may seek to report on these communications...”²¹

One of the troubling consequences of this Act

18 Southern African Legal Information Institute. 2021. *AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v AmaBhungane Centre for Investigative Journalism NPC and Others*.

19 South African Government. 2024. *President Cyril Ramaphosa refers RICA Amendment Bill to National Assembly*. Available at <https://www.gov.za/news/media-statements/president-cyril-ramaphosa-refers-rica-amendment-bill-national-assembly-21-nov>.

20 Giles, J. 2021. *The practical impact of the Cybercrime Act on you*. Available at <https://www.michalsons.com/blog/the-practical-impact-of-the-cyber-bill-on-you/25300>.

21 Amnesty International South Africa, Campaign for Free Expression, Committee to Protect Journalists, Media Monitoring Africa and South African National Editors' Forum. 2022. Joint submission for the 41st Session of the Universal Periodic Review Working Group, *AFR 53/5467/2022*.

for media houses and journalists is Section 3(1)²². If law enforcement finds a journalist in possession of data that they believe was acquired unlawfully by anyone (say a source), and you cannot explain it (perhaps trying to protect the source), you could be fined or imprisoned for five years. The onus is reversed, which means that journalists have to prove their innocence.²³ The Act creates a chilling effect and discourages the media from covering stories that are essential for democracy. To mitigate the consequences of this Act, the Press Council of South Africa proposes the inclusion of a public interest defence that would safeguard journalists and media practitioners when they report on sensitive issues that may otherwise fall under the Act's restrictions.²⁴

Another piece of legislation under review is the Prevention and Combating of Hate Crimes and Hate Speech Act of 2023, signed into law on May 14, 2024. The Act, meant to address hate crime and hate speech, sparked debates about its potential consequences to suppress freedom of expression in the country. Its main criticism is rooted in the fact that it has a broad definition of "hate speech". Section 4(1) defines hate speech as anyone who intentionally publishes anything that could reasonably be construed to demonstrate a clear intention "to be harmful or to incite harm; and promote or propagate hatred..."²⁵ Its critiques fear that the Act has a potential to stifle open dialogue²⁶ despite the fact that

Section 4(2) of the Act clearly stipulates that freedom of expression as enshrined in the Constitution, is protected.

The last Act under examination is the Protection of Personal Information Act (often called the POPI Act or POPIA) of 2013. Some of its final sections became effective on July 1, 2021.²⁷ The Act seeks to promote the protection of personal information processed by public and private bodies and to establish minimum requirements for the processing of personal information. This Act is often evoked when media houses send requests to government departments or private institutions doing business with government. The requests are sent through the Promotion of Access to Information Act (PAIA) 2 of 2000, which gives effect to the constitutional right to access information held by the State and any information held by another person that is required for the exercise or protection of any rights.²⁸

However, a grave concern has been how government departments use the POPI Act as a tool to shield politicians from being held accountable and frustrate and delay the work of investigative journalists when they send media inquiries regarding instances of alleged corruption cases. AmaBhungane's advocacy coordinator, Caroline James, has extensively documented their experience on how public agencies often refuse with information that the public has a right to

22 See 'Act No. 19 of 2020: Cybercrimes Act, 2020' available at https://www.gov.za/sites/default/files/gcis_document/202106/44651gon324.pdf

23 Ibid.

24 Smith, J. 2024. *Media and the law: legislation that affects journalists*. Available at <https://presscouncil.org.za/2024/08/28/laws-that-threaten-journalists/>.

25 See 'Act No. 16 of 2023: Prevention and combating of Hate Crimes and Hate speech Act, 2023' available at https://www.gov.za/sites/default/files/gcis_document/202405/50652preventionandcombatingofhatecrimesandhatespeech162023.pdf

26 See "section laws affection press freedom and freedom of expression". International Press Institute. 2025. *Press Freedom in South Africa: a resource guide of national, regional and international laws, mechanisms and frameworks*. Vienna, Austria: International Press Institute.

27 See 'The Protection of Personal Information Act (often called the POPI Act or POPIA) of 2013' available at https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of2013protectionofpersonalinforccrect.pdf

28 See 'Promotion of Access to Information Act 2 of 2000' available at https://www.gov.za/sites/default/files/gcis_document/201409/a2-000.pdf

know. For instance, amaBhungane sent two requests under the PAIA to PetroSA and every time, James argues, they were stonewalled. As a result, they approached the Information Regulator (a new body charged with overseeing public and private bodies' compliance with PAIA), and for the first time, amaBhungane learnt that PetroSA refused to be transparent because the names of its diesel suppliers and volumes it procures are "commercial sensitive" and confidential.²⁹ James eloquently argues that, "State entities are obliged to respond to PAIA requests and to provide the information sought unless clear grounds exist to refuse the request. All requests are also covered by a 'public-interest override' as the Act states that even where there are grounds to refuse a request – to protect commercial confidentiality, for example – if there is a significant public interest in the information and there is evidence of a 'substantial contravention of the law' or an 'imminent and serious public safety or environmental risk', the information must be disclosed."³⁰

POLITICAL AND INSTITUTIONAL THREATS

There is a legal phenomenon that has become one of the main legal tools to silence and intimidate civil society advocates, human rights defenders, academics and journalists who are acting in the public interest. This phenomenon is called Strategic Litigation Against Public Participation or SLAPP suits, a lawsuit (or threat of a lawsuit), typically a defamation claim, filed by powerful entities such as corporations, politicians and wealthy individuals. SLAPP filers are generally not interested in monetary compensation to vindicate their claims and they often pretend to be ordinary civil claims such as defamation.

In South Africa, this phenomenon was first recognised in a landmark judgement delivered on February 9, 2021, by Deputy Judge President Patricia Lynette Goliath of the Western Cape High Court. This matter was between two related mining companies, Minerals Commodities Limited with its director Mark Victor Caruso and Mineral Sands Resources with its director Zamile Qunya or synonymously known as the Tormin Mineral Sands Project and the Xolobeni Mineral Sands Project. The two companies are involved in the exploration and development of major mineral sands projects in South Africa.

The companies sued three environmental lawyers, Christine Redell, Tracey Davies and Cormac Cullinan, for defamation, alongside three community activists Devine Cloete, Mzamo Dlamini and John Gerard Ingram Clarke. The companies and their directors claimed reputational damages totalling R14.25 million, alternatively the publication of apologies. Justice Goliath affirmed the sacrosanct right of freedom of expression and one's right to participate in public debates without fear of being targeted. As such, Justice Goliath warned:

"Corporations should not be allowed to weaponise our legal system against the ordinary citizen and activists in order to intimidate and silence them... Litigation that is not aimed at vindicating legitimate rights but is part of a broad and purposeful strategy to intimidate, distract and silence public criticism, constitutes an improper use of the judicial process and is vexatious."³¹

Other bad players and those averse to scrutiny have been watching, learning and finding ways to mutate this genome that has

29 Caroline James. (2025). *Deals done in secret, the PetroSA way, are bad business*. Available at <https://amabhungane.org/advocacy-deals-done-in-secret-the-petrosa-way-are-bad-business/#>

30 Ibid. (2024). *AmaBhungane and Open Secrets challenge PetroSA's diesel contracts secrecy*. Available at <https://amabhungane.org/advocacy-amabhungane-and-open-secrets-challenge-petrosas-diesel-contracts-secrecy/>

31 Southern African Legal Information Institute. 2021. *Mineral Sands Resources (Pty) Ltd v Reddell; Mineral Commodities Ltd v Dlamini; Mineral Commodities Ltd v Clarke (7595/2017; 14658/2016; 12543/2016)*.

ravaged the echelons of public participation and robust conversations in South Africa. On June 1, 2023, the Moti Group sought an *ex parte*, an application and a gag order granted in the absence of amaBhungane Centre for Investigative Journalism after the outlet published a series of articles from a trove of leaked documents. As such, the Moti Group sought to interdict the outlet from continuing with a series of stories labelled as #MotiFiles. However, amaBhungane was vindicated by Judge Roland Sutherlands, who argued that the conduct of the Moti Group was the “most egregious abuse” of the court process.

