

Weaponising the law:

Threats to media freedom in South Africa

A TRF Insights Report

July 2026



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This report was published by the **Thomson Reuters Foundation** and follows the global [Weaponizing the Law: Attacks on Media Freedom](#) report published in 2023 and the [Weaponising the law: Threats to media freedom in Kenya](#) report, published in 2026, by providing a country-specific analysis of the South African context.

It was written by Michael Power, Wendy Trott, Pheny Sekati, and Sophie Smit from ALT Advisory, in association with Power Law Africa.

It is designed by Mayo Akin-Oteniya.

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List of abbreviations

AdTech	Advertising Technology
AI	Artificial Intelligence
ANC	African National Congress
AITN	Access to Information Network
BCCSA	Broadcasting Complaints Commission of South Africa
CFE	Campaign for Free Expression
CPD	Continuing Professional Development
CSO	Civil Society Organisation
DoJCD	Department of Justice and Constitutional Development
EFF	Economic Freedom Fighters
FATF	Financial Action Task Force
FELN	Free Expression Legal Network
FPB	Film and Publications Board
GBV	Gender-Based Violence
GCIS	Government Communication and Information System
HNF	Henry Nxumalo Foundation
ICASA	Independent Communications Authority of South Africa
IEC	Independent Electoral Commission
LPC	Legal Practice Council
M20	Media20
MARS	Media Attack Reporting System
MK	uMkhonto weSizwe
MDDA	Media Development and Diversity Agency
Moxii	Moxii Africa
MDPMI	Media and Digital Platforms Market Inquiry
OCJ	Office of the Chief Justice of South Africa

PaAR	Participatory Action Research
PAIA	Promotion of Access to Information Act
RSF	Reporters Without Borders
RICA	Regulation of Interception of Communications and Provision of Communication-Related Information Act
R2K	Right to Know Campaign
SABC	South African Broadcasting Corporation
SADAG	South African Depression and Anxiety Group
SAHRC	South African Human Rights Commission
SANEF	South African National Editors' Forum
SAPS	South African Police Services
SARS	South African Revenue Services
SCA	Supreme Court of Appeal
SAJEI	South African Judicial Education Institute
SLAPP	Strategic litigation against public participation
WAN-IFRA	World Association of News Publishers



Will Church

Director of Media Freedom,
Thomson Reuters Foundation

Foreword

Media freedom is in decline around the globe. Journalists who hold power to account have long faced threats, from harassment and coercion to financial ruin and even physical harm, but in recent years, those who would silence them have evolved new weapons, in the form of systematic legal attacks that aim to deter scrutiny and suppress dissent.

This year, for the first time in its 25-year history, the Reporters Without Borders (RSF) annual [Press Freedom Index](#) classified the situation in over half of all countries worldwide as “difficult” or “very serious”. Across 180 countries, average global scores for press freedom are the lowest they have ever been, with the legal indicator seeing the sharpest decline.

In this context, it is essential for journalists and newsrooms to recognise and counter the threats they face. At the [Thomson Reuters Foundation](#), we use our unique combination of media and legal expertise, together with data intelligence, to support independent journalism, ensure the flow of trusted information, and strengthen democracy.

In response to mounting legal threats, we provide [free legal services and resources](#) for independent media around the world, and in 2023 we published [Weaponizing the Law: Attacks on Media Freedom](#). That report mapped the most serious legal threats to journalists worldwide, highlighting how systematic “lawfare” stifles public-interest reporting, with grave repercussions for both the media sector and the audiences they serve.

Earlier this year, we followed this up with a country-specific report, [Weaponising the law: Threats to media freedom in Kenya](#). That report shared detailed insights and analysis to support stakeholders in Kenya to defend and strengthen their national media ecosystem. In a similar vein, this report explores the most pressing threats facing journalists and media outlets in South Africa, and highlights the legal, judicial and industry

reforms that could help address these.

Despite very different contexts, journalists in South Africa highlight many of the same threats as their counterparts in Kenya – from the abuse of court processes to fragmented and insufficient labour protections.

South Africa is not an overtly hostile environment for journalism. It has a vibrant and dynamic media sector, supported by robust post-apartheid constitutional and legal protections. But despite this, there is an emerging risk that hard-won gains may be jeopardised by increasingly systemic legal abuse that compounds existing economic and digital challenges.

Spurious lawsuits aim to censor and intimidate, draining resources (and morale) in an operating environment already marked by significant financial and commercial pressures. Active legal abuses are compounded by regulatory gaps – especially around emerging threats such as generative AI – and weak enforcement of existing rights and protections, such as access to information. Robust protections in principle are often not borne out in practice.

The triple burden of intersecting legal, economic and digital pressures is amplifying the cost and risk of public-interest reporting in South Africa. For smaller community outlets, this poses an existential threat. Beyond newsroom survival, financial sustainability is essential to editorial independence and the ability to counter threats to the profession, both for individual journalists and media institutions.

In order to safeguard independent media, and its vital role in upholding democracy and fundamental rights in South Africa, press freedom must be defended not only in principle, but also in practice. This report aims to empower stakeholders across the media sector with the insights, analysis and tools to drive positive change.



Elizabeth Onyango

Regional Head,
Thomson Reuters Foundation

Foreword

South Africa's constitutional protections for press freedom are among the strongest on the continent and this year, the country leads Africa in the World Press Freedom rankings. However, the journalists we spoke to for this report tell a different story. There is a widening gap between safeguards for media in principle and threats to their work in practice.

When we published our report on the weaponisation of the law in Kenya earlier in the year, 42% of surveyed journalists reported having faced legal threats because of their work. In South Africa that figure is 50%. The issues documented in our previous research – the abuse of court processes, SLAPP suits, mis- and disinformation and the harassment of women journalists – appear again here. In very different political contexts, similar tactics are being used to stifle journalists' ability to report freely.

South Africa is a compelling case study because it shows how threats to media freedom take root even in jurisdictions with strong constitutional guarantees. The threats to its media ecosystem are also less visible. We do not see the censorship, internet shutdowns, or the arrest of journalists witnesses, as in Kenya. Instead, legal complexity, regulatory gaps, and financial pressures are slowly eroding the conditions in which independent journalism thrives. The threats to media freedom in South Africa are harder to name, harder to address, and all the more important to bring into focus.

From the Thomson Reuters Foundation's Africa Hub in Nairobi, we see this pattern emerging across the region. Even where the foundations of democracy appear strong, there is a subtle, systemic shrinking of media freedom and civic space at play. Nor is the burden

shared equally: women journalists, freelancers and LGBTQIA+ reporters face the sharpest exposure.

Our role on the continent is to stay close to these realities and use our legal, media and convening expertise to effectively support responses on the ground. From supporting newsrooms to build sustainable and responsible AI strategies, to providing legal resources, pro bono advice and mentoring, we work to strengthen independent journalism and civic space across the continent. We offer training, legal and operational support to journalists and newsrooms across sub-Saharan Africa, working with them to develop the tools to withstand the threats identified by this report.

We are grateful to the South African partners whose expertise and openness shaped this report. Despite the challenges, I am struck by their courage and determination, and their work is the foundation on which any meaningful response must be built.

We hope that the evidence presented here equips lawyers, policy makers, government representatives and civil society to take coordinated action in South Africa, and across the continent. It is only by working together that we can effectively protect independent journalism for a stronger, freer and fairer Africa.

Executive summary

South Africa has strong constitutional protections for media freedom and a media sector with a long history of public-interest reporting. Yet those protections are coming under growing strain. Journalists in South Africa increasingly face legal threats, surveillance risks, online abuse, and deepening economic pressure that make it harder to report freely, safely, and independently.

These threats are not always overt attempts to silence journalists or block publication. More often, they operate through the strategic misuse of legal processes, regulatory gaps, weak enforcement of existing protections, and economic pressures that leave journalists and newsrooms more exposed. The cumulative effect is to raise the cost of accountability reporting, increase the risks of speaking out, and weaken the conditions in which independent journalism can flourish.

The burden is not felt equally. Women, LGBTQIA+, migrant, freelance, and community journalists often face greater exposure to harassment, legal vulnerability, and economic insecurity. Over time, these pressures can push journalists towards self-censorship, shrink the space for investigative reporting, and leave communities with less access to reliable public-interest news.

This report builds on the 2023 global *Weaponizing the Law: Attacks on Media Freedom* report and the 2026 Kenya report in this series. It draws on documentary review, a survey of 96 participants, focus group discussions, and expert validation to examine the legal threats facing journalists in South Africa today. It finds that 50% of surveyed journalists reported having faced legal threats because of their work, and identifies four broad categories of threat: abuse of court processes; regressive and disabling legislation; technology-facilitated harms; and labour-related and sustainability challenges.

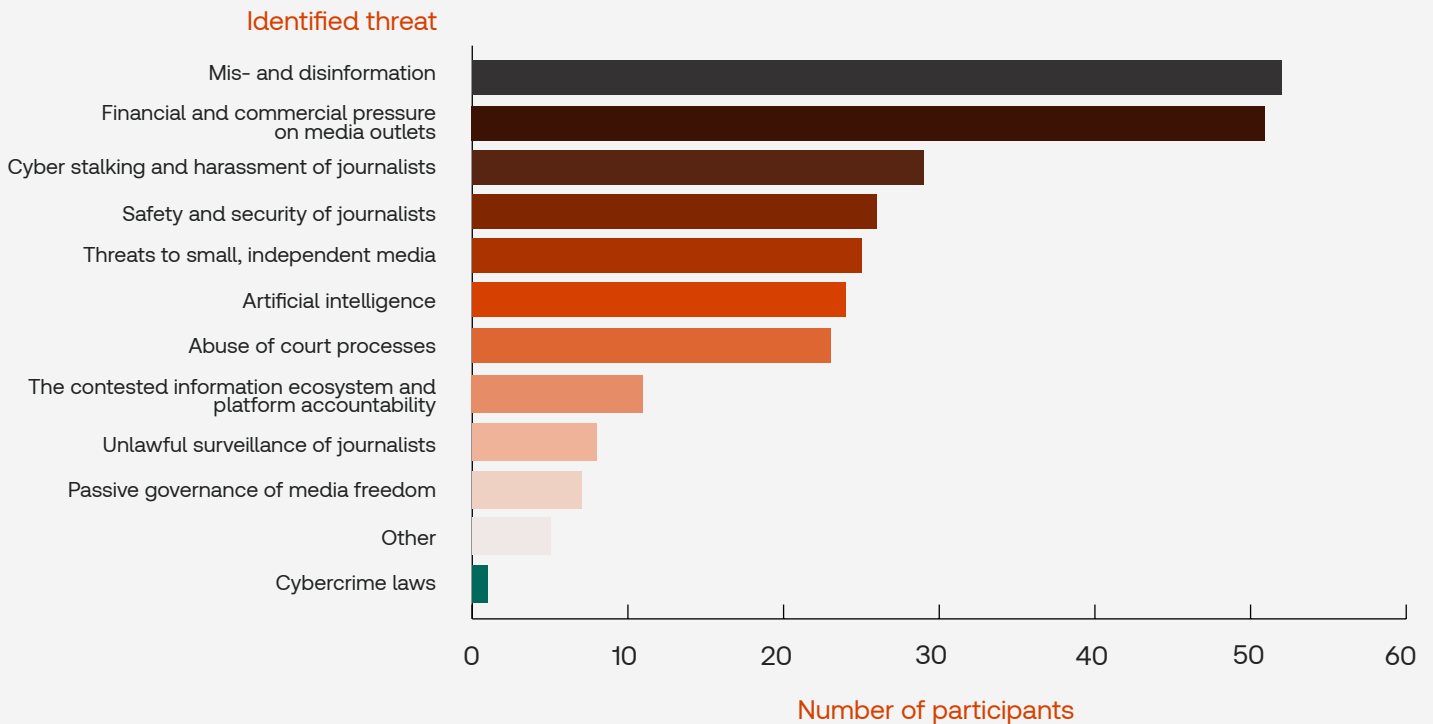
The report documents 17 specific threats across these four categories, highlights case studies from the South African context, and sets out recommendations for judicial, legislative, institutional, and industry reform. These threats are presented thematically rather than in order of severity. They do not occur in isolation: legal intimidation, disinformation, weak enforcement, and economic precarity often reinforce one another, creating a more difficult environment for independent journalism and media sustainability.

“Journalism should be taken seriously; look at it as a service to the masses.

Focus group participant



Threats to media freedom in South Africa, ranked by the number of participants who placed each threat under their “top 3”:



What this analysis shows

Across these findings, four broader dynamics emerge.

First, threats to journalism in South Africa are **cumulative rather than isolated**. Legal pressure, digital harms, weak enforcement, and economic insecurity reinforce one another, raising the overall cost and risk of public-interest reporting.

Second, South Africa is **not a hostile environment for journalism in the traditional sense**, but one where pressure is often applied in more indirect and systemic ways – through legal processes, regulatory gaps, and structural constraints rather than overt censorship.

Third, while constitutional protections for media freedom are strong, they **do not translate into real protections**, due to gaps in implementation, enforcement, and institutional capacity.

Finally, the risks facing journalists are **unevenly distributed**. Freelancers, community journalists, and those from marginalised groups often face greater exposure to legal, economic, and digital threats, with fewer resources to respond.

Taken together, these dynamics point to a media environment where pressure is diffuse but persistent. Even in the absence of direct repression, the long-term impact is to constrain independent journalism.

“

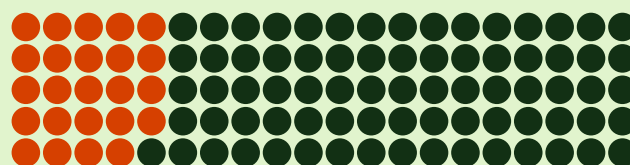
The threat to journalism in South Africa is not one single law or institution, but the cumulative effect of legal pressure, weak enforcement, digital harms, and economic insecurity.



Threat 1: Abuse of court processes

24%

of surveyed participants identified the abuse of court processes as one of the top three legal threats to journalism.



Abuse of court processes has emerged as one of the clearest ways in which legal pressure is used to burden journalists in South Africa. This mirrors increased legal cases being decided on this issue (i.e. jurisprudence). Prior restraints on publication (“gagging orders”), defamation claims, strategic lawsuits against public participation (SLAPPs), protection orders, and privacy-based claims are often pursued not to vindicate rights, but to intimidate reporters, impose financial and emotional costs, and discourage further scrutiny by the media. The journalists we surveyed expressed concern not only about legal

outcomes, but also about the financial, emotional, and reputational toll of the litigation process.

Recent jurisprudence has reaffirmed the South African judiciary’s role in identifying and rejecting abusive legal claims: courts have begun to distinguish SLAPP suits as procedural abuses designed to suppress public-interest reporting rather than resolve genuine disputes. Yet despite these advances, the abuse of court processes is increasing, with the following key threats identified:

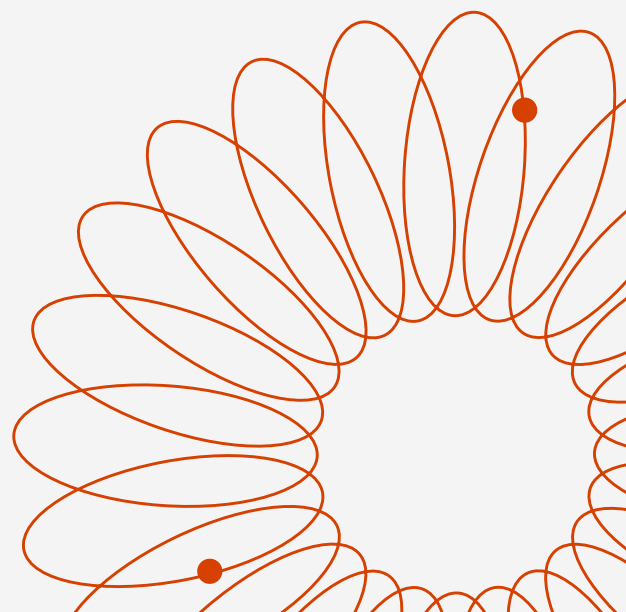
Prior restraints on publication	There is a growing use of court applications to block publication before stories are released, often through “gagging” orders. Courts do not always apply the high legal threshold for these orders consistently at the first stage, meaning journalists and publishers are forced into costly and time-consuming legal challenges to have them overturned.
Defamation claims and SLAPP suits	Although criminal defamation has been repealed and courts have begun to recognise SLAPP suits, defamation claims seeking excessively high damages remain a powerful tool of intimidation. They are particularly effective when brought by well-resourced actors against journalists, smaller newsrooms, and community media, discouraging public-interest reporting.
Abuse of protection orders	Interim protection orders are increasingly being used to block public-interest reporting. There are no clear legal tests requiring a higher threshold when these orders are applied to journalists, and no central system for verifying whether such orders exist – leaving journalists vulnerable to misuse.

Misuse of privacy laws

While privacy laws include protections for public-interest reporting, they are increasingly being used to block access to important information. In practice, these laws can be applied in ways that delay or prevent disclosure, making it harder for journalists to report on issues of public interest.

Key recommendations:

- The Department of Justice and Constitutional Development (DoJCD) and the Office of the Chief Justice (OCJ) should update the existing case management system to require either party to a case to notify the Registrar at the point documents are filed whether a matter may constitute an abuse of process, to ease identification and better management.
- Parliament should enact anti-SLAPP legislation. As an alternative, the Rules Board for Courts of Law should amend the Uniform Rules of Court to provide for procedures for handling abuse of court cases, including an expedited mechanism.
- Initiatives such as [Moxii Africa's SLAPP Back website](#) should be regularly updated and promoted to improve public access to information on abuse-of-process tactics and jurisprudential responses.
- The Legal Practice Council (LPC) should be empowered to monitor and sanction legal practitioners who abuse litigation to harass journalists, media practitioners, and civil society actors, including through a dedicated Abuse of Process Working Group.
- Civil society should continue to pursue strategic and public-interest litigation to strengthen protections for free expression and provide legal support for journalists at risk.