Following this, about two months later, in August, Bridgman Sithole and Mike Maile, friends of Deputy President Paul Mashatile, approached the Johannesburg High Court on an urgent basis to interdict *Media24* from publishing stories that labelled them as the “Alex Mafia”, a term that has been used by the media for nearly two decades. Judge Ingrid Opperman struck off the case from the roll with punitive costs, arguing that this was “an abusive attempt by two politically connected businessmen to gag a targeted newsroom”.³²

Former South African president, Jacob Zuma, also initiated a private prosecution (a rare occurrence in South Africa) against Karyn Maughan, a senior legal journalist for *News24*. The basis that Zuma used was that the journalist published medical documents before they were tabled in court. This was incorrect and when Zuma attempted to use the conventional legal route, it became clear his case lacked legal merits. He opted for the pervasive, emotionally abusive route of dragging Maughan into private prosecution

alongside Billy Downer, the prosecutor who authorised the release of the documents to her. Zuma has previously initiated at least 12 defamation cases against journalists, cartoonists, artists and art galleries.³³

On 7 June 2023, the Pietermaritzburg High Court threw out Zuma’s case and barred him from pursuing it further. The court found that Zuma’s spurious private prosecution was done primarily for one reason: “to intimidate and harass her (Maughan) and prevent her from doing her duty as a journalist”. The High Court also rejected the narrative that Zuma paddled that a criminal prosecution could not be a SLAPP suit and found that Maughan’s case satisfied the merits of a SLAPP suit.³⁴

In January 2025, a cabinet minister Thembi Simelane threatened to sue Pauli van Wyk of *Daily Maverick* and Kyle Cowan of *News24* after they published a series of stories documenting her lavish lifestyle. The duo discovered that between 2015 and 2020, Simelane spent millions of rands in cash on luxury handbags and shoes, a Mercedes-Benz Viano, a family holiday in Disney World, the acquisition of a coffee shop in Sandton and a gated Pretoria property on which she built a multi storey mansion when she was mayor of Polokwane. The goods and properties were acquired while Simelane earned around R40 000 per month.³⁵

Bongani Hans of Independent Newspapers is another journalist who was recently gagged by Acting Judge Perlene Bramdhew in the KwaZulu-Natal High Court on March 2025 after sending questions to ARTsolar about allegations that the company misled a client

32 Southern African Legal Information Institute. 2023. *Sithole and Another v Media24 (Pty) Ltd and Others (2023/070374) [2023] ZAGPJHC 884 (8 August 2023)*.

33 Harber, A. 2023. *SLAPPs in South Africa: The Karyn Maughan Case*. Available at <https://www.mediadefence.org/news/slapp-south-africa-karyn-maughan/?tztc=1>.

34 Southern African Legal Information Institute. 2023. *Jacob Gedleyihlekisa Zuma v William John Downer and Another (Case no 788/2023) [2023] ZASCA 132 (13 October 2023)*

35 Van Wyt, P., & Cowan, K. 2025. Thembi Simelane threatens journalists with litigation, legal costs for reporting on her spending. Available at <https://www.dailymaverick.co.za/article/2025-01-31-thembi-simelane-threatens-journalists-with-litigation-legal-costs-for-reporting-on-her-spending/>

that its solar panels were locally produced whereas they were sourced from China.³⁶

And while compiling the report, another public-interest journalism publication, Open Secrets, issued a statement on 10 November 2025, saying: “We are not permitted to disclose anything related to the matter including the names of the parties that may be involved. What we can say is simple: efforts to muzzle public-interest journalism endanger everyone’s right to know.”³⁷ The gag order prevented Open Secrets from naming the parties involved, the judge’s name or even the court of where the gag order was issued. However, in an unprecedented move, the Office of the Chief Justice of South Africa issued a statement on 19 November 2025, revealing the parties involved. The applicant, Integrated Convoy Protection (PTY) LTD brought a case on 5 November 2025 against Open Secrets on an urgent basis and the matter served before Acting Judge Cooper.

The Office of Chief Justice disputed that this was a gag order, arguing that the Court’s interim order is a standard and proportionate measure to preserve the status quo until all arguments can be properly heard and considered. “The order is temporary and procedural, designed to allow for a fair and orderly judicial process. The Court set a truncated timetable for the swift exchange of papers, ensuring that both parties will have an opportunity to fully present their case and the matter will be adjudicated in a timely manner. Characterising the legal process followed by the Court as a “gag

order” is an unfortunate misrepresentation and undermines the role of the courts in adjudicating disputes.”³⁸ While the Office of the Chief Justice views this as procedural, powerful individuals and institutions are increasing using courts— once meant to be the last line of defence to vindicate the rights of those who are aggrieved— as a playground to intimidate and repress critical reportage about them and their interests.

ECONOMIC AND OWNERSHIP-RELATED THREATS

The South Africa Broadcasting Act 4 of 1999 (as amended) puts the broadcasting sector into a three-tier system comprising of public, commercial and community broadcast service.³⁹ The South African Broadcasting Corporation (SABC) holds a dominant audience share of the public service broadcast and operates 18 radio stations. It has 15 public and three commercial stations. The SABC plays an important role in supporting language rights through its dedicated general-purpose stations for each of the 11 official languages. The commercial stations are mostly owned by two new groups: Primedia, with radio stations 947, 702, *Kfm 94.5* and *CapeTalk*; as well as news brand *Eyewitness News* and Kagiso Tiso Holdings (KTH), the largest black-owned media corporation owns East Coast Radio, one of the biggest commercial radio stations in KwaZulu-Natal and Jacaranda FM, the winner of South Africa’s Best Commercial Radio Station in 2022. KTH also has stakes in radio outlets such as *OFM*, *Heart*, *Gagasi* and *Kaya FM*.⁴⁰

36 Broughton, T. 2025. *Durban judge gags journalist*. Available at <https://groundup.org.za/article/durban-judge-gags-journalist/>

37 Open Secrets. (2025). *Open Secrets has been gagged. We cannot say by who or why*. Available at <https://www.opensecrets.org.za/open-secrets-gag-order/>

38 Office of the Chief Justice Republic of South Africa. (2025). *STATEMENT ON PUBLIC STATEMENTS THAT OPEN SECRETS WAS ‘GAGGED’ BY AN UNKNOWN JUDGE IN AN UNKNOWN COURT IN AN ORDER OBTAINED EX PARTE*. Available at <https://www.judiciary.org.za/images/news/2025/Media%20Statement%20on%20public%20statements%20by%20Open%20Secrets%20fv.pdf>

39 Broadcasting Act 4 of 1999 available at <https://www.icasa.org.za/uploads/files/Broadcasting-Act-4-OF-1999.pdf>

40 Angelopulo, George, and others, ‘Media Ownership and Concentration in South Africa’, *Who Owns the World’s Media? Media Concentration and Ownership around the World* (New York, 2016; online edn, Oxford Academic, 21 Jan. 2016), <https://doi.org/10.1093/acprof:oso/9780199987238.003.0031>

For print and online media outlets, there are five dominant media groups; i) Media24, which owns most prominent titles such as *News24*, *Daily Sun* and, *City Press*, among others; ii) Arena Holdings, which owns outlets such as the *Sunday Times*, TimesLIVE, *Sowetan*, *Financial Mail*, *The Herald*, *Daily Dispatch* and *Wanted Online*; iii) Independent Media Group, which owns some of the biggest regional newspapers, such as the *Cape Times*, *Independent Online* and the community media space is dominated by Caxton/CTP with over 80 titles and Novus Media, which took over some of Media24's community papers.

South Africa's newspaper market continues to evolve from traditional print towards digital platforms. Although print remains influential, newsrooms are increasingly exploring digital strategies such as paywalls, memberships and expanded advertising revenue. News24 introduced a paywall in 2020, amassing 85 185 subscribers by the end of 2023 while other publishers such as the Daily Maverick, rely on membership schemes, offering ad-free access to active supporters while Arena Holdings embraced hybrid strategies. Independent Media Group faces a similar landscape. Declining print circulation and advertising revenue have forced several outlets to invest more in digital editions.⁴¹

Almost every South African media house has endured rounds of retrenchments or restructuring in recent years. In August 2018, a not-for-profit social justice media outlet, *New Frame*, won admiration for some powerful reporting on neglected issues and immediately became widely respected by its counterparts. However, in July 2022, it emerged that *New Frame* would cease publishing. The publication's collapse was attributed to the wider financing problems

that afflict all media. "There is no commercial model to sustain [this work]," the final editorial noted. "There is no constituency within the public willing to fund it at a viable scale... Donor funding can be invaluable, but it cannot be a sustainable solution." The editorial also noted a change in Facebook's algorithm in 2021 for a precipitous fall in readership: "Suddenly an article that would previously have been read by tens of thousands of people was now being read by a few hundred people."⁴²

Print media has been suffering structural declines in circulation and advertising for decades. Media24 recently confirmed it is closing the print editions of *Beeld*, *Rapport*, *City Press*, *Daily Sun* and *Soccer Laduma*, as well as the digital (PDF) editions of *Volksblad* and *Die Burger Oos-Kaap*, and the digital hub SNL24. Managing director Ishmet Davidson said the titles "have been on life support for a while" and combined losses were projected to mount to R200 million over the next three years. "After years of cutbacks, we've reached the end of cost reductions to try to save these print operations. We've simply run out of options," Davidson added. These titles will now be fully digital news platforms, which no longer face competition from only other local print publishers but their competitors are now Facebook, Google, Instagram and TikTok, all of which are well funded.⁴³

Independent Media Group also announced that the company's increasing reliance on print media has become financially unsustainable. Rising operational costs, particularly those related to paper and printing now account for 60% of its expenses. The shift in audience preferences toward digital platforms has exacerbated the financial strain. Independent Newspapers' struggle reflects a broader trend affecting

41 Mukhudwana, R., Potgieter, P., & Nkuna, J. (2025). "South Africa's Network Media Economy: Growth, Concentration and Upheaval 2017-2024." Global Media and Internet Concentration Project, Carleton University. <https://doi.org/10.22215/gmicp/2025.09.710>.

42 Rebecca Davis. (2022). *Inside the messy demise of New Frame*. Available at <https://www.dailymaverick.co.za/article/2022-07-15-inside-the-messy-demise-of-new-frame/>

43 The Media Online (2024). *Media24 confirms move to digital-first newspapers*. Available at <https://themediainline.co.za/2024/06/media24-confirms-move-to-digital-first-newspapers/>

print media globally, as traditional models falter in the face of digital competition.⁴⁴

In May 2025, staff at the Mail & Guardian were served with Section 189 notices (dismissals based on operational requirements) informing them that the publication was initiating a process of retrenchment. A total of 24 positions across editorial, administration and IT were identified as affected, with 12 redundancies anticipated. Mail & Guardian owner Hoosain Karjiekker reportedly said, “It is clear from the entire sector that we operate in, that the traditional print media business model has become a failed business model that requires a more dramatic intervention for the M&G to sustain itself in the future.”⁴⁵

The data clearly highlights that South African media operates in a failed market where it is very easy to be a casualty and emphasises the urgency for funding the media as a public good. Overall, the future of South African newspapers hinges on successfully integrating digital models alongside maintaining robust print offerings. Daily Maverick CEO Styli Charalambous aptly argued that “without legislative changes to incentivise and encourage support from philanthropic entities, corporates and the public, the sustainability of journalism will continue to be out of reach. An industry that creates so much value for the world shouldn’t be struggling this much. The market context is broken and we urgently need policy reform to fix it. Nothing else can.”⁴⁶

State advertising as political tool

Government ads spend in South Africa is decentralised in a way that it is nearly impossible to properly track down. It is difficult to ascertain how government entities use their advertising budget and whether they use state advertising as a political tool. These entities, from national departments to local municipalities, use their advertising budget as they deem fit for their needs. There is a long-standing government policy to allocate at least 30% of budgets to local and community media. However, this policy is often not implemented. The policy was intended to ensure the financial viability of local media but is instead being weaponised by political elites in local government. In a recent study, Franz Krüger, Sarah Chiumbu and Jayshree Pather, analysed the effectiveness of a range of policy measures that were instituted around the start of South Africa’s democracy to “level the playing field”.

One of their findings highlighted that local political elites often use municipality ad spend to exert pressure on local media to get favourable coverage of their activities. If one refuses to toe the line, they are often punished with the withdrawal of advertisement. And without support from the government, it is nearly impossible for community media to be sustainable. One publisher described an attempt by the mayor to buy out the title.

44 BizCommunity. (2024). *Financial crisis prompts major restructure for Independent Newspapers as advertising, circulation decline*. Available at <https://www.bizcommunity.com/article/financial-woes-push-independent-newspapers-towards-significant-restructuring-924004a>

45 Rebecca Davis. (2025). *‘Painful to witness’ — behind the jobs bloodbath at the Mail & Guardian*. Available at <https://www.dailymaverick.co.za/article/2025-06-05-painful-to-witness-behind-the-jobs-bloodbath-at-the-mail-guardian/>

46 Bizcommunity. (2024). *Calling on African media to map the media meltdown*. Available at <https://www.bizcommunity.africa/article/calling-on-african-media-to-map-the-media-meltdown-474969a>

When he would not accept the offer, the mayor tried unsuccessfully to start his own newspaper in opposition, and then stopped the local municipality from advertising. Another publisher was upfront about the implications of dependence on municipal communications spending: “I want them on board, I will try to make sure I always report positively on them.”⁴⁷

One of the most publicised attempts by political elites to use state advertising as a tool to control the narrative at national level was during the era of former president Jacob Zuma. In June 2010, the Gupta family—business associates with the former president and his faction in the African National Congress—established *The New Age* newspaper with its first edition in December of that year. Later, in 2013, they launched a 24-hour satellite ANN7 news channel. The two outlets were mired in several scandals and it later turned out that the Guptas intended the outlets to provide positive coverage of the government and the ANC under Zuma, in exchange for government advertising and subscriptions.⁴⁸ In the Zondo Commission, officially known as the Judicial Commission of Inquiry into Allegations of State Capture, established in 2018 to investigate allegations of widespread corruption and state capture during the presidency of Jacob Zuma, it emerged through one of the testimonies by former editor of ANN7 that the television station was particularly established to be a “propaganda station” that would portray former President Zuma and the government positively, unlike other independent media outlets that were often critical.