Threat 2: Regressive and disabling legislation

“ [We need an] engaged and competent government that creates policies and acts in ways that support the protection of journalists, publications, and the media, in the interests of a thriving industry and of freedom of speech.

Survey participant.

In addition to the abuse of court processes, South Africa’s media freedom is undermined by systemic barriers to accessing information and regressive and disabling surveillance laws. While South Africa’s Constitution enshrines the right of access to information through the [Promotion of Access to Information Act](#) (PAIA), journalists continue to face entrenched legal, procedural, and systemic barriers when attempting to access public records and information of public interest.

In terms of surveillance, reforms to the [Regulation of Interception of Communications and Provision of Communication-Related Information Act](#) (RICA)

mandated by South Africa’s Constitutional Court have been unduly delayed, provisions of the [Criminal Procedure Act](#) are misused for communications surveillance, and the recent [General Intelligence Laws Amendment Act](#) (which is not yet in effect) enables intrusive security vetting of individuals and institutions deemed “of national security interest”, including the national public broadcaster. In addition, the [Cybercrimes Act](#) contains overly broad definitions which may be used against journalists.

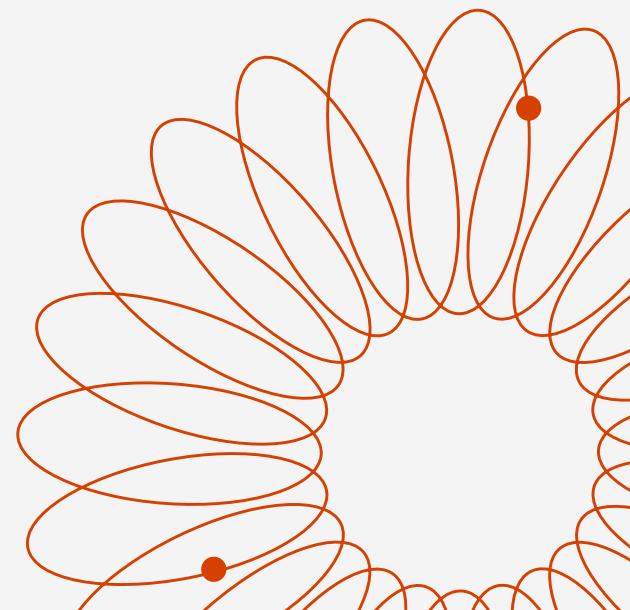
The key threats resulting from regressive and disabling legislation include:

Barriers to accessing information	Journalists continue to face significant barriers when trying to access public information. Delays, poor record-keeping, and weak compliance with access to information laws mean requests are often ignored, refused, or processed too slowly to be useful. In practice, this undermines the public’s right to know and makes accountability reporting more difficult.
Surveillance laws	Outdated and delayed reforms to surveillance laws mean journalists remain vulnerable to their communications being monitored. Existing legal mechanisms can be used to access call data or intercept communications without sufficient safeguards, undermining source confidentiality and discouraging investigative reporting.
Cybercrime laws	The Cybercrimes Act contains broad provisions that can be used against journalists, particularly when reporting on leaked or sensitive information. Without clear public-interest protections, journalists risk legal exposure for publishing material that is important for accountability and public debate.

Financial and anti-money laundering laws	New financial regulations have increased compliance requirements for non-profit organisations, including investigative media outlets. These obligations can create administrative and financial burdens that affect the sustainability of public-interest journalism, particularly for smaller organisations.
Whistleblower protection laws	Weak implementation and limited scope of whistleblower protections discourage individuals from sharing information with journalists. This reduces the flow of information about wrongdoing and makes it harder for journalists to investigate and report on issues of public interest.

Key recommendations:

- The Information Regulator should enforce PAIA more rigorously, including through maintaining a PAIA requests tracker to monitor compliance and sanctions for persistent non-compliance and delays.
- Parliament should urgently finalise reforms under RICA, including stronger safeguards for journalists, source confidentiality, and post-surveillance notification.
- Parliament should amend the Protected Disclosures Act to reinforce protection of whistleblowers and public-interest disclosures, including where information is shared directly with journalists.
- Authorities implementing the Financial Action Task Force (FATF) recommendations should develop clear and proportional regulatory compliance guidelines for civil society organisations (CSOs) that do not undermine the financial sustainability of non-profit media organisations.



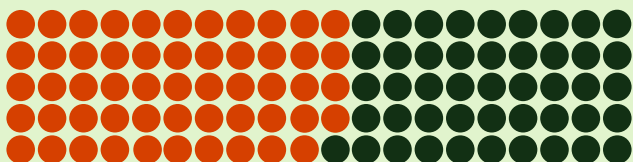


Threat 3: Technology- facilitated harms

“ Digital harms do not only target individual journalists; they also damage credibility, distort public debate, and make accountability reporting harder to sustain.

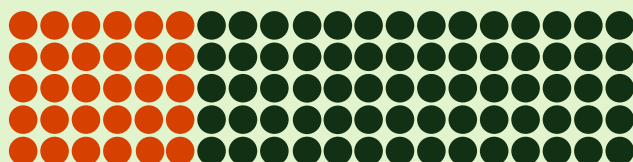
54%

of survey participants identified mis- and disinformation as one of the top three threats to media freedom.



30%

highlighted concerns about the online harassment of journalists and noted it as an inhibitor to media freedom in South Africa.



Online harassment, doxxing, disinformation, and weak platform accountability increasingly shape the conditions in which journalism is produced, distributed, and received. These technology-facilitated harms particularly affect women, migrant, freelance, and other under-resourced reporters in South Africa.

Trends indicate that online attacks have become more rampant around sensitive reporting on corruption, political parties, or migrant rights, and frequently

include misogynistic, racialised, and sexualised attacks. Disinformation and algorithmic amplification on platforms like X and Facebook distort public discourse, undermine credibility, and increase risks for journalists.

In the absence of meaningful platform accountability, effective state action, and adequate protective frameworks, these harms often go unaddressed and continue to escalate. The key threats include:

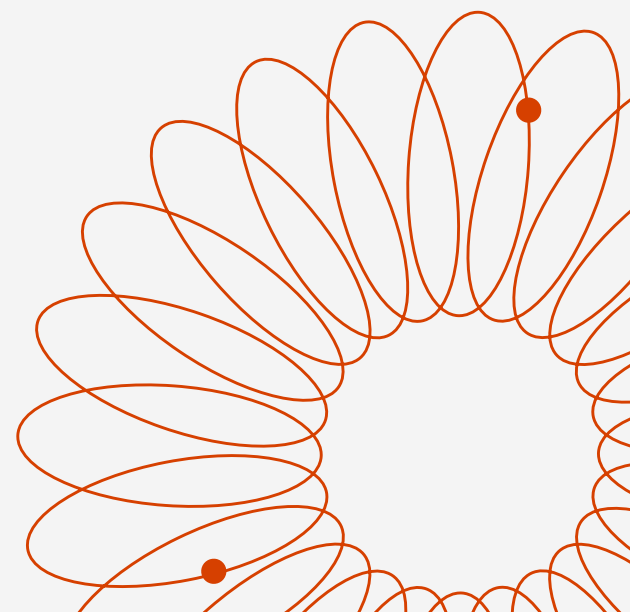
Mis - and disinformation	Disinformation has become a systemic threat to media freedom, public trust, and democratic debate. In the absence of clear platform accountability, journalists face increasing harassment, and their reporting is often undermined or wrongly equated with the very disinformation it seeks to challenge.
Online harassment	Journalists, particularly women, face sustained online harassment, including misogynistic, racialised, and sexualised abuse. Weak legal protections, limited state action, and a lack of support systems mean these attacks often go unaddressed.

**Platform
accountability**

South Africa lacks a clear and coordinated framework for holding digital platforms accountable when they amplify harassment and disinformation. Weak oversight and limited enforcement mean platforms often fail to respond effectively, leaving journalists exposed and allowing online harms to escalate.

Key recommendations:

- Government should develop a more coherent framework for platform accountability so digital platforms can be held responsible when they amplify harassment, disinformation, and abuse targeting journalists.
- Government, regulators, and civil society should strengthen legal and practical responses to online harassment, particularly where it targets women journalists and others facing intersecting vulnerabilities.
- Media organisations should adopt stronger internal safety, reporting, and support mechanisms for journalists facing digital abuse, including clear escalation pathways and psychosocial support.

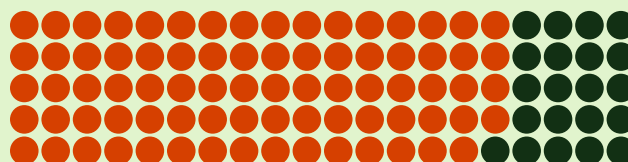




Threat 4: Labour- related and sustainability challenges

79%

of survey respondents highlighted the need for stronger labour protections for journalists



Economic insecurity is making journalism in South Africa harder to sustain as a public good. Cutbacks, stagnant pay, increased workloads, insecure freelance conditions, and weak labour protections are placing growing pressure on journalists and newsrooms alike.

“Economic pressure does not only weaken newsrooms; it also undermines editorial independence, working conditions, and the long-term sustainability of public-interest journalism.”

These pressures affect not only livelihoods but editorial independence. Journalists who are overworked, underpaid, or worried about contracts, funding, or legal exposure are less able to resist external pressure or invest time in public-interest reporting. New risks linked to generative AI (and related intellectual property questions) and platform-driven revenue loss are adding to this instability, alongside broader concerns about fair revenue distribution and the long-term sustainability of local and community journalism. The key threats identified are:

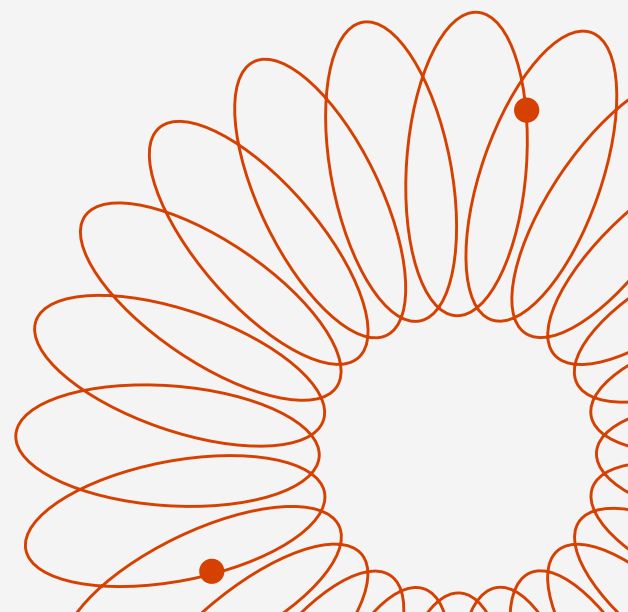
Financial pressure and fair labour practices	Journalists are facing growing economic pressure, with cuts, reduced pay, and increasing workloads becoming common across the sector. These conditions place strain on newsrooms and can lead to unfair labour practices.
Labour protections for journalists	Weak and fragmented labour protections leave many journalists vulnerable, particularly freelancers and contract workers. In some cases, employment terms can compromise source confidentiality and make investigative reporting more difficult.
Mental health	The combined impact of legal threats, economic insecurity, and online abuse is taking a growing toll on journalists' mental health. Without adequate support, these pressures contribute to burnout, withdrawal from the profession, and reduced capacity for public-interest reporting.

Media ownership and training	The lack of diversity on the boards of publishers may prejudice efforts to democratise narratives, and cuts in legal and ethical training in newsrooms undermine the capacity and skills of young journalists.
Artificial intelligence	Without clear protections, journalists' work can be used by generative AI companies without consent, credit, or compensation. This raises concerns about intellectual property and the long-term sustainability of independent journalism.

Key recommendations:

- Media stakeholders should work towards stronger labour protections and more equitable employment conditions for journalists, including freelancers and contract workers.
- Government should advance measures to support the long-term sustainability of journalism, including fairer revenue distribution from digital platforms and stronger support for local, community, and public-interest media.
- Government and industry should strengthen protections around generative AI, including intellectual property safeguards and measures to prevent the uncompensated use of journalists' work.

In response the report highlights the need for stronger safeguards against the abuse of legal processes, targeted legislative reform, and sustained support for civil society and legal defence mechanisms to protect journalists at risk. These recommendations aim to ensure that, both in law and in practice, South Africa's hard-fought press freedom is not further eroded, but can flourish and perform its vital constitutional function.



Introduction

Journalism is a cornerstone of democracy and central to its effective functioning. It provides essential information to the public, holds power to account, and enables civic participation. South Africa's media landscape is shaped by *Ubuntu*,¹ and is known for its commitment to "investigative reporting, multilingual content, and community storytelling".² Safeguarding journalism is therefore vital to protecting democracy, and South Africa's courts, most notably its Constitutional Court, have repeatedly acted in defence of journalists and vindicated the constitutional protections necessary for a free press.

Recent audience data shows a media landscape that remains highly relevant but is changing quickly. In South Africa, trust in news stands at **55%**, while **60%** of respondents say they are interested in local news. At the same time, access is increasingly shaped by digital platforms: **50%** say they use Facebook for news and **42%** use YouTube for news. These shifts are unfolding alongside growing concern across the sector about platform power, revenue loss, and the sustainability of local and community journalism.³

While South Africa is not a hostile environment for journalism, recent trends require increasing vigilance and remedial action.

“The formal legal architecture which protects and promotes journalism in South Africa is often undermined by a parallel and emergent system of strategic abuse. If left unchecked, this risks transforming South Africa's post-Apartheid democratic gains in relation to press freedom into something more precarious.

This report explores the legal threats facing journalists in South Africa, and documents how the legal system is being strategically undermined or left unenforced to suppress media freedom. It also examines how

these legal threats intersect with broader structural and socio-political challenges and makes a series of recommendations for reform. It follows the [Weaponizing the Law: Attacks on Media Freedom report](#), published in 2023, and the [Weaponising the law: Threats to media freedom in Kenya report](#), published in 2026, by providing a country-specific analysis of the South African context. It was commissioned by the Thomson Reuters Foundation (TRF) and prepared by ALT Advisory, in association with Power Law Africa.

Defining a “journalist”: This report does not adopt a rigid definition of a “journalist”. It focuses broadly on individuals producing consistent, public-interest reporting, which is aligned with recognised ethical and professional standards, and which is subject to a transparent, accountable, voluntary, and independent dispute resolution mechanism to resolve complaints and foster public trust. This may include contemporary actors such as online “newsfluencers”, who use social media to distribute news content.

Drawing on desk research, industry surveys, focus group discussions, and expert analysis, this research identifies four overarching categories of legal threats to media freedom in South Africa, including **abuse of court processes, regressive and disabling legislation, technology facilitated harms, and labour-related and sustainability challenges.** It documents 17 specific threats within these threat categories, presents case studies, and proposes a series of recommendations and opportunities to strengthen media freedom protections.

¹*Ubuntu* is an African word rooted in humanist African philosophy and can be roughly translated as “humanity to others”, or “I am because we are”. It comes from the Zulu proverb “*Umuntu ngumuntu ngabantu*”, meaning “a person is a person through other people”. Read more about this here. See, also, *S v Makwanyane and Another* [1995] ZACC 3; 1995 (3) SA 391; 1995 (6) BCLR 665 at para 307.

² Competition Commission “MDPMI Provisional Report: Annexure 1: The News Media Industry” (2025) (Accessible [here](#)).

³ Reuters Institute for the Study of Journalism, [Digital News Report 2025](#) (South Africa country data / summary findings); see also supporting summaries of the 2025 findings.

Country profile

Across the African continent, South Africa's media sector stands out for its unique vibrancy and strong constitutional protections. Freedom House's 2026 report scores the country at 81 out of 100 for global freedom and 73 out of 100 for internet freedom,⁴ while the 2026 Reporters Without Borders (RSF) Index scores it at 77.95 out of 100 for media freedom.⁵

“ Reporters Without Borders scores South Africa at 77.95 out of 100 for media freedom.

Section 16 of the South African Constitution guarantees freedom of expression, including freedom of the press, while prohibiting propaganda for war, incitement of imminent violence, and hate speech in line with international human rights law standards. Section 32(1) of the Constitution provides all people in South Africa with the right of access to information, including any information held by the State and information held by another person that is required for the exercise⁶ of a right.

In addition to constitutional protections, and as detailed below, South Africa's common law has developed to include robust protections for journalists. Legislation increasingly recognises journalistic exemptions and public-interest overrides to enable journalistic activity.

Oversight and regulation of the South African press is carried out by several independent and statutory

bodies which, together, promote ethical journalism, accountability, and public trust. These include:

- **The Press Council of South Africa** (Press Council), which functions as a voluntary co regulator for print and online media, administers the Code of Ethics and Conduct for South African Print and Online Media (Press Code) and offers impartial, timely adjudication in disputes between media outlets and the public.
- **The Independent Communications Authority of South Africa** (ICASA), which regulates broadcasting and telecommunications as an independent institution established in terms of South Africa's Constitution.
- **The Film and Publication Board** (FPB), which regulates digital and physical media, including films and games, to protect children and classify content under legal and ethical standards. While not a direct media regulator, its decisions shape broader norms on digital expression and distribution.
- **The Broadcasting Complaints Commission of South Africa**, which was initially established by South Africa's National Association of Broadcasters and is now an independent, domestic, administrative tribunal for radio and television broadcasting which is formally recognised by ICASA.