Although the station shut down in 2018 after MultiChoice terminated its contract, one of the many stories that revealed the depth of the rot was the coverage of the Vrede Dairy Project, a public-private partnership between the Guptas’ company Estina and the Free State government, which earned the Guptas R280 million in government funds. The project was meant to empower local black farmers but failed to deliver on its promise. Through a complex money laundering scheme, the Guptas funnelled R280 millions of public funds into their private accounts, some of which paid for a lavish wedding at the Sun City Resort, North West province.⁴⁹

The night before the announcement that MultiChoice would not renew its contract, ANN7 had run a piece on air about the Vrede dairy farm. The TV station promised to give the country the real story that the rest of the corruption obsessed media were not telling. Media scholar and adjunct professor Anton Harber analysed the coverage and observed it “made no attempt to tell the audience why the farm’s current state was relevant to fraud that happened at least five years ago under different ownership. Nor did it address the issue of whether it was worth the [R280] millions of taxpayers’ money that went into it, nor why most of that money appeared to have been peeled off to pay for a lavish Gupta wedding and other non-farming activities. It was the worst kind of sham, poisonous journalism for which ANN7 has become known.”⁵⁰

GroundUp news agency has successfully managed to track how one government agency, National Lotteries Commission

47 Franz Krüger, Sarah Chiumbu and Jayshree Pather. (2025). *Levelling the media playing field: lessons from South Africa*. Available at <https://akademie.dw.com/en/levelling-the-media-playing-field-lessons-from-south-africa/a-73002311>

48 Dirk de Vos. (2017). *Analysis: What’s behind the ‘sale’ of The New Age and ANN7 to Jimmy Manyi?*. Available at <https://www.dailymaverick.co.za/article/2017-09-10-analysis-whats-behind-the-sale-of-the-new-age-and-ann7-to-jimmy-manyi/>

49 Accountability Tracker. (nd). *Vrede Dairy Case Study*. Available at <https://accountability-tracker.org/case-studies/vrede-dairy-farm-case/>

50 Anton Harber. (2018). *South African news station ANN7 is on the skids: why it won’t be missed*. Available at <https://theconversation.com/south-african-news-station-ann7-is-on-the-skids-why-it-wont-be-missed-91085>

(NLC), has used state advertisement as a political tool. The NLC advertising expenditure between 2020-2022 increased significantly but it went mainly to a few media houses. By far the biggest recipient of this increased ad spend was Sunday World, which received about R24.7-million in three years (2020-2022) from the NLC for adverts and advertorials. The spending at one relatively small media company was later flagged by the Auditor-General, but the NLC defended its decision that only Sunday World provided the required target market.⁵¹

DIGITAL AND TECHNOLOGICAL THREATS

Media practitioners also have to contend with challenges that emanate from digital and technological tools that have become indispensable in the work of journalists for content dissemination and audience engagement. Craig Jones, the director of Cybercrime Directorate at Interpol, a global organisation that facilitates international police cooperation to combat cross-border crimes, aptly explained in his foreword in a 2023 *African cyber-attacks assessment report* that:

“Cybercriminals are constantly evolving their techniques to exploit new vulnerabilities, resulting in an increased risk to both individuals and organisations worldwide. Cybercrime today is a far cry from what it used to be; there are now more sophisticated attack vectors such as distributed denial-of-service (DDoS) attacks, phishing attempts, malware campaigns, ransomware attacks, and other malicious activities that can

cause a great deal of harm and have a serious impact on organisations and communities.”⁵²

South African institutions have not been immune to the intensified cyber-attacks. In January 2025, for example, the South African weather services suffered marginal bruises from a cyber-attack, which hindered the service’s ability to report on aviation and marine forecasts.⁵³ Neighbouring countries like Mozambique and Zambia, who depended on the South African weather forecasts, were also affected.⁵⁴

These cybersecurity breaches are menacing, even the State Security Agency, whose primary task is to thwart domestic and foreign threats, was hacked before the 2023 BRICS Summit. The minister in the presidency, Khumbudzo Ntshavheni, admitted in Parliament in July 2024 that the threats are a concern such that the government is strengthening its efforts “to proactively combat emerging cyberthreats and potential cyberattacks on our communications environment”.

While cyber-attacks are increasingly becoming exponential in scale and breadth, attacks directed towards newsrooms in the country remain scant. In August 2024, *Daily Maverick* revealed that it had been hit with malicious cyberattack that tried to block a story about India’s prime minister Narendra Modi’s ‘tantrums’ after his refusal to get off from a plane at Waterkloof Air Force Base because President Cyril Ramaphosa had sent a cabinet minister to welcome him during the 2023 BRICS Summit.

51 Raymond Joseph and Anton van Zyl. (2023). *Exposed: The Sunday World’s lucrative partnership with the Lottery*. Available at <https://groundup.org.za/article/exposed-the-sunday-worlds-lucrative-partnership-with-lottery/>

52 Africa Cybercrime Operations Desk. 2023. *AFRICAN CYBERTHREAT ASSESSMENT REPORT CYBERTHREAT TRENDS*. Singapore: INTERPOL Global Complex for Innovation.

53 Simnikiwe Mzekandaba. (2025). *Cyber attack derails SA Weather Service’s performance*. Available at <https://www.itweb.co.za/article/cyber-attack-derails-sa-weather-services-performance/o1Jr5MxPAXIMKdWL>

54 Africa Defense Forum. 2025. *South Africa Faces Increased Cyberattacks Against Government Agencies*. Available at <https://adf-magazine.com/2025/02/south-africa-faces-increased-cyberattacks-against-government-agencies/>.

After publishing the story, *Daily Maverick's* website received 36.1 million (https requests) from Indian servers. A few hours later, "the site suddenly went down. We picked it up very quickly and started identifying a massive, distributed denial of service (DDoS) attack, and we investigated and found it was coming from a whole host of Indian servers," said *Daily Maverick's* security coordinator. The attack did not stop until the outlet implemented a "firewall to temporarily block Indian traffic to protect its site".⁵⁵

Algorithms and platforms dominance

The South African media landscape is under attack from challenges emanating from social networking platforms such as Google and Meta. These multinational corporations continue to extract so much value from content uploaded in their platforms even if the platforms are not content creators per se. In February 2025, the Competition Commission of South Africa released an explosive provisional report titled, *Media and Digital Platforms Market Inquiry*, which examined how algorithms and dominance of Google and Meta platforms divert financial value and undermine content generated by South African media outlets. The Commission discovered that Google has been using underhand tactics to extract value while ensuring the value is not realised by the very media outlets that produce the content. The Commission tracked the financial value that South African media lost or that Google potentially destroyed through conduct that promotes zero-clicks in a 14-year period. This value amounts to the staggering range of R300-R500 million. The Commission noted that:

"The Google algorithm distorts competition between news media organisations insofar as it a) over-represents global news media in SA for search and Top Stories, b)

under-represents vernacular and community media, and c) over-represents subscription publishers. Furthermore, Google appears to self-preference YouTube links on the SERP and Discover feed relative to links to third-party video providers, including SA news broadcasters. These issues are exacerbated by SEO requirements for the algorithm and for core updates to the algorithm where there is insufficient transparency on how the media will be affected and how to avoid traffic loss."⁵⁶

The Commission also acknowledged that the value that Google extracts is likely to persist unabated unless newsrooms or news providers have an option to opt-out of AI summaries. The other alternative is for the algorithms to be adjusted in such a way that referral traffic to news outlets is not undermined by the very undemocratic and untransparent algorithmic decisions made by the company's engineers.

The Commission found that the exclusion is not limited to news stories. The broadcast video distribution was also deprioritised while YouTube links often receive more prominence even if there are "higher levels of impressions despite lower CTRs for YouTube over SA media websites." YouTube has established itself as a platform for audiences to find authoritative long-form videos, including in-depth news. But a close examination reveals that news outlets who place their content on YouTube to reach the audience are rewarded a mere 55% share of low-value in-video programmatic ads, in contrast to the full share of higher value ads on their own platforms if traffic was referred instead. In theory, there exists an option for news outlets to extract a higher value from ads but the outlets do not have any access to this option as "YouTube itself competes with targeting by channel." This conduct, the Commission

55 O'Regan, V. 2023. *India hits Daily Maverick with malicious cyberattack after report on Modi's 'tantrum'*. Available at <https://www.dailymaverick.co.za/article/2023-08-23-india-hits-daily-maverick-with-malicious-cyberattack-after-report-on-modis-tantrum/>.

56 Competition Commission South Africa. 2025. *Media and Digital Platforms Market Inquiry. MDPMI Provisional Report*.

found, undermines rights enshrined in the South African Constitution. The Commission noted:

“The conduct has an adverse impact on the quality and consumer choice of SA news media, particularly the diversity of media through SME and HDP-owned media that offer community and vernacular media along with the public broadcaster. Harm to the quality and diversity of media, along with the plurality of voices and the ability for citizens to get news in their home language, undermines citizen’s Constitutional rights and hence the adverse effect is considered substantial.”

On a positive note, South Africa’s competition regulator in November 2025 announced a series of concessions from global tech platforms, including a 688-million-rand (\$40 million) media support package agreed with Google and YouTube, following an investigation into the sector. The package, announced in the Competition Commission’s final report of its Media and Digital Platforms Market Inquiry, will fund national, community, and non-English language media through a combination of content licensing, innovation grants, and capacity-building initiatives. In the social media space, the Commission announced YouTube had agreed to provide access and support to South African media outlets seeking to make money from their content on the platform, while Meta would provide ad credits to local media, as well as resources and training. TikTok also agreed to introduce new publisher support programmes in the country.⁵⁷ If properly administered this package could provide much-needed relief to the South African media.

SOCIETAL AND EXTRA-LEGAL THREATS

In South Africa, online harassment targeted towards critical journalists, especially women, has been on a substantial rise since 2013. The playbook to troll women journalists was inherited from the now-defunct British public relations firm, Bell Pottinger, which was hired to discredit journalists who were exposing what became known as the #Gupaleaks and the State Capture reports.

In a 2024 report by Julie Reid, Julie Posetti, Diana Maynard, Nabeelah Shabbir, Don Kevin Hapa, focusing on two female *Daily Maverick* journalists, the authors postulate that Ferial Haffajee, the associate editor of the outlet, is arguably the “first woman journalist in the country to be the target of a major coordinated campaign of online violence”. Between 2016 and 2017, Haffajee, alongside Peter Bruce and Adriaan Basson, became victims of at least 100 fake accounts that coordinated and disseminated 220 000 tweets intended to tarnish their reputation by carefully labelling them as biased and lacking integrity.⁵⁸

Since then, there has been a barrage of online harassment and abuses of journalists, with female journalists being most targeted. The harassment includes trolling, baiting, doxxing and automated attacks from Twitterbots. Elected government officials and political leaders who become subjects of critical reportage along with their followers are the major initiators of the attacks.⁵⁹

The African National Congress (ANC) and the Economic Freedom Fighters (EFF) members have tended to be hostile towards critical journalists, particularly female reporters.

57 Nqobile Dlula and Siyanda Mthethwa, Reuters, South African media get funding package from Google after anti-trust probe, November 13, 2025, <https://www.reuters.com/business/media-telecom/south-african-media-get-funding-package-google-after-antitrust-probe-2025-11-13/>

58 Reid, J, Posetti, J, Maynard, D, Shabbir, N., & Don Kevin Hapa. 2024. *The women journalists of South Africa’s Daily Maverick: SEXUALIZED, SILENCED AND LABELED SATAN*. International Center for Journalists.

59 Amnesty International South Africa, Campaign for Free Expression, Committee to Protect Journalists, Media Monitoring Africa and South African National Editors’ Forum. 2022. Joint submission for the 41st Session of the Universal Periodic Review Working Group, *AFR 53/5467/2022*.

Some of the ANC's online abuses directed towards female journalists were observed in 2018 when Qaanitah Hunter, political editor at *News24*, published a story regarding alleged plans by former president Jacob Zuma and his allies to remove President Cyril Ramaphosa from power.

Following the publication of this story, the then secretary general of the ANC Women's League (ANCWL), Meokgo Matuba, sent Hunter a picture of a gun — a markedly death threat. In 2021, Hunter was again subjected to an online attack by the ANCWL's president Bathabile Dlamini after she reported that Dlamini was facing backlash within the ANCWL for her attempt to solicit support for former Free State premier Ace Magashule. Dlamini accused Hunter on X (formerly Twitter) for “spreading lies” and being “bankrolled” by a “Master” to “destroy the ANC”. On the other hand, the EFF and its supporters are “probably the most vicious” centre of online attacks against women journalists in South Africa and “behave toward journalists literally like the Taliban.”⁶⁰ Some of the well documented cases of female journalists being harassed online apart from Haffajee and Hunter, are that of investigative journalist Pauli van Wyk and the late Karima Brown— who received sustained online harassment from EFF leader, Julius Malema.

In March and May 2019, Malema called his over two million followers on X to “go for the kill and to hit hard” after van Wyk published an article about Malema and Floyd Shivhambu's VBS looting scandals. Two months earlier, Malema doxxed the late Brown by publishing her numbers on X and

accusing her of “sending moles” to an EFF event. He labelled Brown an operative of the ANC. Following the attack, Brown received a series of anonymous threatening telephone calls and written threats on X and WhatsApp from self-professed EFF supporters. These included unspeakable insults and threats of rape, violence and death. Malema blatantly refused to delete the tweet until the platform threatened to close his account.

In a live press conference during the Judicial Commission of Inquiry on allegations of State Capture, Malema singled out Ranjeni Munusamy, who has now left the profession, of being part of an ‘Indian cabal’ and a ‘politician’. Munusamy explained that:

“One of the consequences of Mr Malema's election to single me out is that every time he publicly attacks me, my Twitter account is flooded with abusive and threatening tweets from his supporters. I have also been told I should be ‘f\$\$\$ in the arse to be taught a lesson’.”⁶¹

Malema continues to routinely target journalists who are critical of him and his party. On one occasion, van Wyk shared on X an editorial published by the *Mail & Guardian*, whose contents stated that the EFF leader “has to take responsibility for violence meted out to journalists. He is stoking the flames of a campaign against journalists whose work he disputes ... and ultimately endanger[s] the lives of journalists.”⁶² However, Malema's response failed to address the contents of the story, instead he insulted van Wyk for sharing the editorial column piece.

60 Reid, J, Posetti, J, Maynard, D, Shabbir, N., & Don Kevin Hapa. 2024. The women journalists of South Africa's Daily Maverick: SEXUALIZED, SILENCED AND LABELED SATAN. International Center for Journalists.