⁴ Freedom House, "South Africa: Country Profile" (Accessible [here](#).)

⁵ Reporters without Borders, "South Africa" (Accessible [here](#).)

⁶ *Id* at section 32(1).

Leading media organisations, such as the South African National Editors' Forum (SANEF) and investigative journalism hub, amaBhungane Centre for Investigative Journalism (amaBhungane), have played a central role in advancing ethical journalism and defending media freedom. Other organisations, such as the Association of Independent Publishers (AIP) and Moxii Africa (formerly Media Monitoring Africa), have acted as activist and watchdog organisations, focusing on promoting ethical journalism, countering disinformation, and protecting the rights of communities at risk within the media space. Similarly, civil society initiatives such as the Right2Know Campaign (R2K), the Campaign for Free Expression (CFE), and the SOS Coalition have played vital roles in defending access to information, public broadcasting accountability, and freedom of expression.

Recently, three major developments have impacted South Africa's media landscape:

- the Media and Digital Platforms Market Inquiry (MDPMI), launched in 2023 by South Africa's Competition Commission to assess how digital platforms and advertising markets impact media sustainability and competition⁷
- the Media20 (M20) initiative, linked to South Africa's 2025 G20 presidency, which united journalists, researchers, and civil society to promote media integrity and information resilience in global policy discussions⁸
- the establishment of the Freedom of Expression Legal Network, which seeks to provide pro bono legal support to journalists and media organisations through a network of partner organisations, and engage in joint advocacy efforts.



REUTERS/Thomas Mukoya

⁷ Press Council "Competition Commission launches inquiry into distribution of media content" (17 October 2023). (Accessible [here](#).)

⁸ M20 Media Integrity (Accessible [here](#).)

Methodology

This research adopted a three-phase mixed-methods and participatory approach grounded in Participatory Action Research (PaAR), designed to produce actionable knowledge that can drive reform. The primary research questions were: **what legal threats do journalists face in South Africa's legal environment, and what are suitable remedies to the identified challenges?**

The **first phase** involved a comprehensive desktop review of South Africa's media landscape, analysing domestic law, policies, court decisions, and reports to identify existing and emerging legal threats to journalists in South Africa. This process identified twelve initial threats, based on those identified in the 2023 Weaponization the Law report, to guide the second phase.

The **second phase** involved a public participation process, which included industry surveys and focus group discussions with journalists, editors, and media freedom experts, who ranked identified legal threats by their potential to silence or restrict journalists. To ensure broad representation across South Africa's media landscape, surveys were disseminated publicly via social media platforms and directly to over 60 key stakeholders. These included organisations such as AIP, which represents more than 170 small, independent, and community media publishers nationally, spanning diverse ownership models, languages, content types, and target audiences; and SANEF, which is a membership body comprising editors, senior journalists, and media trainers from across the country.

In sum, **96 responses to the survey were received**, including from individual respondents and institutional representatives.⁹

“ To ensure broad representation across South Africa's media landscape, surveys were disseminated publicly via social media platforms and directly to over 60 key stakeholders, including industry bodies and membership organisations. Three targeted focus group discussions explored the key issues raised by the 96 responses received.

In addition to the survey, **three targeted focus group discussions were held**, engaging nine journalists, editors, academics, and regulatory body representatives, including the Press Council. Further input was gathered through public events such as South Africa's annual Media Freedom Festival, where the survey was also circulated. Additional threats raised during these discussions were incorporated, resulting in the final 17 highlighted in this report.

The **third and final phase** saw the report reviewed by a diverse group of seven South African media freedom experts. The role of this Expert Group was to refine the identified threats, validate the findings in the report, and further hone and develop the recommendations.

Once all the research and participatory phases were completed, the authors synthesised the collected data, findings and recommendations to categorise and present these in a suitable framework for understanding and advancing media freedom in the South African context. In doing so, this report departs slightly from the framework of global threats set out in the Weaponizing the Law report, highlighting four broad categories of threats relevant to South Africa, and a series of sub-threats within these. Importantly, the recommendations presented here are intended not only as responses to these challenges but also as a springboard for coordinated action by actors across the media ecosystem.

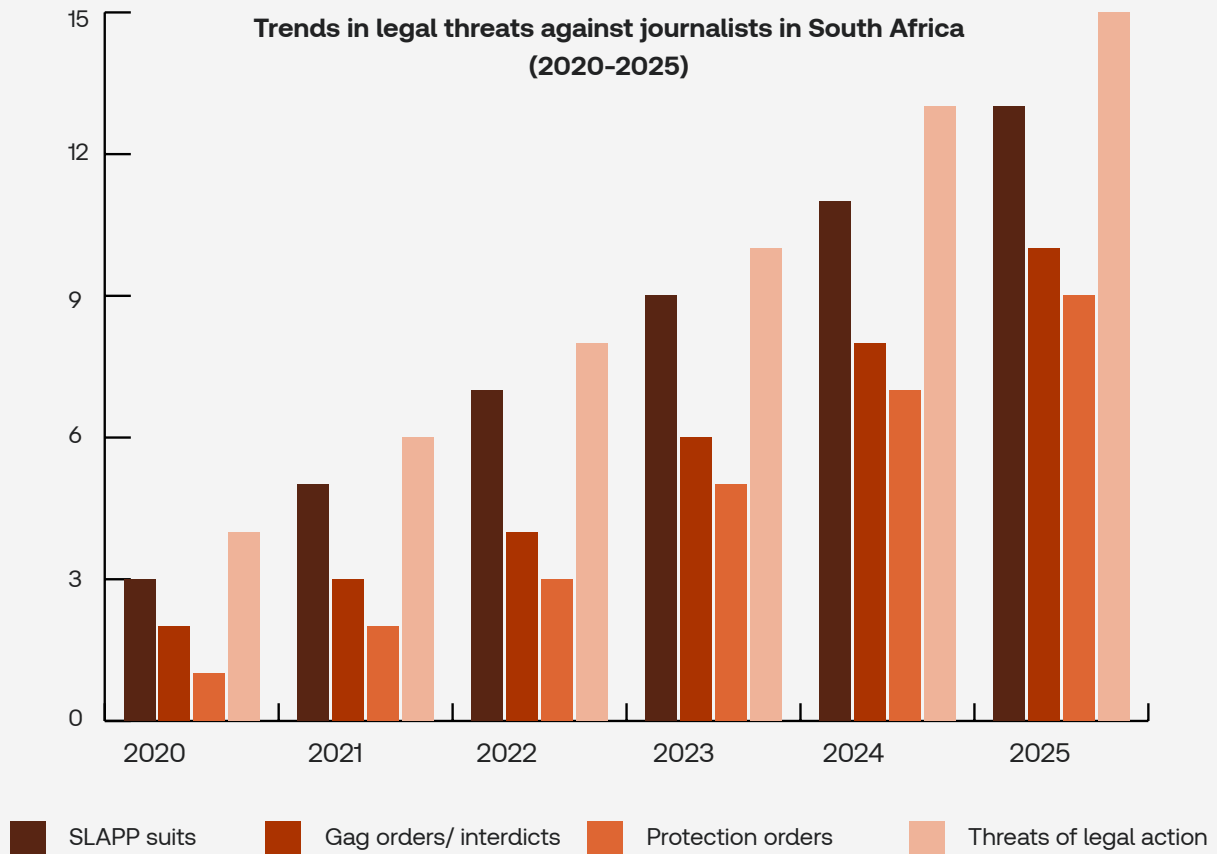
⁹ Of the 96 surveyed participants who noted their function within the press ecosystem, there were 22 freelance journalists, 19 salaried journalists and reporters, nine investigative journalists, eight community media journalists, 20 editors, and seven media actors and activists.

Threat 1: **Abuse of court processes**

Overview

The abuse of court processes is emerging as the foremost strategic tool to undermine journalists, civil society actors, and human rights defenders in South Africa. In the last five years, South Africa has seen an increasing trend of attempted prior restraints on publication (colloquially known as “gagging orders”), Strategic Litigation Against Public Participation (SLAPP) suits and defamation claims, protection orders, and interdicts being used as silencing tactics. These abuses have significant impacts on media freedom, even in instances where they are unsuccessful, or are not carried through until their conclusion.





Among the surveyed journalists, **50% reported having faced legal threats in response to their work, and 37 participants categorised these threats as abuses of court processes.**

¹⁰These types of legal proceedings are often brought by powerful individuals or institutions, not with the intent of vindicating their rights or remedying instances of harm or defamation, but to intimidate, exhaust resources, and silence critical voices. They often seek exorbitant damages awards and are intended to act as a form of psychological punishment or threat to a defendant.

Survey results showed that **31% of participants felt “somewhat confident” in the courts’ ability to protect those covering sensitive or controversial topics**, with concerns focused more on the financial costs of litigation than on the legal outcomes themselves.

The abuse and weaponisation of court processes is enabled by exploiting procedural loopholes and power imbalances – particularly when extensive resources are used to fund legal action against those with limited capacity to fund their defence, such as journalists and smaller newsrooms. This primary vulnerability in South Africa’s press freedom landscape underscores that the constitutional right to press freedom is not self-executing.

“Many of the risks South African journalists face (intimidation by politicians, police harassment, threats over corruption reporting) persist because consequences are rare. One legal change that removes impunity would do more than any training or safety guideline.

Survey participant

¹⁰ While comprehensive national statistics on the abuse of court processes against journalists in South Africa are not publicly available, this graph draws from documented cases and reporting across the following sources: Harber “Courts are being used to silence journalists” *GroundUp* (1 April 2025). (Accessible [here](#)); IFEX & Committee to Protect Journalists “South African journalists battle new gag order trends” (18 August 2025). (Accessible [here](#)); Roodt “Legal threats against journalists undermine our access to information” Press Council of South Africa (13 February 2025). (Accessible [here](#)); and Milo “Courts uphold media freedom in SA as the surge in prior restraint cases falls” *Daily Maverick* (25 September 2025). (Accessible [here](#).)

Notable trends

Prior restraints on publication or “gag” orders

South Africa has seen a troubling surge in attempts to obtain “gag” orders aimed at preventing the publication of investigative reportage, before it is publicly disseminated. This trend reflects a deliberate attempt to deter public-interest reporting and disable the right to know.

This development is particularly concerning since South African jurisprudence has developed a high threshold against prior restraints on publication. The Courts have established three elements that must all be met before granting a gag order.¹¹

First, the court must be genuinely convinced that the harm caused by allowing the publication outweighs the value of the public knowing the information/public interest. Second, there must be a real risk of harm if a publication is allowed. Third, the harm/damage to the administration of justice would be demonstrable (serious and provable).

In 2025 alone, there were at least ten reported prior restraint on publication cases, the majority of which were eventually unsuccessful.¹⁴ Ironically, these gag attempts often backfire due to the Streisand effect, where efforts to suppress information unintentionally draw greater public attention and amplify its visibility.¹⁵ However, their alarming rise is indicative of a structural vulnerability where courts of first instance (the first court that a party applies to) are still granting these types of orders, which are often only overturned after time consuming reconsideration applications and public outcry.

Case study: The South Africa’s first “super injunction”

On 27 November 2025, the Western Cape High Court in Cape Town dismissed, with costs, an urgent interdict application brought by an armoured vehicle company, Integrated Convoy Protection (ICP), against Open Secrets, a non-profit organisation that investigates and reports on private-sector economic crimes.¹²

This dismissal followed an extraordinary prior restraint order issued weeks earlier in the same court, which, it was argued, functioned as a “super injunction” by prohibiting Open Secrets not only from reporting on ICP’s contract to deliver vehicles to the United Arab Emirates (UAE) but also from disclosing the very existence of the order itself. Until this point, the concept of a super injunction was foreign to South African law.

At the hearing, Open Secrets argued that ICP had abused court process through “ambush litigation” and misleading redactions of its contract with a UAE arms company.¹³ During the hearing, which took place the same day the dismissal order was granted, the presiding judge agreed that ICP’s tactics deprived Open Secrets of a fair opportunity to respond, reinforcing the conclusion that the interdict was an unjustifiable gag order designed to suppress scrutiny rather than protect legitimate interests.

¹¹ See *Midi Television (Pty) Ltd v Director of Public Prosecutions* 2007 (5) SA 540 (SCA); [2007] (9) BCLR 958 (SCA) at para 19. (Accessible [here](#).)

¹² Cruywagen “Court dismisses company’s ‘gag order’ against Open Secrets” *Daily Maverick* (27 November 2025). (Accessible [here](#)).

¹³ Dladla “How an arms company tried to block your right to know – and failed” *GroundUp* (17 December 2025). (Accessible [here](#)).

¹⁴ See above n 12.

¹⁵ Milo above n 12. *The Streisand effect* originated from Barbra Streisand’s attempt to suppress photographs of her home, which inadvertently drew massive public attention to the very images she wanted hidden.



Case study:

Prior restraint against three whistleblowers

In 2025, a solar panel manufacturer, ARTsolar, attempted to silence three whistleblowers and journalist Bongani Hans through an urgent gagging order in the Durban High Court.¹⁶

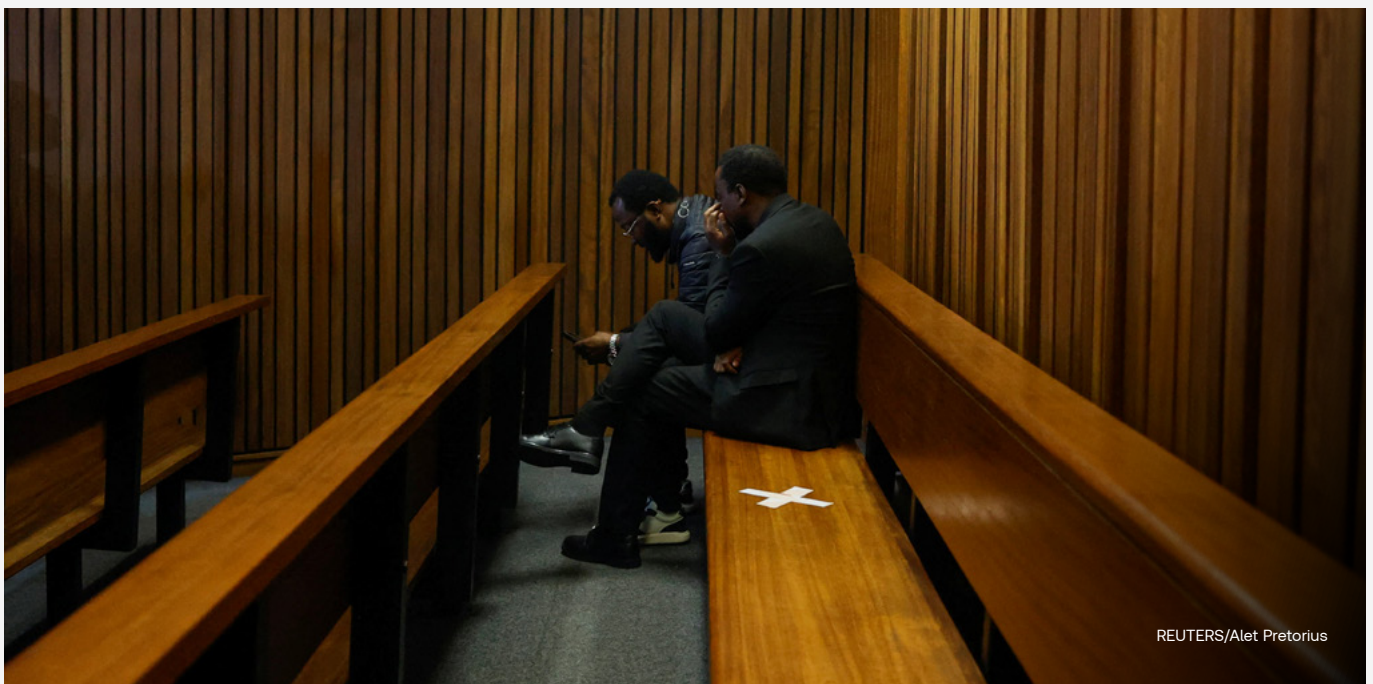
Acting Judge Perlene Bramdhew initially granted an interim order in March, barring businessman Brett Latimer, two former employees, and Hans from making or reporting on allegations that ARTsolar was importing panels rather than manufacturing them locally. The order even prohibited Latimer from communicating with the Industrial Development Corporation (IDC), which had invested R90 million in ARTsolar and wanted to investigate the claims.

The IDC successfully challenged its exclusion from the proceedings, arguing that the gagging order stifled its investigation and undermined accountability. By July, ARTsolar withdrew its application, tendering to pay the legal costs of all respondents, including the IDC.



Key threat

There is a concerning rise in prior restraint on publication applications, with inconsistent application of the high judicial threshold against awarding these types of gagging orders in courts of first instance. As a result, journalists and publishers often need to initiate costly and time-consuming “reconsideration” proceedings to have these orders overturned.



REUTERS/Alet Pretorius

¹⁶ Broughton “ARTsolar throws in the towel in ‘gagging’ case” *GroundUp* (17 July 2025). (Accessible [here](#).)

Defamation claims and SLAPP suits

Despite the common law crime of criminal defamation being repealed in 2024,¹⁷ journalists and media houses seeking to hold power to account are increasingly met with defamation lawsuits seeking financial damages awards. While defamation law serves as a legitimate remedy for individuals and entities seeking to protect themselves from reputational harm, it is increasingly being misused as a tool for the suppression of freedom of expression and to silence journalists.

“

I don't want to lose my house and life savings over a story.

Focus group participant

Increasingly, defamation claims are being instituted inauthentically as Strategic Litigation Against Public Participation, or SLAPPs – lawsuits which intend to intimidate, burden, or silence journalists engaged in public-interest reporting. SLAPPs can take various forms (including gagging orders or the misuse of criminal procedures), but defamation claims are the most commonly used tactic against media groups and journalists because they allow plaintiffs to frame public-interest reporting as reputational harm.

“

SLAPPs were only formally recognised in South African jurisprudence in 2021 following a landmark ruling by the Western Cape High Court, but the concept has since gained significant momentum.

SLAPPs were only formally recognised in South African jurisprudence in 2021 following a landmark ruling by the Western Cape High Court in the Mineral Sands case, but the concept has since gained significant momentum due to their prevalence and strategic deployment.¹⁸ Increasingly, SLAPPs are being identified as a form of procedural abuse that weaponises the court system against activists, journalists, and civil society organisations engaging in legitimate public discourse. Their key hallmark is an excessively high claim for damages.

However, not every instance of abuse of court process qualifies as a SLAPP suit. In Mineral Sands, South Africa's Constitutional Court held that the following criteria needed to be met for a defamation claim to be considered a SLAPP suit:¹⁹

- The matter constitutes an abuse of court processes to achieve an improper end.
- The litigation is intended to cause the defendants financial and/or other prejudice to silence them.
- The matter was instituted for a reason other than vindicating a right.
- The intended outcome would result in the violation or anticipated violation of the defendant's right to freedom of expression entrenched in section 16 of the Constitution in a material way.

“

We've been threatened by legal action various times. I've also been taken to the Press Ombud twice.

Survey participant

¹⁷ See section 34 of the Judicial Matters Amendment Act 15 of 2023 and Committee to Protect Journalists “CPJ welcomes South Africa's abolition of criminal defamation, calls for further legal reforms” (10 April 2024). (Accessible [here](#).)

¹⁸ *Mineral Sands Resources (Pty) Ltd v Redell and Two Related Cases* [2021] ZAWCHC 22; 2021 (4) SA 268 (WCC); [2021] 2 All SA 183 (WCC). (Accessible [here](#)).

¹⁹ *Mineral Sands Resources (Pty) Ltd and Others v Reddell and Others* [2022] ZACC 37; 2023 (2) SA 68 (CC); 2023 (7) BCLR 779 (CC) at para 96.



Case study:

Mazetti Management Services and Another v amaBhungane Centre for Investigative Journalism NPC and Others

In 2023, the Moti Group obtained an order from the Johannesburg High Court on an urgent, *ex parte* (only one party is present), and in-camera (closed to the public) basis. This compelled investigative journalists at amaBhungane to hand over certain documents to the Moti Group and interdicted them from reporting on such material.²⁰ The Moti Group argued that the documents were stolen by a whistleblower and sought their immediate return. AmaBhungane sought to have the matter urgently reconsidered, arguing that the order should not have been granted and should be set aside.

SANEF, together with Media Monitoring Africa (now known as Moxii Africa) and CFE, intervened as *amici curiae* (friends of the court). In their intervention, the parties raised serious concerns about the impact of SLAPP suits on journalists and media freedom, pointing to a worrying trend in which legal processes are increasingly used to silence critical reporting.²¹ They highlighted that multi-pronged legal harassment strategies, such as SLAPP suits, are intended not only to suppress specific reporting but also to intimidate and exhaust journalists' morale and resources.

The High Court set aside the *ex-parte* orders against amaBhungane, finding that the Moti Group had abused court process by seeking to suppress publication and compel the return of leaked documents.²² Notably, the Court further emphasised that any attempts to restrain such publication or unmask sources were unjustified and incompatible with the constitutionally protected right to press freedom.

The rise of social media and digital journalism has also introduced new complexities. While online publications can reach vast audiences instantly, they also expose journalists to new forms of liability, especially where legal frameworks have not caught up with technological changes. In the case of *Economic Freedom Fighters*,²³ South Africa's Supreme Court of Appeal confirmed that

for the purpose of defamation claims, social media posts should also be treated as publications. This means that defamatory content posted online can also incur liability, adding a new dimension requiring careful consideration in advance of publication.



REUTERS/Siphiwe Sibeko

²⁰ *Mazetti Management Services (Pty) Ltd and Another v amaBhungane Centre for Investigative Journalism NPC and Others* [2023] ZAGPJHC 771; 2023 (6) SA 578 (GJ) (Mazetti v amaBhungane) at para 4. (Accessible [here](#)).

²¹ First to Third Amici Curiae's Heads of Argument at paras 60–61. (Accessible [here](#).)

²² *Mazetti v amaBhungane* above n 28 at paras 43–44.

²³ *Economic Freedom Fighters and Others v Manuel* [2020] ZASCA 172; 2021 (3) SA 425 (SCA); [2021] 1 All SA 623 (SCA).



Case study:

Silencing tactics – *Maughan v Zuma and Others*

In 2021, journalist Karyn Maughan published an article which referenced a medical letter explaining former South African president Zuma's non-attendance at his criminal trial.²⁴ Although the letter was attached to affidavits which were later filed before the Court, thus becoming a public document, Maughan received a summons ordering her to appear before the Kwa-Zulu Natal Division of the High Court to face charges of unlawfully disclosing the letter. In response, Maughan filed an application for the summons to be set aside. Several media freedom organisations joined the proceedings as friends of the court, contending that the private prosecution was an abuse of court process aimed at deterring her journalistic work.

The matter was then referred to a Full (three judge) Bench of the High Court. In its judgment, the Court referenced the Constitutional Court's decision in *Mineral Sands*,²⁵ which held that both motive and merits are relevant when evaluating whether a prosecution constitutes an abuse of process. The Court emphasised the importance of considering the broader factual context, the purpose behind private prosecutions, the conduct of the prosecutor, the nature of the alleged offence, and its impact on the accused. Importantly, the Court recognised the increasingly hostile environment in which Maughan operated as a journalist and cited the social media harassment, gender-based slurs, and threats of physical violence that Maughan faced for covering matters related to the former President. In turn, the Court held that when a private prosecution is driven by an ulterior motive or is legally unsustainable, it breaches the principle of legality and amounts to an abuse of court process. This matter demonstrated how abuse of legal processes and SLAPP suits can be used to silence journalists.



Key threat

While criminal defamation has been repealed and emergent jurisprudence on SLAPP suits has been established, defamation claims seeking excessively high claims for damages remain a powerful instrument of intimidation. They are particularly potent when used by litigants with extensive resources against journalists, smaller newsrooms, and community media organisations. This resource asymmetry discourages public-interest journalism and places smaller newsrooms under disproportionate pressure.



²⁴ *Maughan v Zuma and Others* [2023] ZAKZPHC 59; 2023 (5) SA 467 (KZP); [2023] 3 All SA 484 (KZP); 2023 (2) SACR 435 (KZP) (*Maughan v Zuma*) at para 66. (Accessible [here](#)).

²⁵ Above page 24.

Abuse of protection orders

The [Protection from Harassment Act](#) 17 of 2011 was enacted to broaden legal protections from harassment beyond domestic relationships. This has enabled individuals to seek relief from harassment from any person on an urgent and interim basis, with no expectation of familiarity. The Act has since become a critical tool in confronting stalking, cyberbullying, and other threats to personal safety. However, **a recent trend has emerged in which protection orders are being misused against journalists, activists, and whistleblowers.**

The primary challenge is that the Act necessarily requires urgent and expedited processes in order to be effective, especially in instances where imminent threats of abuse and intimidation exist. However, it suffers from a structural vulnerability, which is being increasingly exposed: **its interim procedures do not require both parties to be present, and there is no specific provision directing a party to notify a judicial officer if the Act is being used against a journalist conducting a journalistic inquiry.**



Case study:

The case of Thomo Nkgadima and the silencing of investigative journalism

In March 2025, investigative journalist Thomo Nkgadima was arrested for allegedly breaching a protection order filed by individuals directly implicated in his investigative reporting on irregularities in a local hospital construction project.²⁶

Despite there being no evidence of a breach of the order and the matter eventually being dismissed in court, Nkgadima's arrest reflects a disturbing trend in which protection orders are deliberately misused to intimidate journalists.

In an equally concerning development, the focus group discussions highlighted a growing trend in which government officials refuse to engage with (or otherwise threaten) journalists by fabricating the existence of protection orders. Practically, officials use these fictitious orders to avoid engaging with journalists, claiming that they are legally barred from contacting them or reporting on certain matters, even though no

such orders have been issued by a court, even on an interim basis. This tactic is inherently dishonest, creates confusion, chills reporting, and places journalists under unnecessary legal anxiety, effectively weaponising the idea of judicial authority without any lawful basis.



Key threat

Interim protection orders are being misused as a tool to obstruct public-interest reporting, with no clear legal tests demanding a higher threshold when the Protection from Harassment Act is used against journalists conducting journalistic inquiries, and no centralised judicial database enabling journalists to verify the existence of these types of orders.

²⁶ Fritz "Protection orders are being weaponised to gag those exposing injustice" *Daily Maverick* (21 March 2025) (Accessible [here](#).)

Misuse of privacy laws

South Africa's [Protection of Personal Information Act 4 of 2013](#) (POPIA) places restrictions on the processing of personal information. However, journalists are entitled to an exemption when reporting on matters in the public interest. Specifically, section 7(1) of POPIA provides that the Act “does not apply to the processing of personal information solely for the purpose of journalistic, literary or artistic expression to the extent that such an exclusion is necessary to reconcile, as a matter of public interest, the right to privacy with the right to freedom of expression”.

As noted below, a recurring threat to public-interest reporting is the misuse of legislation that was never intended to block scrutiny and transparency. Increasingly, public officials and institutions have invoked POPIA to deny, divert, or delay access to information under the guise of it being “personal information”. This has an impact on both parliamentary and court processes.





Case study:

Corruption Watch (RF) NPC v Speaker of the National Assembly and Others

The recent Constitutional Court judgment of *Corruption Watch (RF) NPC v Speaker of the National Assembly and Others* illustrates this misuse.²⁷ During the 2022 appointment process for commissioners for South Africa's Commission for Gender Equality, the Parliamentary Portfolio Committee restricted public access to candidate information under the guise of POPIA. Only partial details of the candidates were released, submissions on their suitability for the position were limited, and timelines were shortened.

These constraints undermined meaningful public participation and weakened oversight in a process designed to ensure candidates for public office were fit and proper to serve. In August 2025, the Constitutional Court handed down its judgment, rejecting Parliament's reliance on POPIA and highlighting that such an interpretation of POPIA would fail to balance the right to privacy against the right of access to information and public involvement.



Key threat

While the Protection of Personal Information Act (POPIA) includes exemptions that permit the lawful processing of personal information in the public interest, it has been misused to impede the disclosure of necessary public information that enables court and parliamentary processes.

On a structural level, the erosion of informal dispute resolution mechanisms has further compounded problems around the abuse of legal processes in South Africa. South Africa's media landscape has become markedly more litigious, with the State, political parties, civil society organisations, and private actors increasingly resorting to litigation as opposed to negotiation. Younger journalists, often less well-resourced and more digitally exposed, now face threats via WhatsApp or direct messages, which lack formal protocols and accountability.



In the past, internal ombudsmen or editorial mediation might have resolved tensions quietly, but shrinking newsrooms and time pressures have shifted conflict resolution to formal bodies like the Press Council.

Focus group participant

Editors, in turn, have become more resolute in defending publication decisions, which can be seen as a protective stance. Yet this firmness also signals the growing anxiety among media houses about pre-publication interference from powerful actors, which often seeks to suppress scrutiny before stories even reach the public.

As noted above, these tactics, when seen collectively, are rarely intended to succeed on their legal merits. Instead, they aim to exhaust the resources of journalists through costly interim proceedings, discredit journalists in the process, and discourage future reporting on matters of public interest. Freelancers are especially vulnerable, as they lack the institutional legal support that might shield them from personal financial risk.²⁸ The fear of litigation, whether through defamation claims, protection orders, or vague threats, can deter investigative reporting, particularly for those without the legal backing of a newsroom.

²⁷ [2025] ZACC 15; 2025 (10) BCLR 1117 (CC); 2026 (1) SA 327 (CC). (Accessible [here](#)).

²⁸ This insight was shared during a series of focus group discussions with journalists, editors, academics, and regulatory body members.

Positive developments

South African courts have developed a myriad of jurisprudence on defamation claims against journalists and abuse of court processes, which have resulted in additional protections for the dissemination of information in the public interest. This work is ongoing but more needs to be done in addressing the structural vulnerabilities which enable a surreptitious parallel system of informal suppression to co-exist alongside the firmly embedded constitutional protections for journalists.

From a historical perspective, in 1998, soon after South Africa became a democracy, the Supreme Court of Appeal introduced the “reasonableness defence” into defamation law. This means that even if a published statement turns out to be incorrect, a journalist can avoid liability if they acted reasonably when gathering and reporting the information. This defence was added to existing common law protections such as truth, fair comment, public interest, and privilege. The *Bogoshi* case²⁹ marked the first time that a South African court formally recognised the right and vital function of the media to provide information that is in the public interest, and so contributing to the formation of public opinion.

The case arose when National Media and others published allegedly defamatory statements about attorney Bogoshi, who sued for damages, leading the court to consider whether the press should be held strictly liable for defamation regardless of reasonableness or public interest. The court further recognised the catastrophic effect of defamation

claims, with the presiding judge stating that “nothing can be more chilling than the prospect of being mulcted in damages for even the slightest error”.

“ The *Bogoshi* case marked the first time that a South African court formally recognised the right and vital function of the media to provide information that is in the public interest, so contributing to the formation of public opinion.

In 2002, the Constitutional Court considered a matter concerning a well-known South African politician and leader of a political party who sued the local paper, the *Sunday World*, for defamation arising from the publication of an article. In the *Khumalo* case, Justice O’Regan outlined the *Bogoshi* decision, diving deeper into the role of the media in protecting the right to freedom of expression and the required balancing of the right to dignity for claimants.³⁰ She stated that:

“ the manner in which the media carry out their constitutional mandate will have a significant impact on the development of our democratic society. If the media are scrupulous and reliable in the performance of their constitutional obligations, they will invigorate and strengthen our fledgling democracy. If they vacillate in the performance of their duties, the constitutional goals will be imperilled. **The Constitution thus asserts and protects the media in the performance of their obligations to the broader society**, principally through the provisions of section 16³¹ (Own emphasis).



REUTERS/Mike Hutchings

²⁹ *National Media Ltd. and Others v Bogoshi* [1998] ZASCA 94; 1998 (4) SA 1196 (SCA); [1998] 4 All SA 347 (A) (Bogoshi). (Accessible [here](#)).

³⁰ *Khumalo and Others v Holomisa* [2002] ZACC 12; 2002 (5) SA 401; 2002 (8) BCLR 771. (Accessible [here](#)).

³¹ *Id* at para 22.

Since these cases, the courts have affirmed the defence of honest or fair comment in the McBride case³² and, according to media lawyer Dario Milo, have continued to “intervene in crucial respects to cement an approach in defamation law which prioritises freedom of expression over reputation in certain contexts”.³³ The apex of present judicial development is *Mineral Sands*,³⁴ which formally recognises a SLAPP defence in South African law.

Despite these developments, abuse of court processes is increasingly being deployed as a deliberate strategy to undermine journalism. Prior restraints, defamation suits instituted as SLAPPS, spurious protection orders, and urgent interdicts are often initiated by powerful individuals or institutions not to vindicate legitimate rights, but to intimidate, drain resources, and silence critical voices. Such practices erode public trust in the judiciary, repress free expression, and highlight the

urgent need for reforms that safeguard against the misuse of legal processes as tools of censorship and intimidation.

In response, the Free Expression Legal Network was launched to strengthen legal protections for free expression and media freedom.³⁵ Developed by the Campaign for Free Expression, South African National Editors’ Forum, the Press Council and other organisations and legal experts, the network provides support to journalists, writers, and media organisations facing legal threats, and coordinates with similar international efforts to create a stronger framework for defending free expression. By offering legal guidance, policy advocacy, and dedicated support for small and community media, the network represents a key resource for addressing the very vulnerabilities that allow abuse of court processes to occur.



³² *The Citizen 1978 (Pty) Ltd and Others v McBride* [2011] ZACC 11; 2011 (4) SA 191 (CC); 2011 (8) BCLR 816 (CC). (Accessible [here](#)).

³³ Milo “Media Freedom Day: 19 October 2012 Speech by Media Law Expert Dario Milo” SANE (9 October 2012). (Accessible [here](#).)

³⁴ Above page 24.

³⁵ The Campaign for Free Expression “Free Speech Legal Network”. (Accessible [here](#).)

Threat 2: **Regressive and disabling legislation**

Overview

Despite robust constitutional protections, South Africa's commitment to media freedom continues to be undermined by its government's systemic failure to meaningfully protect and sustain the independent press. This manifests both through the drafting and enactment of ill-considered and disabling legislation as well as through passive inaction where authorities fail to implement existing protections, neglect to enforce constitutional guarantees, or avoid addressing systemic gaps in policy and practice.

“ [We need an] engaged and competent government that creates policies and acts in ways that support the protection of journalists, publications, and the media, in the interests of a thriving industry and of freedom of speech.

Survey participant



Notable trends

Barriers to accessing information

Access to information is vital for journalists to hold those in power to account, uncover corruption, and report accurately on matters of public interest. This principle is underscored by leading investigative journalism organisations in South Africa, such as amaBhungane, who have noted that “improved access to information for investigative journalists and the media means the public’s right to information through media reporting is also enhanced”.³⁶

The proper functioning of democratic institutions is at risk when members of the public and the media are unable to access information needed to effectively monitor the activities of the State and private institutions. Although the right of access to information is enshrined in section 32 of the Constitution, and the [Promotion of Access to Information Act](#) 2 of 2000 (PAIA)³⁷ gives effect to that right, journalists face numerous practical, legal, and systemic challenges in accessing information.