61 Savides, M. 2018. *Followed, sworn at, threatened - woman journalist tells of abuse by EFF supporters*. Available at <https://www.timeslive.co.za/news/south-africa/2018-12-19-followed-sworn-at-threatened-woman-journalist-tells-of-abuse-by-eff-supporters/>.

62 Mail & Guardian. 2018. *Editorial: Malema plays a dangerous game*. Available at <https://mg.co.za/article/2018-11-23-00-editorial-malema-plays-a-dangerous-game/>.



The harassment that female journalists endure from the EFF do not end online. There are documented cases where the harassment went physical. In 2020, eNCA reporter Nobesethu Hejana was assaulted by EFF supporters during a live broadcast while covering a protest regarding one of Clicks' stores.⁶³ A Member of Parliament representing the EFF, Mbuyiseni Ndlozi, who has now left the party and works as a radio host for *Power FM*, defended the manhandling Hejana was subjected to and frankly dismissed that it amounted to harassment.⁶⁴ As a result, a number of female

journalists in the country have increasingly become weary of attending EFF events out of fear for their personal safety.

The identified cases serve as a mere illustration of the severity of social and extra-legal that journalists have to contend with in addition to all the other threats discussed in the earlier sections. A careful analysis of the patterns and the scale at which journalists are harassed shows that journalists are under attack from all fronts and it has become increasingly dangerous to become a journalist in South Africa.

63 eNCA. 2020. *EFF harasses eNCA reporter*. Available at <https://www.youtube.com/watch?v=-vdIFk95vPk>. Also see: <https://x.com/enca/status/1303335327688544258>

64 Mbuyiseni Ndlozi's comment on X (formerly Twitter). Available at https://x.com/MbuyiseniNdlozi/status/1303617450379030529?ref_src=twsrc%5Etfw.

IMPACT ANALYSIS

While South Africa has a robust three spheres of government, with separate and independent powers, the government is either pushing for or has already passed certain laws that are problematic for the media.

To be clear, these laws are not necessarily passed to target the media, but the threats to the media appear to be an unintended consequence. One of the key concerns about the General Intelligence Laws Amendment Bill (Glab), as *Intelwatch's* 2023 briefing note observed, is that the Bill has a broad definition of national security threats and could significantly impact press freedom and the ability of journalists to report without fear of intimidation or surveillance. The Cybercrimes Act of 2020, passed into law on May 26, 2021, despite many grave concerns, lacks a public interest override for communications that are intentionally published in the public interest or interests of justice by members of the media who may seek to report on these communications. The Act creates a chilling effect and discourages the media from covering stories that are essential for democracy.

The Prevention and Combating of Hate Crimes and Hate Speech Act of 2023 presents its own problems in the sense that the Act has a broad definition of "hate speech". Critics argue that it has a potential to stifle open dialogue and may inadvertently prevent journalists and citizens from critically and freely engaging in sensitive issues. These pieces of legislation when combined, impact how media workers practice journalism and threaten the profession. The legislations suggest that the government may be backsliding from its democratic values, where freedom of expression and the press is almost absolute.

IMPACT OF POLITICAL AND INSTITUTIONAL THREATS

The use of SLAPP suits by those who abuse court processes have a devastating impact for media workers. The increasing habit of using SLAPP suits has considerable ramifications

for media freedom and democracy at large. While the journalists who have been case studies for SLAPP may have been lucky to work for publications which can afford to mount a legal defence on their behalf, not all journalists may be as fortunate. Furthermore, regardless of the outcome of the legal challenge, it still generally requires the commitment of time and resources to challenge SLAPP suits. Journalists are often taken away from doing journalism and forced into assisting with the preparation of court documents. Aside from the time taken away from their jobs, there are legal fees to consider, which the publications are often forced to foot. This can be challenging for any publication to deal with, but for donor-funded or small community publications, this can mean the loss of critical finances required to keep the doors open. If the work of critical media and investigative journalists is discouraged through the threat and burden of legal challenges and by voices meant to uphold the citizens' constitutional rights, then South Africa will be much worse off. A free and open media, driven by strong investigative journalism, is vital for maintaining information integrity and upholding our democratic values, and SLAPPs pose a direct threat to these rights.

IMPACT OF ECONOMIC THREATS

The impact of economic pressures has led to newsrooms to shrink, resulting in a burnt-out workforce with minimal resources to pursue stories. Media houses that do crucial investigative journalism such as the Mail & Guardian have laid off some journalists and are only left with a skeleton staff. This has resulted in journalists being stretched thin, covering more stories across broader beats, leading to less in-depth reporting. The

weakening of newsrooms has led to news outlets being over-reliant on press releases and journalists struggling to investigate beyond a press release, especially with demanding deadlines. This ultimately affects the quality of journalism.

Economic pressures have culminated in newsrooms avoiding certain topics due to not having the funds to fight drawn out legal battles with resourcefully robust politicians, government departments or private institutions. This stifles media freedom and means repression from the government, corporates and other institutions succeeds in tying media's hands.

IMPACT OF DIGITAL AND TECHNOLOGICAL THREATS

While media institutions remain relatively safe for now from targeted cyber-attacks, the South African media landscape has to contend with the impact of social networking platforms such as Google and Meta. Google has been using underhand tactics to extract value while ensuring the value is not realised by the very media outlets that produce the content. The financial figure of this loss ranges between R300 to R500 million and is likely to increase if unabated. This practice has also violated the citizen's right to access diverse perspectives because of Google's algorithm distorted competition between

news media organisations insofar as it over-represents global news media in South Africa for search and Top Stories and under-represented vernacular and community media. This loss of revenue, it can be argued, is a big contributor to the ongoing media viability problems, which have forced media houses to reduce staff as a cost-saving mechanism. Media houses are also shutting down print editions as most of the ad spend goes to social media platforms.

IMPACT OF SOCIETAL AND EXTRA-LEGAL THREATS

Most of the online harassment that journalists are subjected to manifests through trolling and baiting, doxxing and automated attacks from Twitterbots. The majority of the online harassment directed towards journalists in South Africa usually come from elected government officials and political leaders who become subjects of critical reportage. As a result, a number of female journalists in the country have increasingly become weary of attending EFF events out of fear for their personal safety. This strategy of trolling journalists makes it difficult for other media houses to hold those in power accountable out of fear of reprisal action. A careful analysis of the patterns and the scale at which journalists are harassed suggests that it has become increasingly dangerous to become a journalist in South Africa.

RESPONSES

While many countries are sliding into deeper repression, South Africa still maintains a relatively open media space. The resilience of its journalists, the strength of its legal framework and the vibrancy of its civil society makes this a critical case study in defending press freedom during democratic backsliding.

South African journalists face a complex and growing array of political and institutional threats, but there have been several notable responses aimed at defending press freedom and protecting media workers. Some of the responses have been policy proposals from academic institutions, an outcry from journalist regulation and protective bodies, advocacy from civil society and fighting back using the law and Constitution to protect the eroding media freedom.

LEGAL ADVOCACY

In a landmark judgement delivered on February 9, 2021, the Deputy Judge President Patricia Lynette Goliath of the Western Cape High Court recognised SLAPP suits as a form of abuse of the court process. This was historic because it was a foundation to build anti-SLAPP suits toolkits. As such, on June 11, 2024, the Centre for Applied Legal Studies (CALs) and the Right2Protest (R2P) launched a model law for protection from strategic litigation against public participation.⁶⁵ They believe this can serve as an example of legislation that requires adoption by Parliament to protect activists and journalists whose rights to freedom of expression are threatened by malicious litigation. Although this model law has not been adopted, it is

an example of institutions creating viable alternatives to some of the gaps in achieving media freedom and efforts to curb threats to journalists in the country.