“ Although the right of access to information is enshrined in section 32 of the Constitution, and PAIA gives effect to that right, journalists face numerous practical, legal, and systemic challenges in accessing information.

A critical barrier is the delay and non-compliance of public bodies in producing information. When delays and refusals become systemic, they effectively turn a constitutional right into a procedural obstacle that frustrates accountability. By exploiting these gaps, public and private institutions can shield misconduct from scrutiny, using the access to information legal framework as a tool to obstruct rather than enable transparency.

Under PAIA, a request for access to information can be made to both public and private institutions by any person in South Africa, whether natural or legal. Access must be granted, provided that it does not fall under the listed exemptions. The body receiving the request has 30 days within which to respond by either refusing

the request (with an explanation) or producing the requested information. This process creates uncertainty for journalists over the ability to access information and the 30-day timeframe also poses a particular challenge, as news stories risk becoming outdated before a response is received.

As a result of the challenges encountered with PAIA, the Access to Information Network (ATIN) was formed by members of around 13 civil society and media organisations, including amaBhungane, the Centre for Environmental Rights, and Corruption Watch, amongst others. ATIN states that its members are “committed to improving the implementation and usage of PAIA, raising awareness about the right amongst citizens, and working with bodies subject to the Act to improve understanding”.³⁸

In the ATIN’s Shadow Report, last released in 2018, it noted that:

“ The rate of compliance by public bodies within statutory time frames has remained steadily low. In total, only 76 PAIA requests (a mere 45% of all requests sent to public bodies) received responses within the statutory time frame. It must be noted that 7 (4%) of the total number of requests submitted to public bodies during the reporting period were still pending at the close of the reporting period, as the statutory time limits had not yet lapsed. The remaining 86 requests submitted to public bodies (51%) did not receive responses within the statutory time frame.”³⁹

Low levels of compliance have continued to be observed with public bodies, indicating a need for enhanced monitoring, training, and enforcement to strengthen compliance with the provisions of PAIA.⁴⁰ Moderate levels of compliance were shown by private bodies, suggesting that while progress has been made, further efforts are required to address existing gaps and achieve compliance.⁴¹

³⁸ South African History Archive “Access to Information Network” (Accessible [here](#).)

³⁹ Access to Information Network “Shadow Report” (2018) (Accessible [here](#).)

⁴⁰ Information Regulator “Annual Compliance Assessment Report of the Information Regulator 2024/25 Financial Year” (Accessible [here](#)).

⁴¹ Id.

ATIN notes that refusals are often given with little or no reason, indicating “poor record keeping and a lack of accountability on the part of the relevant public body”.⁴² Equally, proactive disclosure of information, where there is no request, is not the norm.

While appeal processes are available, they are often prohibitively time-consuming and expensive for journalists. Due to a lack of institutional backing, freelance or community journalists are particularly impacted. In addition, many journalists may be unaware of PAIA or lack the skill to draft a compelling request, further limiting their access to information.

Even when information is given, it is often incomplete or unclear due to the lack of digitisation and record-keeping of information by government institutions. These responses are further indicative of a lack of training for public bodies on PAIA and an ignorance of its processes. While some best practices may be gathered from the African Commission’s soft law standards such as the Declaration of Principles on Freedom of Expression and Access to Information in Africa, South Africa has not fully domesticated the Declaration into national laws.

“Most focus group participants expressed dissatisfaction with government institutions’ responsiveness to information requests from journalists.”



Case study:

amaBhungane wins access to information cases

In 2017, after a four-year legal battle against South Africa’s Department of Defence (DoD) for access to information in terms of PAIA, the Pretoria High Court ruled in amaBhungane’s favour and issued a punitive cost order against the DoD.⁴⁴

The presiding judge condemned the DoD’s conduct of denying and obstructing access to records for over 18 months, as “unconscionable” and “obstructionist,” affirming that such delays undermine PAIA’s purpose of providing affordable access to public information. He granted a punitive costs order, recognising the critical role investigative journalism plays in democracy.

amaBhungane stated the victory was “important both for journalistic purposes and to strengthen transparency and accountability in the defence sector,” and to curb “unnecessary litigation in PAIA matters”.⁴⁵

In May 2023, amaBhungane secured another victory for transparency and state accountability in the case of *Arena Holdings*.⁴⁶ The case concerned a journalist who had requested access to former President Jacob Zuma’s tax records in the public interest, which the South African Revenue Services (SARS) denied, citing confidentiality concerns.

⁴² Id.

⁴³ Id.

⁴⁴ M&G Centre for Investigative Journalism *NPC and Another v Minister of Defence and Military Veterans and Another* [2017] ZAGPPHC 195.

⁴⁵ amaBhungane “Advocacy: AmaB wins access to information battle over Gupta Waterkloof landing” (18 May 2017) (Accessible [here](#).)

⁴⁶ *Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others* [2023] ZACC 13; 2023 (5) SA 319 (CC); 2023 (8) BCLR 905 (CC).

The Constitutional Court found that while taxpayer secrecy serves legitimate aims, a blanket ban, without considering whether disclosure would serve the public interest, was overly broad and unjustifiable. It held that PAIA's existing "public-interest override" mechanism should apply even to tax records, enabling disclosure in exceptional circumstances.

The Court suspended the declaration of invalidity for 24 months to give Parliament time to amend the relevant laws and referred the request for former President Zuma's records back to SARS to be reconsidered under the revised legal framework. However, almost a year later, amaBhungane noted that it continued to struggle to access the required documents.⁴⁷

In November 2025, South Africa's Information Regulator, who is responsible for overseeing the application of PAIA, ordered SARS to release the documents.⁴⁸ No further updates have been noted at the time of writing this report.

Access to information challenges risk being further exacerbated by the Protection of State Information Bill 2010, dubbed the "Secrecy Bill" by critics.⁴⁹ After leaving the bill sitting on his desk for many years, in 2020 President Cyril Ramaphosa referred the Bill back to Parliament to reconsider. The Bill lapsed in May 2024 and was subsequently revived in July 2024. At this stage, the most recent parliamentary briefing on the Bill was in May 2025. Very little information is presently available on the current status of the Bill. According to civil society and media critics, the proposed legislation restricts the constitutional right to freedom of expression and access to information by imposing broad and vague

definitions that limit the public's ability, particularly that of journalists and whistleblowers, to access and share state-held information.

Concerns have been raised that the Bill conflicts with sections 16 and 32 of the Constitution,⁵⁰ undermines media freedom, and allows officials to wrongly classify documents, potentially concealing corruption or maladministration. The absence of a public-interest defence exposes whistleblowers to criminal liability and places free expression under strain, raising serious constitutional concerns.⁵¹



Key threat

PAIA is ineffective and inadequate, especially in the digital age, with evidence of chronic non-compliance and inadequate record-keeping by public bodies. The additional layer of lodging complaints against non-disclosure with the Information Regulator has added a further delay in the process, and in practice it exacerbates the failure to provide timely access to information. As a result, journalists face significant barriers in accessing information, despite robust constitutional guarantees, negatively impacting the public's right to know.

⁴⁷ amaBhungane "SARS blocks access to Zuma's tax records, again" (21 February 2024). (Accessible [here](#).)

⁴⁸ James "Rare glimpse of accountability as Information Regulator orders SARS to release Zuma's tax records" *Daily Maverick* (14 November 2025). (Accessible [here](#).)

⁴⁹ Protection of State Information Bill. (Accessible [here](#).)

⁵⁰ Section 16: Freedom of expression; Section 32: Access to information.

⁵¹ MMA, amaBhungane, R2K, SANEF and Kasrils "Secrecy Bill is still fundamentally flawed and needs to be reconsidered" *Daily Maverick* (9 July 2020) (Accessible [here](#).)

Outdated surveillance laws

State surveillance and the private surveillance industry in South Africa remain largely unregulated. The grave consequences of this were seen during the “state capture” era where corrupt intelligence services were found to have acted with corrupt politicians to “bring a country to its knees”.⁵² Left unchecked, the surveillance environment can deter journalists, discourage whistleblowers, and restrict the free flow of information on corruption and abuses of power.

For example, the [Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002](#) (RICA) was enacted to regulate the interception and monitoring of communications in South Africa. However, it has been used by the State to unlawfully monitor journalists in South Africa under the guise of state security protections.



Case study:

amaBhungane v Minister of Justice

In 2021, the Constitutional Court considered the unconstitutional surveillance of journalists under RICA.⁵³

Sam Sole, an investigative journalist and managing partner of amaBhungane, approached the relevant authorities in order to ascertain whether his communications were intercepted by the State in 2008 and 2009 while he was reporting on matters relating to state capture. He was denied any assistance as RICA prohibited the disclosure of information relating to surveillance.

In 2015, during the course of court proceedings not involving Sole, a transcript of a telephone conversation between Sole and a state prosecutor was attached to an affidavit filed in court, confirming Mr Sole’s suspicions that his communications were intercepted.

As a result, amaBhungane and Sole approached the High Court and the Constitutional Court, alleging that RICA is unconstitutional to the extent that it fails to provide adequate safeguards to protect the right to privacy.

Before the Constitutional Court judgment, the United Nations Human Rights Committee had expressed concerns on the “relatively low threshold for conducting surveillance in [South Africa] and the relatively weak safeguards, oversight, and remedies against unlawful interference with the right to privacy contained in [RICA]”.⁵⁴

The Constitutional Court found that there was evidence of unlawful surveillance, particularly by the State against journalists, and held that RICA lacked adequate safeguards, especially for journalists and lawyers who rely on confidential communications. As a result, it ruled that certain sections of RICA were unconstitutional, particularly the absence of post-surveillance notifications and independent oversight of the interception process, and that insufficient protections existed for journalists and lawyers.⁵⁵ By way of remedy, the Constitutional Court found that RICA needed to be amended, and South Africa’s Parliament was given three years to remedy the identified issues.

⁵² The Media Policy and Democracy Project “About Secrecy: A Quick Guide for Journalists About State Surveillance in South Africa” (2021). (Accessible [here](#).)

⁵³ *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* [2021] ZACC 3; 2021 (3) SA 246 (CC); 2021 (4) BCLR 349 (CC) (“*amaBhungane v Minister of Justice*”).

⁵⁴ United Nations Human Rights Committee for the International Covenant on Civil and Political Rights: List of issues in relation to the initial report of South Africa, adopted at its 114 session (29 June 2015 to 24 July 2015), dated 19 August 2015.

⁵⁵ *Id.* at para 119.

In order to give effect to the Constitutional Court order in the *amaBhungane* case outlined above, the Minister of Justice and Correctional Services published the [Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill 2023](#). While the Bill was passed by Parliament in 2023, it was later referred back to the National Assembly for reconsideration after the President expressed reservations on its constitutionality. Now, nearly two years later, the Bill remains under consideration by the National Assembly.⁵⁶

In addition to using RICA as a tool for state surveillance, section 205 of the South African [Criminal Procedure Act 51 of 1977](#) is misused by intelligence services to gain access to call data records in a way that bypasses RICA requirements. At the request of the prosecution, a court may order persons such as journalists to appear in court to provide relevant information to a criminal case under section 205. A person may avoid court appearance if they give the information required to the prosecution in advance. The Media Policy and Democracy Project reports that a “vast majority of communications surveillance in South Africa occurs through section 205 applications to the ordinary courts, leaving much room for abuse”.⁵⁷

Equally concerning is the enactment of the [General Intelligence Laws Amendment Act 37 of 2024](#), which introduces intrusive security vetting of individuals and institutions deemed “of national security interest,” extending even to the national broadcaster. Media organisations have warned that by enabling a bulk surveillance regime with minimal safeguards, the Act poses a direct threat to journalism as it undermines editorial independence, compromises source confidentiality, and creates a climate of fear that discourages investigative reporting.⁵⁸ While the Act has been signed by the President, it awaits presidential proclamation.

The current regulatory environment in South Africa in relation to surveillance has significantly eroded protections for journalists, sacrificing the right to privacy and press freedom at the altar of state security. While national security concerns are legitimate, they cannot justify unchecked surveillance powers that compromise the independence and safety of the media.

Key threat

Despite guidance from South Africa’s Constitutional Court and slow RICA reforms, state surveillance of journalists continues to occur through various legal mechanisms. This includes the misuse of section 205 of the Criminal Procedure Act and as result of the recent General Intelligence Laws Amendment. These regressive and disabling laws are subject to abuse and may impinge on constitutionally enshrined safeguards relating to press freedom.

⁵⁶ Parliamentary Monitoring Group “Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill (B28-2023)” (Accessible [here](#).)

⁵⁷ The Media Policy and Democracy Project above n 74.

⁵⁸ Press Council “General Intelligence Law Amendment Act adopted; still ‘deeply flawed’” (29 March 2025) (Accessible [here](#).)

Overbroad cybercrimes laws

In 2021, President Cyril Ramaphosa signed the [Cybercrimes Act 19 of 2020](#) into law. Its passage prompted various concerns regarding the potential effect of the Act on journalists working on investigative matters, in particular.⁵⁹

According to a joint submission to the Universal Periodic Review from Amnesty International South Africa, CFE, the Committee to Protect Journalists, MMA (now Moxii), and SANEF:

“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. There is also a lack of an appropriate internet governance policy in South Africa to ensure effective and coherent responses to cybercrimes in line with good governance practices.”⁶⁰

Sections 14, 15, and 16 prohibit disclosure of data messages or intimate images which threaten or incite damage to property or violence. Section 20 of the Act provides for interim protection orders to complainants during criminal proceedings to prohibit further disclosure of the data messages. As a result, journalists or human rights defenders who publish content that falls within the scope of “malicious communications”, but which may be in the public interest or in the interests of justice, can be held criminally liable. This broad and vague definition may turn legitimate reporting into a criminal act, creating a significant and potentially dangerous deterrent against investigative journalism.

The Act also provides insufficient protection for whistleblowers and journalists who publish confidential or sensitive information in the public interest. If such information is obtained through unauthorised access, even by a source, journalists could potentially face liability for unlawfully possessing or sharing data, even if the information reveals wrongdoing.⁶¹ This deters and obstructs investigative journalism, particularly with regards to corruption or state capture reporting in which whistleblower leaks are vital. The absence of a public-interest defence can transform the Act into a tool for censorship, allowing authorities or private actors to strategically invoke criminal liability to silence reporting.



Key threat

Without any public-interest override for communications that are published in the public interest, the Cybercrimes Act can be weaponised against journalists as it allows for investigative reporting to fall within the overbroad definition of prohibited “malicious communications”. It also contains insufficient protections for journalists who receive access to leaked digital materials in the course and scope of their investigative duties.

⁵⁹ South African Press Council “Media and the law: legislation that affects journalists” (28 August 2024). (Accessible [here](#).)

⁶⁰ Joint submission by Amnesty International South Africa, Campaign for Free Expression, Committee to Protect Journalists, Media Monitoring Africa, and the South African National Editors’ Forum for the 41st Session of the Universal Periodic Review Working Group, November 2022 South Africa (Accessible [here](#).)

⁶¹ Section 3 of the Cybercrimes Act.

Intrusive financial and anti-money laundering laws

Legislative reforms aimed at addressing deficiencies in combating terrorism financing and money laundering identified by the Financial Action Task Force (FATF) have introduced additional regulatory obligations for South Africa's non-profit sector. These changes include investigative journalism outlets that operate within non-profit structures.⁶² The reforms were implemented through the [General Laws \(Anti-Money Laundering and Combating Terrorism Financing Amendment Act 22 of 2022\)](#).

The strengthened regulatory framework has introduced additional compliance requirements and monitoring of financial flows within the non-profit sector. This has coincided with increased oversight of non-profits, including large-scale deregistration of organisations that fail to meet administrative reporting requirements.⁶³

Civil society organisations have also raised concerns about financial “de-risking”, where banks limit services to organisations perceived as higher risk under anti-money laundering rules.⁶⁴ For investigative journalism organisations that depend on donor funding, often from international sources, such measures can create delays in accessing funds and introduce additional compliance burdens.

Key threat

Financial regulations introduced to address FATF deficiencies have increased compliance and oversight obligations for non-profit organisations. For investigative journalism outlets operating as non-profits, these measures can create administrative and financial barriers that affect the sustainability of public-interest journalism.



REUTERS/Goran Tomasevic

⁶² Inyathelo “FATF Trends in SADC Region and their impact on NPOs”. (Accessible [here](#).)

⁶³ South African Government “Social Development deregisters over 6000 non-compliant NPOs” (5 February 2025). (Accessible [here](#).)

⁶⁴ Cooper et al “De-risking and illicit financial flows: The role of regional economic hubs” (2020). (Accessible [here](#).)

Inadequate whistleblower protections

Whistleblowers play a critical role in enabling investigative journalism. However, without stronger safeguards and clearer protections for disclosures made in the public interest, South Africa's current legal framework continues to expose whistleblowers and journalists to significant risks.

The [Protected Disclosures Act 26 of 2000](#) was originally designed to protect disclosures made within workplace structures, such as to employers or regulatory authorities.⁶⁵ Although amendments have expanded the scope of protected disclosures, individuals who

provide information directly to journalists may still face legal uncertainty and retaliation. This vulnerability can discourage potential whistleblowers from sharing information with investigative reporters for fear of legal reprisal.

The large-scale Judicial Commission of Inquiry into Allegations of State Capture highlighted the urgent need to strengthen whistleblower protections, including through improved legal safeguards and support mechanisms.⁶⁶ However, progress in implementing these recommendations has been slow, leaving whistleblowers and the journalists who rely on them exposed to ongoing risks.

Key threat

Weak implementation and the limited scope of whistleblower protections discourage individuals from disclosing wrongdoing to journalists, undermining investigative reporting and public accountability.

Positive developments

Despite the looming spectre of state surveillance, a notable recent positive development was the Information Regulator's announcement in November 2025 that cases of non-compliance with enforcement orders under PAIA would be referred to the police.⁶⁷ This marks a shift in approach, as the Regulator now seeks personal sanctions against information officers who are mandated to comply with a PAIA request, potentially serving as a deterrent to future violations and strengthening the enforceability of access to information rights.⁶⁸

Unfortunately for journalism, surveillance-related reforms have not yielded any promising results. The present regressive and potentially disabling surveillance legislation, if left unchecked, may translate into shrinking space for free expression and investigative reporting. Laws that impose vague security provisions, or criminalise legitimate speech, make it harder for journalists to obtain documents, protect sources, and publish stories in the public interest.



⁶⁵ South African Government News Agency "Whistleblowers critical to upholding accountability" (21 July 2023). (Accessible [here](#).)

⁶⁶ Judicial Commission of Inquiry into State Capture "State Capture Commission Report Recommendations" (2022) Part 1 Volume 3.

⁶⁷ South African Accounting Academy "Information Regulator: Cases referred to SAPS over PAIA non compliance" (18 December 2025). (Accessible [here](#).)

⁶⁸ Id.

Threat 3:

Technology-facilitated harms

Overview

Technology-facilitated harms include, among others, online harassment, surveillance, hacking, and the distribution of personal information. As AI and other technologies advance, it is becoming increasingly important for industry regulators and policymakers to adapt to the changing climate to ensure the safety of journalists on- and offline.

“ The single change that would most improve protection for journalists is implementing legislative and practical reforms to end impunity for perpetrators of threats, harassment, and violence against journalists.

Survey participant

Technology-facilitated harms against journalists in South Africa disproportionately affect those working in under-resourced settings, freelancers, migrant, LGBTQIA+ and women journalists. According to the Reuters Institute for the Study of Journalism at Oxford University, the “harassment of journalists – online and physically – continues to increase, with women journalists experiencing the brunt of this”.⁶⁹ Violence against women journalists, including digital threats, has increased rapidly in recent years, enabled by online tools, and is exacerbated for journalists with multiple intersecting identities. According to a prominent national publication, the *Daily Maverick*:

“ In South Africa, the pattern of online violence against women journalists tends to manifest itself differently. Rather than ongoing harassment campaigns, perpetrators typically lash out when a female journalist covers certain subjects, organisations, or public figures. Consequently, any South African woman journalist who publishes investigative work exposing State corruption or scrutinising political parties, like the ANC or EFF and their leaders, potentially becomes a target for online abuse. This context means different women journalists face fluctuating levels of attacks at different times, depending on what issues or entities their reporting touches on.”⁷⁰

⁶⁹ Roper “South Africa” *Reuters Institute* (17 June 2024). (Accessible [here](#).)

⁷⁰ Posetti and Reid “Sexualised, Silenced and Labelled Satan” — horrific levels of online violence targeting women journalists” *Daily Maverick* (22 May 2024). (Accessible [here](#).)

Legal gaps and weak enforcement amplify these risks, allowing perpetrators to act with impunity. The absence of robust judicial remedies for online harassment effectively weaponises the law through omission, leaving journalists, particularly women journalists, vulnerable.

“What is an obvious problem is that the aggregation of experiences online makes it difficult to deal with women journalists being attacked. It then falls on newsrooms to provide support. . . This also applies to LGBTQIA journalists who speak on cultural issues. The issues intersect, but the approach should not be unidimensional.

Focus group participant



Notable trends

Mis- and disinformation

Disinformation in South Africa has evolved into a systemic and deeply corrosive threat to media freedom, democratic participation, and public trust. Digital platforms, influencer-led content, and algorithmic opacity have facilitated the rise in online mis- and disinformation which plays a significant role in distorting public discourse.

Online disinformation thrives in digital “echo chambers,” in which users are exposed primarily to content that confirms their existing beliefs and prejudices.⁷¹ Platforms like X and Facebook use algorithms that group people based on similarities, showing them more of what they already agree with while hiding opposing views.⁷² This dynamic matters at scale: in South Africa, 50% of respondents say they use Facebook for news, 42% use YouTube for news, and 33% use TikTok for news.⁷³

Since users cannot see or control how these algorithms choose what they see, they often do not realise how much their perceptions are being shaped behind the scenes. This lack of transparency fuels mis- and

disinformation, polarisation, and identity-driven conflict, particularly from a political point of view.⁷⁴ Together, this creates fertile ground for malicious actors to advance biased or manipulative narratives that further divide the public and seek to discredit journalists.

Within this environment, disinformation flourishes unchecked in South Africa because of a lack of clear regulatory obligations for platform accountability. The absence of enforceable standards allows perpetrators and malign actors to manipulate the information ecosystem without being held accountable.

The rise of disinformation has fundamentally reshaped what it means to be a journalist. As editorial teams shrink and resources dwindle, newsrooms are increasingly tasked with verifying viral content, unpacking conflicting narratives, and standing as a critical line of defence against the strategic misuse of information.⁷⁵ Yet, they do so under relentless pressure while operating in a landscape in which their credibility is routinely undermined and in which journalism itself is sometimes falsely conflated with the very disinformation it seeks to expose.



REUTERS/Akintunde Akinleye

⁷¹ Diaz, Ruiz and Nilsson “Disinformation and Echo Chambers: How Disinformation Circulates on Social Media Through Identity-Driven Controversies” (2023) 42(1) *Journal of Public Policy & Marketing* at 29.

⁷² *Id.*

⁷³ Reuters Institute for the Study of Journalism, *Digital News Report 2025* (South Africa country data / country page), 17 June 2025.

⁷⁴ *Id.* at 30; de-Lima Santos and Ceron “Disinformation echo chambers on Facebook” (Accessible [here](#).) at 67.

⁷⁵ Moyo, Mare and Mabweazara “Editorial: Social Media, the Press, and the Crisis of Disinformation in Africa” (2021) 42(4) *Comunicato* at 1.

A particularly troubling dimension of South Africa's disinformation landscape is its intersection with xenophobia and misinformation targeting foreign nationals. Online narratives frequently scapegoat migrants for crime, unemployment, or social unrest, spreading fear and inciting hostility toward immigrant communities.⁷⁶ Such content not only undermines social cohesion but also places journalists covering these issues at risk, as reporting on migrant rights often attracts coordinated harassment, threats, and politically motivated attacks. Women journalists from other African countries who operate in South Africa are particularly targeted, regardless of the subject matter that they cover.

South Africa's disinformation crisis also intersects concerningly with online or technology-facilitated gender-based violence. Journalists, particularly women, face orchestrated harassment campaigns designed to discredit, silence, and intimidate. Examples include journalists such as Ferial Haffajee and Qaanitah Hunter.⁷⁷ In Karyn Maughan's case, discussed above as an example of abuse of legal processes in the form of a SLAPP suit, the harassment not only intimidated her, but also served to legitimise online attacks under the guise of legal process.

“

Patriarchy and chauvinism loom large in journalism and the political space as well, and it's an issue facing the country as a whole. While there has been some formidable steps to advance women's cause in journalism, we have a long way to go... You can't have glass ceilings for women. They need to be given a seat at the table. There are so many women in journalism, but if you look at how many of us actually make it to top positions, there's some disparity there.

*Qaanitah Hunter*⁷⁸

Search engines and social media platforms exacerbate this issue by prioritising AI-generated “answers” over links to original journalism, stripping visibility and authority from real news sources. The result is a post-truth environment in which persuasive mis- and disinformation spreads faster than corrections, contributing to scepticism not only about specific stories but about the credibility of journalism as a whole.



Key threat

Due to a lack of clear regulatory obligations for platform accountability, disinformation has evolved into a systemic and deeply corrosive threat to media freedom, democratic participation, and public trust. Journalists are operating in a landscape in which they are harassed, their credibility is routinely undermined, and in which journalism itself is often falsely conflated with the very disinformation it seeks to expose.

⁷⁶ Kaziboni et al “Scapegoating in South Africa: busting the myths about immigrants” *Institute for Security Studies* (2022). (Accessible [here](#).)

⁷⁷ Raborife “Haffajee to take on ‘fake news’ Twitter trolls” *News 24* (2017). (Accessible [here](#)); Reid et al “The Women Journalists of South Africa's Daily Maverick: Sexualized, Silenced and Labeled Satan: Big Data Case Study” (2024) at 16. (Accessible [here](#).)

⁷⁸ Bratt “Courageous journalist Qaanitah Hunter: The challenges of being a young woman in media today” *The Media Online* (12 August 2019). (Accessible [here](#).)

Online harassment

Although ever constant, the harassment of journalists peaks during election periods. During the 2024 general elections in South Africa, journalists faced intensified threats aimed at undermining their ability to objectively critique and hold political actors accountable.⁷⁹ A particularly alarming incident took place during the uMkhonto weSizwe (MK) Party's manifesto launch on 18 May 2024, during which journalists, especially women, faced physical aggression by individuals in military attire.⁸⁰

“During the 2024 general elections in South Africa, journalists faced intensified threats aimed at undermining their ability to objectively critique and hold political actors accountable..”

In the same period, data from MMA's Media Attack Reporting System (MARS) recorded 1,025 online attacks against journalists.⁸¹ According to MMA's Media Performance Report, the number of recorded attacks rose from 793 in the interim findings, demonstrating that, even after the election results were declared, assaults against journalists continued unabated.⁸² Karyn Maughan remained the most targeted, accounting for 69% of all recorded attacks, followed by other journalists, including Clement Manyathela and Pauli van Wyk.⁸³ The nature of these attacks, particularly against women, has been overtly misogynistic and dehumanising, often using sexualised language and racial or gendered slurs.⁸⁴ During focus group discussions, women journalists noted how online harassment is often sexualised with threats of rape and sexual violence featuring in online comments and messages directed towards them.

“We [women journalists] are in an interesting space where journalists are required to have a social media presence, but it opens you up to a lot of threats. I also have concerns to do with doxxing and cyber harassment. There have been times where people have been able to map my usual places which is a bit scary.”

Focus group participant

Most incidents of harassment against journalists are perpetrated via X (formerly Twitter), which remains the dominant platform for political discourse as well as for digital abuse.⁸⁵ The recent reconfiguration of the platform's Trust and Safety team and the increase in automated bots used to disperse disinformation and hate speech have amplified this and left journalists dangerously exposed.⁸⁶

Many attacks originate from hundreds of unique accounts with minimal repetition, making it difficult to trace coordinated harassment, although patterns suggest strategic targeting of women who report on corruption and political misconduct.⁸⁷ Most responded to these threats by ignoring them and avoiding social media platforms for some time, with only those in newsrooms seeking legal recourse due to the significant expense.

Although online violence against women journalists is a widespread and serious issue, even existing estimates of prevalence are likely significantly undercounted. UNESCO reports that journalists, especially women journalists, often do not lodge complaints or reports with law enforcement agencies, and even fewer pursue legal remedies, signifying the “need for improvement in

⁷⁹ Posetti and Reid above n 93 at 13.

⁸⁰ The MK Party is currently the third-largest political party in South Africa and was founded by former President Jacob Zuma. See SANEF “SANEF Calls on MK Party Leadership to Act Against Those Who Ill treated Journalists at Their Rally at Orlando Stadium” (2024). (Accessible [here](#).)

⁸¹ MMA “Media Performance Review: National and Provincial Elections 2024” (2024) at 16. (Accessible [here](#).)

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* at 17.

⁸⁵ Maas “In South Africa, women journalists are targeted online routinely and with impunity, new research finds” (2024) International Journalist's Network (Accessible [here](#).)

⁸⁶ Duffy “Elon Musk's X names new head of safety, nine months after former safety leader's exit” (2024). CNN (Accessible [here](#).)

⁸⁷ Posetti and Reid above n 93 at 13–14.

legal and judicial responses to online violence against women journalists.⁸⁹

In South Africa, this challenge is compounded by the absence of a dedicated legal framework addressing online harassment and technology-facilitated abuse. Current remedies rely on general provisions under criminal, defamation, or harassment law frameworks, which are often ill-suited to the digital context and inconsistently enforced. The psychological toll is also acute, with journalists reporting widespread exposure to hate speech and reputational attacks, causing emotional distress and contributing to burnout and self-censorship.



A lot of female journalists have left (the industry) ... if it's left like this, there will be a decline of female journalists.

Focus group participant

Harassment of journalists also manifests as political intimidation, particularly while covering sensitive topics such as corruption, party politics, or protests. News24 journalist, Sipho Masondo, was apparently offered a R3 million bribe and received various death threats after breaking a story on maladministration and corruption at the Department of Water and Sanitation.⁹⁰

Unfortunately, Masondo's story is not unique, with journalists reporting on service delivery issues and community protests often being targeted in this manner.⁹¹ Threats against journalists have also been a key feature of the state capture era. For example, in response to her reportage on state capture, a "coordinated gendered disinformation campaign was launched against journalist Ferial Haffajee, falsely accusing her of corruption, collusion, and promiscuity".⁹²



Case study:

Cyberstalking and doxxing – the story of Karima Brown⁹³

The cyberstalking and doxxing of journalists in South Africa reached a disturbing new low in 2019, when political leader Julius Malema publicly posted Karima Brown's personal phone number on X to over two million followers, triggering a wave of violent online abuse. Within hours, Brown faced graphic and racially charged threats of rape, murder, and torture, sent via social media and messaging apps. Many of these threats emanated from supporters of Malema's EFF political party. While the tweet was later removed, its circulation continued through retweets and reposts, which fuelled a coordinated harassment campaign against not only Brown, but also colleagues who defended her.

Despite Malema's public condemnation of the threats, the EFF's statements sought to undermine Brown's professional integrity by labelling her a political operative. In response, Brown laid a complaint with the Independent Electoral Commission (IEC), arguing that the EFF's conduct infringed the [Electoral Act 73 of 1998](#). The matter was heard in the South Gauteng High Court.

In its judgment, the Court found that the EFF had a clear legal duty under the Code to instruct both members and supporters to refrain from intimidation and harassment of journalists and it held that the

⁸⁹ UNESCO "The Chilling: Global trends in online violence against women journalists" (2021). At 6. (Accessible [here](#).)

⁹⁰ Bhengu "Sipho Masondo" News24. (Accessible [here](#).)

⁹¹ Corruption Watch "Journalists in SA threatened by police, politicians, and the public" (12 May 2022). (Accessible [here](#).)

⁹² *Id* n 93.

⁹³ *Brown v Economic Freedom Fighters and Others* [2019] ZAGPJHC 166; [2019] 3 All SA 499 (GJ); 2019 (6) SA 23 (GJ) (Accessible [here](#).)

EFF breached the Electoral Code by failing to condemn or curtail the online harassment faced by Brown. In turn, the Court found against EFF and ordered them to pay the costs of the application. No punitive costs were awarded.

While the judgment affirmed accountability, the initial failure to prevent or address harassment demonstrates how weak enforcement of electoral and harassment laws can be exploited to silence journalists.

Key threat

Due to state inaction and inadequate protective frameworks, journalists – particularly women journalists – are subjected to ongoing threats, harassment, and abuse. This is often overtly misogynistic and dehumanising and uses sexualised language and racial or gendered slurs.

Platform accountability

Many of the threats outlined in this report have been either directly facilitated or significantly amplified by the rise of online platforms. While these harms stem from a range of complex factors, the absence of meaningful platform accountability in South Africa remains a serious concern.

As it stands, South Africa does not have a consolidated legal framework for overseeing digital platforms. Existing institutions like ICASA, the Information Regulator, and the Press Council operate in distinct silos with limited coordination. This fragmentation reduces the effectiveness of any enforcement or accountability mechanisms and makes it difficult to ensure platforms are held accountable in instances in which they fail to mitigate against online harms.





Case study:

The experience of Ferial Haffajee on X

In the Big Data case study,⁹⁴ journalist and editor Ferial Haffajee gave a perspective on some of the ways in which X had failed to adequately respond to reported online harms on its platform. Haffajee noted that while there were some improvements following the platform's rollout of features to restrict who could reply to tweets in 2020, her experience of trying to report threats has largely been fruitless.

Haffajee's concerns intensified following Elon Musk's acquisition of Twitter in late 2022 and its evolution into "X". The dissolution of the Trust and Safety team further eroded the platform's ability, and perhaps willingness, to moderate harmful and abusive content. In one instance, Haffajee was only able to convince X to act against abusive users by directly referencing the platform's own hate speech policies. In her reflections on the broader accountability of tech platforms, she emphasised that:



We have every right to expect greater accountability from the platforms. And so now I very much consider myself an activist for building that kind of accountability because the way the platforms treat us, when we as users are part of their success, is absolutely pathetic. I do think the greatest responsibility does lie with the platforms because they're transnational and they're global and they're enormously powerful... This is a global issue that needs to be taken up with the companies.⁹⁵

A study on the content moderation policies of several social media platforms, including Meta, X, and TikTok, found that across ad-tech companies, content moderation policies lack standardisation and clarity.⁹⁶ It was noted that most of these companies rarely differentiate between mis- and disinformation, nor do they account for the overlap between various categories of harmful content. Content moderation decisions that affect local users are typically made outside South

Africa with limited transparency and little sensitivity to local nuance.⁹⁷

In sum, platform accountability remains elusive. The absence of enforcement mechanisms means that harms outlined in this section are not only amplified but also persist without redress, undermining journalists' ability to report freely, particularly on issues involving political power or corruption.