South African courts continue to enforce freedom of expression in landmark cases. This can be notably seen, for example, in the 2012 case by the Print Media South Africa and the South African National Editors' Forum, after they had previously made submissions to Parliament on the intended amendments of the provisions of the Film and Publications Act. They argued the Act was unconstitutional and invalid and would have adverse effects on their members. Their efforts to avert the enactment of the challenged statutory provisions were unsuccessful, and for that reason they have brought these proceedings to the High Court, which ruled that prior restraint on publications is unconstitutional and it unjustifiably restricts the right to freedom of expression under section 16 of the Constitution.⁶⁶ Other landmark cases where courts have continued to vindicate the media and protect freedom of the press include the *Bosasa Operation (Pty) Ltd vs Basson* (2012), *amaBhungane vs the Moti Group*, *News24 vs "Alex Mafia" Bridgman Sithole and Mike Maile*, former president Jacob Zuma's private prosecution of News 24's Karyn Maughan, to name a few.

65 Centre for Applied Legal Studies (Wits University). (2024). *Protection from Strategic Litigation Against Public Participation*. Available at <https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/rule-of-law/resources/Anti-SLAPP%20Model%20Law%20for%20web%207%20June%202024.pdf>

66 *Print Media South Africa and Another v Minister of Home Affairs and Another* (CCT 113/11) [2012] ZACC 22; 2012 (6) SA 443 (CC); 2012 (12) BCLR 1346 (CC) (28 September 2012)

ADVOCACY AND CIVIL SOCIETY MOBILISATION

Organisations like the Campaign for Free Expression and the South African National Editors' Forum actively defend journalists' rights, challenge censorship and push back against surveillance and intimidation. These groups also monitor proposed legislation, such as the Intelligence Bill and amendments to the Film and Publications Act, that could restrict media freedom. For example, in their 2022 joint submission report to the Human Rights Council, Amnesty International South Africa, the Campaign for Free Expression (CPE), the Committee to Protect Journalists (CPJ), Media Monitoring Africa (MMA) and the South African National Editors' Forum (SANEF) challenged the Cybercrimes Act of 2020 although their efforts did not change the problematic clauses.⁶⁷

PUBLIC AWARENESS AND SOLIDARITY

Journalists continue to report on corruption, crime and abuse despite threats of violence, surveillance and public hostility. Their resilience is seen as a vital pillar of democracy. Public support and trust in South African journalism can help reinforce the importance of their role in holding power to account. Despite these responses and efforts to track and highlight the threats facing journalists, they still face surveillance and intimidation by state and non-state actors.

According to the International Journalists Network (IJN) most newsrooms don't have written protocols for responding to online violence, and those that do, fail to follow them effectively or consistently. Their handling of incidents, as a result, has left the female journalists targeted with insufficient

support, or none at all.⁶⁸ Organisations such as Women in News (WIN) and Intelwatch have come up with practical guides to assist female journalists to deal better with online harassment.

To help media organisations respond effectively, WAN-IFRA WIN has developed a *Newsroom Policy Guide to Fight Online Harassment*, offering a structured approach to protecting journalists and ensuring a safe working environment. The policy guide emphasises practical steps to acknowledge and act on online harassment. On the other hand, although not country specific, Intelwatch has also developed a number of manuals, including one titled, *Creating Safe Space for Female Journalists*.⁶⁹ This manual is an in-depth guide for establishing a supportive and safe environment for female journalists by tackling challenges such as misogyny, patriarchal attitudes and gender inequalities within the newsroom. These serve as valuable responses and toolkits to prepare and help journalists to effectively deal with harassments they encounter online and in their own newsrooms.

RESPONSES TO ECONOMIC THREATS AND MEDIA PLURALITY

There are several responses to economic threats facing the media landscape in South Africa. The Media Development and Diversity Agency (MDDA)'s 2024-2025 Annual Report shows that the agency continues to provide grants to media platforms in financial distress, especially those who meet its thematic scope of focus, such as community and rural media outlets catering to those who are underrepresented in mainstream media. The MDDA has been discharging its mandate despite the sector's heavy reliance

67 Amnesty International South Africa, Campaign for Free Expression, Committee to Protect Journalists, Media Monitoring Africa and South African National Editors' Forum. 2022. Joint submission for the 41st Session of the Universal Periodic Review Working Group, *AFR 53/5467/2022*.

68 David Maas. (2022). *What newsrooms must do to support women journalists under attack online*. Available at <https://ijn.net.org/en/story/what-newsrooms-must-do-support-women-journalists-under-attack-online>

69 Intelwatch. (2025). *Creating Safe Space for Female Journalists (manual)*. Available at <https://intelwatch.org.za/wp-content/uploads/2025/07/Intelwatch-Creating-a-Safe-Space-for-Female-Journalist-Manual.pdf>

on advertising revenue, which remains concentrated and often inaccessible to smaller community and commercial media outlets.⁷⁰

Regarding the monopoly of social media platforms, particularly Google and Meta, the Competition Commission South Africa found out that there has not been an equitable share of value between Google and news publishers in South Africa both historically and currently. This inequity has materially contributed to the erosion of the media in South Africa over the past 14 years and will continue to do so unless remedied. The Inquiry has used a variety of measures to determine the additional value extracted by Google search annually from publishers, or value destroyed through conduct that promotes zero-clicks, resulting in a range of estimates from R300 million to R500 million.

The provisional remedies recommended by the Inquiry, with a recommended implementation period of six months, is that Google should compensate South African news media. The Commission instructed that the compensation should include funding support for projects that build digital news capabilities with the objective of improving revenue generation, but the majority of funding must be transferred to support and strengthen journalism. The funding must be made available for a period of 3-5 years.

Following these recommendations, there was an introduction of the Digital News Transformation Fund (DNTF), a partnership between Google and the Association of Independent Publishers (AIP) to support the digital transformation and sustainability of South Africa's small-to-medium independent news publishers. The Fund aims to 1) build

core digital infrastructure and operational capacity; 2) grow audience reach, revenue diversification and organisational resilience; 3) engage the sector through scalable, collaborative innovation that benefits the broader ecosystem; 4) advance equity, diversity, inclusion, and vernacular content and, 5) support ethical, transparent, and responsible use of technology, including GenAI.

GRANTS AS A RESPONSE TO FINANCIAL CHALLENGES IN THE SECTOR

In South Africa, there has been a growing adoption of marriage of convenience, where different media outlets rely on donor funding to continue to hold power accountable. Organisations such as the South Africa Media Innovation Program, Media Development fund, Open Society Foundation, Internews, and others often provide journalists with grants to report certain under-reported stories such as the impact of climate change on rural communities, women's sexual health rights, or exposing corruption. These offer South African journalists and media houses vital support for public-interest reporting and can help with resources to do deeper investigative journalism which can be expensive. The notable examples of publications that rely on grant funding include Bhekisisa, GroundUp, Daily Maverick (grants and paid voluntary subscription), amaBhungane Centre for Investigative Journalism, Open Secrets and Our City News (the first test of a new approach to journalism: a pop-up, virtual, hyperlocal newsroom supported by the Henry Nxumalo Foundation, which gives grants to individuals and organisations to do investigative journalism of relevance to contemporary Southern Africa).