Key threat

Weak and fragmented platform oversight allows digital platforms to amplify harassment and disinformation targeting journalists without meaningful accountability, leaving harms unaddressed and journalists exposed.

⁹⁴ *Id* n 93.

⁹⁵ *Id* at 60.

⁹⁶ Legal Resources Centre "A Critical Analysis of Content Moderation Policies and the Impact of Spreading Violence, Hatred & Disinformation in the Global South" at 42.

⁹⁷ *Id*.

Positive developments

Despite the pervasive threats facing journalists in South Africa, several developments indicate progress in addressing technology-facilitated harms, online harassment, and disinformation. These interventions are aimed at reversing the exploitation of legal gaps and procedural weaknesses that have historically enabled harassment and disinformation.

Recognition of the risks of technology-facilitated harms, and the disproportionate effect on under-resourced journalists, freelancers, women, and migrant reporters, has grown among regulators, policymakers, and civil society, particularly as digital and AI-driven tools evolve.

Initiatives by media organisations and research institutions, such as [Media Monitoring Africa \(now Moxii Media\)](#)'s [MARS](#) tool that enables journalists to document and archive incidents of online and offline attacks, have improved monitoring, documentation, and reporting of online threats, providing critical data to understand the scope and nature of attacks. For example, MMA, an online safety toolkit titled: "[Safeguarding the Frontlines](#)"⁹⁸, aiming to equip activists, human rights defenders, and public-interest lawyers with the tools, knowledge, and support needed to guard against, navigate and respond to online harassment and abuse.

Disinformation, including content targeting foreign nationals and perpetuating xenophobia, has spurred interventions aimed at improving media literacy and countering false narratives. Journalists covering migrant communities, corruption, and political misconduct have received guidance and support from a robust civil society that works to protect press freedom and advocate for accountability when threats emerge. Focus group discussions also highlighted increasing awareness of the heightened risks faced by women journalists and those with intersecting identities, leading to the development of targeted safety and support protocols.

The legal system has also begun to respond to threats against journalists. Landmark cases, such as the ruling in the Karima Brown harassment case (noted above), have begun to establish clear accountability for political actors who fail to prevent online abuse, affirming that parties have a duty to refrain from intimidating or threatening journalists.

“ Landmark cases have begun to establish clear accountability for political actors who fail to prevent online abuse.



⁹⁸ MMA "Safeguarding the Frontlines - A digital security toolkit for activists and human rights defenders" (2025). (Accessible [here](#).)



Case study:

A recent court order that may protect women journalists online

In a landmark 2025 case before the Gauteng High Court, The Digital Law Company secured a consent order compelling Meta to take decisive action against the circulation of child sexual abuse material on Instagram and WhatsApp.⁹⁹

The case highlighted the importance of platform accountability, as only Meta had the technical capacity to trace the origin of the exploitative content, much of which was disseminated anonymously through encrypted WhatsApp Channels. Despite initial jurisdictional disputes, the Court ultimately ordered Meta to permanently remove offending accounts, disclose subscriber information for over 60 profiles, and establish a direct hotline with the Digital Law Company to fast-track future child protection cases.

This hotline mechanism is particularly significant because it creates a channel for urgent intervention. Given the scale of online harassment and coordinated abuse targeting female journalists in South Africa, a similar dedicated hotline could be established where women journalists can flag abusive or threatening material directly to platforms.

Professional networks and newsroom policies are also increasingly emphasising safety and resilience.¹⁰⁰ Some media organisations are now implementing training, reporting systems, and internal protocols to mitigate cyberstalking, doxxing, and coordinated harassment.¹⁰¹

Collectively, these developments demonstrate a growing recognition of the risks facing journalists and a willingness among regulators, civil society, and media organisations to act. While challenges persist, these positive steps provide a foundation for addressing technology-facilitated harms.



⁹⁹ The case papers and order are not publicly available. See Business Insider "Meta faces legal battle in South Africa over illicit content involving minors" (19 July 2025) (Accessible [here](#)); and Venter, "Historic court order: Digital Law Co and Meta join forces against child pornography" Cape Argus (22 July 2025). (Accessible [here](#)).

¹⁰⁰ South African National Editors' Forum "SANEF Elections 2024 Training Modules — Module 4 | Safety of journalists on- and offline" (2024). (Accessible [here](#).)

¹⁰¹ Association of Independent Publishers "Call for participants | Intelwatch investigative journalism safety training programme" (29 January 2025). (Accessible [here](#).)

Threat 4:

Labour-related and sustainability challenges

Overview

South African journalism faces a convergence of labour-related and sustainability challenges that threaten its viability as a public good, raising potential legal concerns under existing labour and employment law. Journalists operate under mounting economic pressure, with widespread retrenchments, reduced pay, and expectations to maintain pre-downsizing output, which results in an overburdened sector and newsrooms. This speaks to a broader issue of the enforcement of labour legislation and policy within newsrooms.

Freelancers, in particular, feel the brunt of low rates, administrative burdens, and heightened competition – all of which are exacerbated by the rise of generative AI, which undermines both their earning potential and intellectual property rights. Psychological strain is also intensifying, with mental health concerns linked to financial instability, online harassment, and institutional neglect. Failure to enforce labour protections and regulate exploitative practices allows legal frameworks to be weaponised against journalists, enabling surveillance clauses and precarious contracts to undermine editorial independence.



The financial independence of the media has been further threatened by political interference, which has been enabled through the precarious economic situation that many journalists and media houses are in. Journalists are increasingly vulnerable to editorial interference and are forced to rely on donor funding or driven to self-censorship to avoid risking sponsorship or funding. Without financial stability, they are less able to resist political or commercial pressure, defend themselves against legal threats, or invest time in meaningful investigative work. As Reporters Without Borders (RSF) rightly notes, a press without economic independence cannot be truly free¹⁰²

“ Workplace policies need to be put in place and enforced by SANEF or some sort of regulatory body. The problem is that most newsrooms don't have standardised policies in place around protecting their writers.

Survey participant

¹⁰² RSF “RSF World Press Freedom Index 2025: economic fragility a leading threat to press freedom” (Accessible [here](#).)



Notable trends

Financial pressure and fair labour practices

RSF's World Press Freedom Index 2025 indicated that economic fragility was the leading threat to press freedom globally.¹⁰³ In reflection of this, and for the first time since the Index's inception in 2002, the global state of press freedom was classified in 2025 as a "difficult situation." In 2026, RSF reported that press freedom was at a 25-year low.¹⁰⁴

This global phenomenon has not left South Africa unscathed, with its own economic indicator dropping from 58.78/ 100 in the 2024 Index to 56.35/100 in the 2025 Index; though improving to 59.76/100 in the 2026 Index.¹⁰⁵

Economic pressure is directly felt both by individual journalists and at an institutional level, manifested in declining advertising revenue, newsroom retrenchments and closures, restructures to downscale operations, and a dependence on donor funding in the absence of sufficient revenue.

For example, Media24, South Africa's largest media group, announced in 2024 that it would close most print editions of its publications and engage in restructuring its staff.¹⁰⁶ Most recently, in 2025, Mail & Guardian, one of South Africa's most prominent newspapers, announced that it had started retrenchment processes which would result in up to half of its 25 staff members losing their jobs.¹⁰⁷ The reasons provided included "the Covid-19 pandemic, power shortages, rising inflation, and an already strained South African economy" alongside "rising costs for print materials and ink" and "a marked reduction in advertising budgets, as advertisers increasingly turn to digital platforms to reach their audiences".¹⁰⁸

“Survey responses indicate that financial and commercial pressure on media outlets is tied as the number one threat to journalism in South Africa.

Further, the role of social media and the associated shift to online news consumption have played a significant role in shaping how individuals interact with the media. According to a report by the Novus Group:

“Over the past decade, the print media industry in South Africa has undergone significant changes due to the rise of digital media and changes in reader habits. A shift towards digital media consumption and the rise of online news sources is evident. This has resulted in a decline in print circulation numbers and some of the most prominent newspapers losing as much as 60% and 80% of readers. A loss in advertising revenue for many traditional print publications therefore followed. Many print publications have invested in digital platforms and transitioned to online content to adapt to the changing landscape and to remain relevant.”¹⁰⁹

Community media have been particularly hit hard as they face increasing challenges to their financial sustainability, with several prominent publications having recently closed. The effect of a diminished community media sector will be especially felt in rural and community spaces where it plays a crucial role in promoting the diversity of South Africa's twelve official languages and enhancing access to information.¹¹⁰

In 2022, the eThekweni municipality announced cuts to its print advertising budget resulting in five community

¹⁰³ *Id.*

¹⁰⁴ RSF, "RSF World Press Freedom Index 2026: Press freedom at a 25-year low." (Accessible [here](#).)

¹⁰⁵ *Id.*

¹⁰⁶ Areff "Media24 to continue with newspaper closures after green light from Competition Commission" News24 (31 October 2024). (Accessible [here](#).)

¹⁰⁷ Davis "'Painful to witness' — behind the jobs bloodbath at the Mail & Guardian" (5 June 2025). (Accessible [here](#).)

¹⁰⁸ *Id.*

¹⁰⁹ Novus Group "10 Years in Print Media" (May 2024). (Accessible [here](#).)

¹¹⁰ Competition Commission "MDPMI Provisional Report: Annexure 1: The News Media Industry" (2025). (Accessible [here](#).)

publications being forced to close down.¹¹¹ This had a devastating impact on local media in KwaZulu-Natal and on journalists left without work. Similar trends have been observed in other provinces, including the Free State, Western Cape and Gauteng. In 2023, Pretoria News and the Weekend Post closed down their publications after 125 and 80 years of operations respectively.¹¹² The two media groups that own them, Independent Media and Arena Holdings, also embarked on processes of retrenchment. Independent Media indicated that they were considering staff cuts of almost 40%, while Arena Holdings implemented a restructuring process without specifying the number of people affected.¹¹³

Compounding all of these challenges is the absence of a national journalism sustainability fund, supported by both public and private sectors, to provide grants for investigative reporting, support for community media, and emergency relief for independent or freelance journalists. Without such a fund, journalists remain vulnerable to economic instability and undue influence, weakening the long-term viability of public-interest reporting.



Key threat

Journalists operate under mounting economic pressure, with widespread retrenchments, reduced pay, and expectations to maintain pre-downsizing output, which results in an overburdened press sector, and which, in turn, may lead to unfair labour practices.

Labour protections for journalists

Consultations with academics and regulatory bodies have indicated that labour protections for journalists remain deeply fragmented and insufficient, particularly in the face of growing precarity and surveillance risks.

Invasive contractual clauses between publishers and journalists permitting interception of communications illustrate how employment law can compromise source confidentiality and cast a chilling effect on investigative reporting, as many journalists unknowingly consent to these clauses in relation to their company devices. Retrenchment processes have further weakened newsroom solidarity, with staff often forced to sign new contracts under pressure.

The erosion of full-time roles has also led to a workforce dominated by part-time and contract based journalists, many of whom feel little institutional loyalty or protection. In addition, traditional newsroom structures that once offered mentorship, legal buffers, and collective advocacy have collapsed, leaving freelancers and contractors exposed to legal threats and ethical dilemmas without recourse.

Despite the existence of bodies like the Press Council and SANEF, there is no unified space for journalists to collectively address workplace grievances or push for systemic reform. Focus group discussions revealed a pressing need to rebuild newsroom trust, establish safe spaces for dialogue, and rethink the role of unions, not as rigid institutions but rather as platforms for solidarity and protection.

¹¹¹ Nowicki "Drop in support from government is "devastating" for community newspapers" GroundUp (16 May 2023). (Accessible [here](#).)

¹¹² Hamman "Print publications face a challenging future in South Africa" The Media Online (11 July 2024). (Accessible [here](#).)

¹¹³ Roper "South Africa" Reuters Institute (17 June 2024). (Accessible [here](#).)

Working conditions for independent and freelance journalists

Freelance or independent journalism has become increasingly prominent in the South African media industry, particularly in the wake of the COVID-19 pandemic, which normalised remote work and job scarcity in more traditional media houses.¹¹⁴ SANEF and the Henry Nxumalo Foundation (HNF) commissioned a study on the current state of freelance journalism in South Africa, which found that freelance journalists face the following challenges in working conditions:

- **Low rates:** Freelance rates in mainstream media are particularly low, leading many seasoned freelance journalists to shift towards the corporate sector. Freelancers often face delayed payments, with some newsrooms taking months to settle compensation even after the work is completed.
- **Financial instability and uncertainty:** Freelance journalists frequently experience financial instability due to the irregular and unpredictable nature of their work.
- **Issue of contracts:** Some newsrooms do not offer contracts to certain categories of freelance journalists, while others prioritise providing formal agreements.
- **Administrative overload:** Freelance journalists frequently collaborate with multiple organisations simultaneously. This demands strong organisational and administrative skills, areas where many freelancers would currently benefit from additional support and capacity building.
- **Physical safety and legal protection:** Freelancers feel that they are not given adequate protection even when contracted by a newsroom to cover a specific story. This is especially true of freelancers contracted on sensitive investigative stories. When threatened and abused by malign individuals or the targets of their investigation, journalists reported feeling abandoned.¹¹⁵
- **Contractual standards and safety:** The lack of enforceable contractual standards and safety obligations enables legal frameworks to be manipulated, leaving freelancers unprotected and vulnerable to coercion.



Key threat

Invasive contractual clauses between publishers and journalists permitting interception of communications on company devices illustrate how employment law can compromise source confidentiality and cast a chilling effect on investigative reporting.

¹¹⁴ Chiumbu and Munoriyarwa above n 133.

¹¹⁵ *Id.*

Mental health

Survey and focus group participants reported a notable decrease in the psychological well-being and mental health of journalists in South Africa in recent years. Each of the challenges discussed above has contributed to this mental health decline and has compounded existing pressures facing journalists.

Although many journalists are increasingly encouraged to protect their mental health, many report being

unable to afford counselling or other interventions due to job insecurity or low wages. As a response to the COVID-19 pandemic and the “growing numbers of journalists experiencing Post-Traumatic Stress Disorder (PTSD), burnout, anxiety and depression”, in May 2024, SANEF announced a partnership with the South African Depression and Anxiety Group (SADAG) to “prioritise journalism wellness in all newsrooms across the country”.¹¹⁶



Key threat

The combined pressures of legal threats, financial insecurity, and online abuse are driving a deterioration in journalists' mental health. Without adequate support systems, this is contributing to burnout, reduced capacity for public-interest reporting, and the loss of journalists from the profession.

Media ownership and training

Despite policies aimed at improving the representation of historically disadvantaged groups, the legacy of apartheid continues to shape South Africa's media ecosystem. Race remains a fundamental axis of power across media content, audiences, ownership, and institutional leadership. In print media, depictions of blackness are persistently linked with negative traits, especially in the reporting of protests, rural communities, and black leadership.¹¹⁷ Ownership and decision-making structures remain skewed.

A 2019 Mail & Guardian investigation found that media boards were predominantly White, comprising 41% White individuals, compared to 24% African, 17% Coloured, 16% Indian, and 2% classified as “Other”.¹¹⁸ This structural imbalance undercuts efforts to democratise narratives and ensure representative storytelling, as does the limited industry budgets for skills development and training of journalists.



REUTERS/Mike Hutchings

¹¹⁶ South African Depression and Anxiety Group “Free Mental Health Support for Journalists” (Accessible [here](#).)

¹¹⁷ Govenden “South Africa's media have done good work with 30 years of freedom but need more diversity” (2024) *The Conversation* (Accessible [here](#).)

¹¹⁸ Mail & Guardian “Who is the media?” (Accessible [here](#).)

Cuts in legal and ethical training and increasing precarity are undermining capacity and skills

Focus group discussions revealed that legal and ethical training for journalists in South Africa has deteriorated significantly, leaving many ill-equipped to navigate complex reporting environments.

- Budget cuts have slashed newsroom training programmes that once covered legal literacy, shorthand, and interviewing techniques, resulting in a generation of young journalists thrust into high-stakes reporting without mentorship or foundational knowledge.
- There is limited understanding of terminology in legislation such as the Criminal Procedure Act (e.g. when to disclose information ahead of a suspect having pleaded or how to protect the identity of children) and the [Electoral Amendment Act 1 of 2023](#) (which becomes applicable when providing updates during election periods).
- The rise of social media and “newsfluencing” has further blurred ethical boundaries, with journalists increasingly offering premature commentary on legal proceedings.
- While SANEF continues to provide training, most opportunities are ad hoc, externally funded, and inaccessible to journalists facing time or resource constraints.
- Freelancers are especially vulnerable as they lack editorial support when confronted with legal intimidation.
- Historically, some media houses maintained legal reserves and offered training on defamation, privacy, and negotiation, but these safeguards have largely disappeared.
- Newsroom priorities have shifted towards AI integration, sidelining legal literacy and leaving journalists, particularly those without institutional backing, vulnerable. This has exposed journalists to escalating legal and reputational risks.



Key threat

The lack of diversity on the boards of publishers may prejudice efforts to democratise narratives, and cuts in legal and ethical training undermine the capacity and skills of young journalists.

Artificial intelligence

Within South African newsrooms, AI adoption remains uneven. Private media outlets have begun experimenting with tools to perform certain tasks, including interview preparation, transcription, and article subbing. Yet these uses are often informal and lack institutional oversight. Publicly funded media organisations face additional barriers such as limited budgets, outdated infrastructure, and the absence of clear policy frameworks for AI integration.¹¹⁹

“79% of surveyed participants indicated that they either have not implemented any steps to safeguard their content from unauthorised use by AI platforms or did not know if such steps had been taken.”

Generative AI's capacity to produce large volumes of content quickly and cheaply poses a unique threat to the sustainability of freelance work. Freelance journalists have noted that saturation of AI-generated material could force them to lower the rates that they can charge and it may heighten competition for

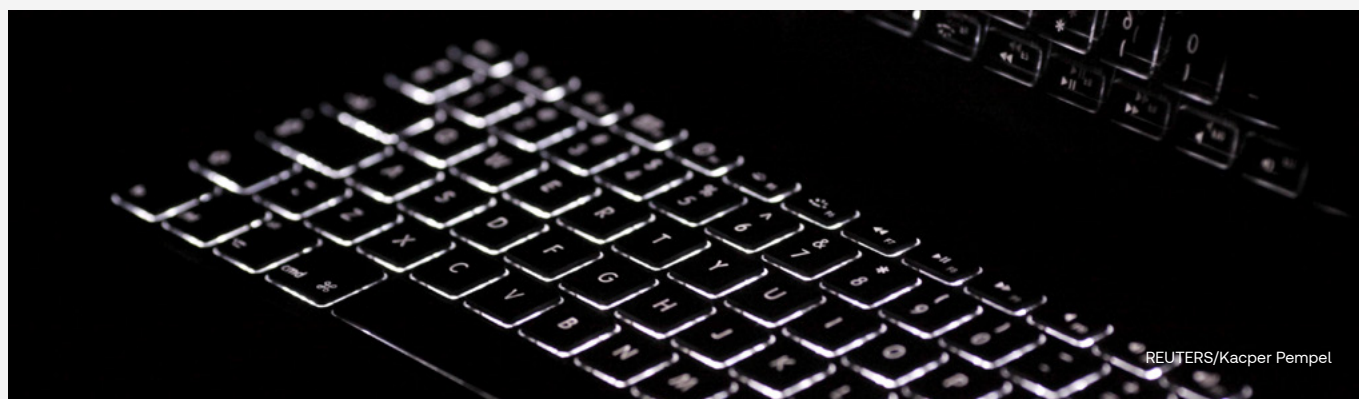
assignments. While seasoned freelancers emphasise that AI cannot replicate the nuance, creativity, and human insight essential to powerful storytelling, many younger and emerging journalists express concern that AI might gradually replace humans for routine reporting.¹²¹

Generative AI platforms increasingly repurpose high-quality journalism to train large language models without compensating or crediting the original publishers, leaving South African media particularly vulnerable. While global tech firms like OpenAI, Meta, and Google have secured licensing deals with major international outlets, often accessing multilingual archives including isiZulu, Afrikaans, and isiXhosa, these partnerships exclude nearly all South African newsrooms, which lack the technical capacity to block AI crawlers or negotiate fair terms.¹²²

Without clear intellectual property protections and regulatory oversight, this imbalance threatens both the financial sustainability and intellectual property rights of local journalism, enabling tech giants to profit from unlicensed content while undermining the very foundations of independent reporting.

Key threat

Without clear intellectual property protections and regulatory oversight, journalists and publishers are vulnerable to generative AI companies repurposing their work to train large language models without compensating or crediting them for their content.



REUTERS/Kacper Pempel

¹¹⁹ Radcliffe “How AI is changing journalism in the Global South” *Press Council* (3 March 2025). (Accessible [here](#).)

¹²⁰ Chiumbu and Munoriyarwa “State of Freelance Journalists in South Africa” (August 2024) at pages 48–49. (Accessible [here](#).)

¹²¹ *Id.*

¹²² MDPMI “Provisional Report Annexure 5: Generative Artificial Intelligence” (February 2025) at pages 26–28. (Accessible [here](#).)

Positive developments

Amid growing economic and technological pressures on journalism, South Africa has seen a wave of promising developments aimed at safeguarding media sustainability and press freedom.

In 2023, the Competition Commission set out to investigate the distribution of media content on digital platforms and to interrogate the market for advertising technology through a market inquiry, the Media and Digital Platforms Market Inquiry (MDPMI). The MDPMI has aimed to address, in part, the difficult commercial circumstances facing news media as well as the perceived lack of accountability of big tech platforms. The MDPMI Final Report found that 77% of the survey respondents used social media as their main online platform for news. This initiative demonstrates a crucial step towards holding platforms accountable and addressing the commercial fragility of news media.

In another promising development, the Association of Independent Publishers (AIP) and Google partnered in 2024 to establish the Digital News Transformation Fund (DNT Fund). The DNT Fund is a “first-of-its-kind initiative to support the sustainability and digital transformation of small, local, and independent news publishers in South Africa through targeted project-based

funding”. The DNT fund aims to support community media and address the resource challenges that have impacted their ability to plan for and embark on digital transformation initiatives. The DNT Fund opened its first round of applications in August 2025, receiving 164 applications.

SANEF continues to play a pivotal role in professional development and advocacy, including through the creation of an NQF Level 5 occupational journalism certificate in collaboration with Fibre, Processing and Manufacturing Sector Education and Training Authority (FP&M Seta), the Quality Council for Trades and Occupations (QCTO), and Media Information and Communication Technologies Sector Education and Training Authority (MICT Seta). In addition, SANEF’s subcommittees advance media freedom, ethics, diversity, and community media sustainability, while also tackling newsroom job losses and gender disparities through research and oversight. The Safety and Wellness Subcommittee connects journalists to global mental health resources, and the Access to Information and Media Policy Subcommittee champions transparency through campaigns for open government, data, budgets, and elections.



REUTERS/Eldson Chagara

¹²³ Media and Digital Platforms Market Inquiry Final Report, November 2025. (Accessible [here](#).)

¹²⁴ AIP “AIP and Google launch major South African local news support fund” (25 November 2024) (Accessible [here](#).)

¹²⁵ AIP “Digital News Transformation Fund receives 164 applications in Phase 1” (28 September 2025) (Accessible [here](#).)

¹²⁶ SANEF “Education & Training” (Accessible [here](#).)

¹²⁷ SANEF “Sub-Committees” (Accessible [here](#).)

Conclusion

Despite robust constitutional protections, the formal legal architecture which protects and promotes journalism in South Africa is increasingly undermined by the parallel system of strategic abuse detailed in this report. Tactics range from direct attacks, gagging orders, defamation and SLAPP suits, to the exploitation of vague cybercrime provisions and the absence of a coherent legal framework for platform accountability, which leaves a vacuum that is readily used to persecute journalists. Alongside political interference, digital harassment, economic instability, and barriers to accessing information, independent accountability journalism in South Africa is being eroded.

While the South African judiciary has, in many cases, played a progressive role in defending press freedom, this alone is insufficient. Many media organisations often lack robust in-house legal protections or support structures for their staff, leaving freelancers and smaller outlets especially exposed to litigation and harassment. These industry failings, coupled with genuine institutional and legislative challenges, compound the vulnerability of journalists and demonstrate a clear need for both systemic legal reform and stronger organisational safeguards.

Looking across the evidence, this report highlights four defining features of the current media freedom environment in South Africa.

1. Pressure on journalism is not driven by single threats, but by the **interaction of legal, digital, and economic pressures** that accumulate over time and increase the cost and risk of public-interest reporting.
2. These pressures are **rarely overt**, but operate through legal complexity, regulatory gaps, and weak enforcement – creating a system in which journalism is constrained.
3. While South Africa's constitutional protections remain strong, this analysis shows that **their impact depends on how they are implemented and enforced in practice**, and where this breaks down, journalists are left exposed.
4. Finally, **these pressures are not felt equally**. Journalists working in more precarious conditions, including freelancers, community media, and those facing

intersecting vulnerabilities, bear a disproportionate share of the risk, with implications for whose stories are told and whose voices are heard.

“ These patterns matter because they point to a shift in how media freedom is being challenged: not through a single law or actor, but through the gradual accumulation of pressures that, over time, narrow the space for independent journalism.

Responding effectively to these dynamics requires a more coordinated and systemic approach. Three areas of action stand out as particularly urgent.

First, there is a need to **strengthen safeguards within the legal system itself**, including clearer procedures and regulations to identify and address the abuse of court processes and to ensure cases affecting journalists can be dealt with more efficiently.

Second, **legislative frameworks require review and reform** to address provisions that undermine media freedom in practice, alongside the development of stronger protections for journalism, including in relation to surveillance, access to information, platform accountability and the sustainability of independent media.

Third, there is a continued need to **support and sustain civil society responses**, including strategic litigation, the provision of legal support for journalists at risk, and the monitoring and documentation of threats against the media.

A holistic and sustained response across these areas will be essential to ensure that legal protections for media freedom are not only maintained, but made effective in practice.

If journalists are to continue playing their critical role in exposing wrongdoing, informing the public, and strengthening democratic accountability, they must be protected, **not only in principle but in practice**. This report calls for deliberate action to ensure that South African journalists can work without fear, censorship, or interference, and that media freedom is not only defended but advanced.

Recommendations:

Responding to threats against journalists in Kenya

These recommendations were provided by the expert group, who refined the identified challenges to journalism and media freedom in South Africa and developed recommendations to address them.

Threat category		Recommendations
A. INSTITUTIONAL AND JUDICIAL REFORMS		
Abuse of court processes	A1	The Department of Justice and Constitutional Development (DoJCD), working alongside the Office of the Chief Justice (OCJ), which is responsible for overseeing the South African judiciary, should update the present case management system to require either party (when court documents are initially uploaded) to notify the Registrar whether a matter may constitute an abuse of process. This will enable presiding judges to quickly identify and better manage alleged abuse of process matters.
	A2	The DoJCD and OCJ should establish a publicly accessible database and statistics which document: 1. judicially confirmed abuse of process cases 2. the award of interim and/or final protection orders against journalists conducting a journalistic inquiry This would ensure transparent reporting, inform policy developments to advance media freedom, and mitigate the misuse of non-existent protection orders, especially by government officials.
	A3	The OCJ, together with the South African Judicial Education Institute (SAJEI), should initiate mandatory judicial training, especially for acting judges, on identifying emergent abusive litigation techniques, particularly in urgent courts. This training should also reaffirm pre-existing legal thresholds to mitigate unnecessary reconsideration applications and identify gaps in jurisprudence, including in the Protection from Harassment Act.
	A4	The Legal Practice Council (LPC), which regulates legal practitioners in South Africa, should be empowered to monitor and sanction legal professionals who abuse litigation to enable the harassment of media practitioners and civil society actors. This may be achieved through the establishment of an Abuse of Process Working Group within the LPC to investigate the abusive techniques detailed in this report and recommend necessary reforms and sanctions.

	A5	Judge Presidents (head judges) of the various divisions of the High Court of South Africa may consider developing and issuing practice directives in their divisions to include provisions governing the abuse of court processes and guidance on the impermissibility of the emergent trend of “super injunctions”. These practice directives may designate specific court rolls (daily list of cases scheduled in court) or judicial officers to expedite the hearing of abuse of process matters and dictate and/or reaffirm the procedural requirements when seeking prior restraint on publication orders and urgent interdicts against journalists.
Regressive and disabling legislation	A6	The Information Regulator should further publicise and capacitate its Media Liaison Office to ensure that it serves as the single point of contact for journalists seeking assistance with their Promotion of Access to Information Act (PAIA) request forms.
	A7	The Information Regulator should develop a PAIA request tracker which monitors the number of refused PAIA requests by both public and private bodies. Both public and private bodies should also be required to update their internal PAIA manuals with statistical information of how many PAIA requests they received, accepted, and refused every year.
	A8	The Minister of Justice should be required to publish periodic reports on the use of the implicated provisions of the Cybercrimes Act against journalists and media organisations.
Technology-facilitated harms	A9	The OCJ and SAJEI should provide training and resources on online harms to current and acting judges.

B. LEGISLATIVE REFORMS

Abuse of court processes	B1	Dedicated anti-SLAPP legislation, building on pre-existing draft model laws, should be considered. Alternatively, the Rules Board for Courts of Law, which sits within the DoJCD, may consider amending the Uniform Rules of Court to meet similar objectives to either new practice directives or anti-SLAPP legislation. In both instances, provision should be made for: 1. Mechanisms for the early and expeditious consideration of proceedings which may constitute an abuse of process 2. Placing a fair burden on the plaintiff or applicant, once a SLAPP defence is raised, to demonstrate that their claim has genuine merit and is not brought for an ulterior purpose 3. The awarding of adverse costs against claimants who engage in abuses. These changes should apply explicitly to criminal prosecutions and cases seeking damages, among others.
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	B2	Amendments to the Protection from Harassment Act should be considered, including explicit guidance on the procedures that courts must adopt when an interim protection order is sought against a journalist (engaged in a journalistic inquiry) and a fast-track mechanism for setting aside wrongly granted interim protection orders against journalists.
Regressive and disabling legislation	B3	A draft PAIA Amendment Bill should be introduced in Parliament, which: 1. Reduces response times and strengthens remedies for non-compliance 2. Extends proactive online disclosure obligations to a broader range of public bodies and categories of public-interest information 3. Removes or reduces application and preparation fees that create barriers to access for journalists and civil society organisations 4. Modernises PAIA to make it fit for purpose for the digital age.
	B4	Amendments to the Cybercrimes Act should be considered, which include: 1. A clear public-interest defence for journalistic reporting and whistleblowing 2. A specific and updated definition for “malicious communications” 3. Additional protections for source confidentiality and judicial oversight of investigations that involve journalists 4. Procedural safeguards that prevent politically motivated or vexatious complaints.
	B5	Authorities implementing reforms under the Financial Action Task Force (FATF) compliance framework should develop clear guidance and proportional regulatory measures for non-profit organisations, ensuring that investigative journalism outlets operating as non-profits are not subject to excessive compliance burdens that undermine their financial sustainability.
	B6	Amendments to the Protected Disclosures Act should be considered, including enhanced protections for disclosures made to journalists in the public interest and comprehensive support mechanisms for whistleblowers, including financial assistance, legal protection, and physical security measures
Labour-related and sustainability challenges	B7	Clear intellectual property protections and regulatory oversight mechanisms should be further developed to protect journalists and publishers who are vulnerable to generative AI companies repurposing their work without compensation or credit.

C. INDUSTRY REFORMS AND OPPORTUNITIES

Abuse of court processes	C1	Publishers and newsrooms should develop and publish clear and robust policies on legal defence for journalists, including freelancers, to better ensure adequate protection for those engaged in journalistic activity.
	C2	The Press Council of South Africa offers a valuable voluntary co-regulation model that is often cheaper, faster, and contextually relevant in resolving media disputes. The media industry (and the State) should increase arm's length funding and support to better capacitate the Press Council, and any other sufficiently independent regulatory bodies, while avoiding any steps that may undermine its independence.
Labour-related and sustainability challenges	C3	Newsrooms should publish formal funding policies that outline how financial contributions (whether donor-based, corporate, or through government grants) impact editorial independence.
	C4	Media organisations and industry bodies should align their practices with global commitments emerging from the Media 20 (M20) initiative (which aligned with South Africa's hosting of the G20), including the M20 Johannesburg Declaration , which calls on media institutions, governments, and technology companies to strengthen protections for journalists, address online and technology-facilitated abuse, and promote sustainable and independent media ecosystems.

D. CIVIL SOCIETY OPPORTUNITIES

Abuse of court processes	D1	Civil society actors should continue to pursue strategic and test case litigation to develop the common law, especially in relation to advancing SLAPP-related defences and procedures, and to mitigate abuses of the Protection from Harassment Act.
	D2	In the absence of state-led databases documenting judicially confirmed abuse of process cases, initiatives such as Moxii Africa's SLAPP Back website should be constantly updated and promoted to ensure the dissemination of information to journalists, judges, and the broader public about emergent abuse of process tactics and jurisprudential responses.
	D3	Initiatives like the Free Expression Legal Network (FELN) should be used by journalists and civil society organisations to strengthen protections for free expression, coordinate responses to threats, and provide legal support to those at risk.
Technology-facilitated harms	D4	Access to mental health support should be made more readily accessible to all journalists. Informal trusted networks for mental health support specifically aimed at fostering solidarity and developing mentorship connections with younger journalists should be established.

Useful resources

- African Commission on Human and Peoples' Rights "[Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019](#)" (10 November 2019).
- Bratt "Courageous journalist Qaanitah Hunter: The challenges of being a young woman in media today" The Media Online (12 August 2019).
- Buckley "[Community Media: A good practice handbook](#)" (2011).
- Competition Commission "[Media and Digital Platforms Market Inquiry \(MDPMI\) Final Report](#)" (November 2025).
- The Media Policy and Democracy Project "[About Secrecy: A Quick Guide for Journalists About State Surveillance In South Africa](#)" (2021).
- UNESCO "[The Chilling: Global trends in online violence against women journalists](#)" (2021).
- United Nations Human Rights Committee for the International Covenant on Civil and Political Rights: [List of issues in relation to the initial report of South Africa, adopted at its 114 session](#) (29 June 2015 to 24 July 2015), dated 19 August 2015.

Thomson Reuters Foundation resources for journalists and media organisations

- [Legal Service for Independent Media](#)
- [Media Freedom and the Law in Kenya, South Africa and Zambia - Thomson Reuters Foundation](#) [2023]
- [Understanding defamation laws in South Africa](#) [2023]
- [Understanding the laws on journalistic sources in South Africa](#) [2023]
- [Practical and legal tools to protect the safety of journalists](#) [2023]
- [Pre-publication review guide: Resource collection](#)
- [Artificial Media, Real Rights: The Impact of Gen AI on Freedom of Expression in Eastern and Southern Africa](#) [2025]
- [Three steps to an AI-ready newsroom: A practical guide](#) [2025]
- [Journalism in the AI Era: A TRF Insights survey](#) [2025]