⁷⁰ Media Development and Diversity Agency. *Annual report 2024/2025*. Available at https://www.mdda.org.za/docs/reports/MDDA_2024-2025_Annual_Report.pdf

RECOMMENDATIONS

Considering all the threats and challenges that are facing media workers and newsrooms, the authors make the following recommendations to redress these challenges.

FOR POLICYMAKERS/ GOVERNMENTS:

- **Review and repeal laws** that criminalise journalism, enable censorship or with clauses that have broad definitions of national security such as the Cybercrimes Act.
- **Ensure transparency in surveillance legislation:** Avoid bulk surveillance and vetting requirements that target journalists or media institutions, as seen in South Africa's proposed General Intelligence Laws Amendment Bill.
- **Enact whistleblower protection laws:** There is a legal framework in South Africa for whistleblowers, however, the general concern pertains to the level of protection that whistleblowers experience in practice. Employers often view whistleblowing in a negative light with misconceptions of whistleblowers as 'sell outs/ snitches/ impimpis. They often lack legal assistance to protect themselves from harassment, bullying and victimisation including dismissal as well as a lack of guarantee of immunity from criminal or civil proceedings for disclosures made in good faith. Therefore, we propose that there should be a dedicated institution to oversee the implementation of existing legislation, or coordination and collaboration of efforts focusing on the protection and support of whistleblowers.
- Regarding POPIA and PAIA requests, the Information Regulator of South Africa, which enforces the POPIA Act, should educate government counterparts about the responsible use and application of the POPIA Act and PAIA, as opposed to how government departments use this Act to either deny or frustrate the work of investigative journalists to access public interest information and awarded tenders.

FOR CIVIL SOCIETY AND MEDIA:

- **Strengthen legal aid networks for journalists:** Expand access to pro bono legal support to media workers and human rights defenders. This is crucial for defending against SLAPP suits and intimidation tactics.
- **Develop rapid response mechanisms:** Create a coordinated legal defence fund and emergency hotline for journalists facing harassment, detention, or censorship.
- **Work towards financial media viability:** This involves several factors and a variety of resources. There are traditional economic resources based on advertising and subscriptions, on the other hand, public or philanthropic financing. Each of these funding sources face specific challenges that affect media viability.
- **Form cross-sector coalitions:** Media houses, civil society groups, academia and tech platforms should collaborate on campaigns defending press freedom.
- **Prioritise journalist wellness:** SANEF's call for mental health support highlights the need for trauma-informed care, especially for reporters covering violence, corruption and systemic injustice.

FOR TECH COMPANIES:

- The media industry relies to a significant degree on digital intermediaries to reach audiences. Therefore, there is a need for a better understanding of how algorithms rank, boost, restrict and recommend content (including, but not limited to, news) and target consumers. Without a better understanding of how these algorithms are currently built, it is difficult for publishers to work within their constraints to reach audiences or to play any role in determining

how algorithms should be built to promote an informed public. In light of this, there should be algorithm transparency from technology companies.

- Technology companies should provide legal guidance on how journalists and newsrooms can deal with online harassment in social media platforms. In particular, technology companies and social media platforms should provide mechanisms that will make it easier for journalists, human rights defenders and newsrooms to report punishable offences like online harassment.
- Google's monopoly position and the unequal bargaining position of the media has led to an equitable share of value between Google and news publishers in South Africa. Technological companies such as Meta and Google should ensure that their algorithms do not undermine audience reach for different media platforms, which leads to loss of advertisements and revenues. These

companies should ensure that news publishers have the option to opt-out of AI summaries and technological choices made must ensure that referral traffic to news publishers is not degraded by these tools.

FOR DONORS AND INTERNATIONAL BODIES:

- Donors can assist by providing funding for independent news organisations, training programmes for journalists, legal assistance for those facing threats, and advocacy campaigns aimed at influencing policy changes to broaden and protect media freedom.
- Donors and funders should increase funding that is flexible, in the manner that media houses could make proposals for funding based on the issues they deem most pertinent, as opposed to the top-down thematic areas usually identified by donors, requiring media houses to strictly conform to those thematic areas.

CONCLUSION

The impact of these cumulative media threats explored in this research report highlights that media freedom in South Africa has been shrinking over the years.

The different pieces of legislation enacted or pending are creating a chilling effect for media workers although this may not have been the intended consequence. The unintended consequences of these laws are that they have broad definitions that may encroach on the media's ability to hold power to account. The use of SLAPP suits by those who abuse court processes also has a devastating impact for media workers. While a considerable number of media houses continue to be critical, this report has shown that to challenge SLAPP suits usually come at a great cost and requires the commitment of time and resources from newsrooms who are embroiled in these litigations.

This report revealed that the impact of economic threats has led to the shrinking of newsrooms, operating with a burnt-out workforce with minimal resources to pursue stories. This has led to journalists being increasingly stretched thin, making it harder for organisations to secure meaningful coverage and are struggling to investigate beyond a press release, especially with demanding deadlines. The impact of economic pressures has also resulted in newsrooms avoiding certain topics due to not having the funds to fight drawn out legal battles with resourceful politicians, government departments and private institutions or individuals.

Social networking platforms like Google and Meta have had devastating results in the sense that Google's algorithm distorted competition between news media organisations insofar as it over-represents global news media in South Africa for search and Top Stories and under-represented vernacular and community media. This has led to massive loss of revenues for South African media houses.

Regarding the impact of societal and extra-legal threats, the gendered harassments that female journalists experience has led them to increasingly become reluctant to attend events of some of the political parties out of fear for their personal safety. An analysis of the scale at which journalists are harassed show that journalists are under attack from all fronts and it has become increasingly dangerous to become a journalist in South Africa.

The glory days of South African media are dwindling, especially for online and print editions due to financial pressures caused by social media platforms like Meta and Google and how audience engagement has shifted to the online space. If the media sector fails to revamp and find new modalities of generating revenues to sustain the sector, one can safely argue that the sector is headed to a collision course, especially considering the coalescence of different threats facing the media sector. There is also a need to establish a litigation fund so that journalists and newsrooms across the country would be more able to push back against SLAPP suits that are increasingly threatening media freedom in the country. While the judiciary continues to protect freedom of expression and the media, this often comes at an expensive cost. Civil society and citizens must be more responsible to participate in the democratic project to hold the political elites accountable as they tend to adopt authoritarian tendencies that repress media acting in the public interest.

The role of a robust media is too great to be left decaying. Media institutions in South Africa need to continue to find creative ways to generate revenue and to continue with journalism that holds power accountable. It is clear that the South African media at large operates on a failed market and broken system, but there is an urgent need

to envision a new funding model for media as a public good. Without a robust media that acts in the public interest, South Africa will easily backslide into an unaccountable political elite that will continue to consolidate power until there is no room to interrogate and scrutinise decisions of elected politicians in their discharge of duties to better the lives of citizens.

The converging threats facing South African media need to be confronted head on, and while it may be unrealistic to tackle all of them at once, one existential threat that cannot be ignored is the financial pressures in which the media sector finds itself under,

which enable other challenges that make the media sector more susceptible to the coalescence of threats. Therefore, to ensure the sustainability of the media sector, civil society, citizens at large and government institutions and private institutions, need to support media as a public good. This support can come in many ways: donations, intentionally consuming news directly from newsroom platforms, push back against those who want to repress the media — whether politicians or private institutions. It is impossible to hold power to account and to challenge abuses of power, expose financial mismanagement and corruption, without an empowered media.



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