

# LONDA 2025

## DIGITAL RIGHTS & INCLUSION IN AFRICA REPORT

### South Africa

Country Report



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# South Africa

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## Executive Summary

2025 reflects a year of ambitious regulatory initiatives, including the publication of the Draft White Paper on Audio and Audiovisual Media Services and Online Safety, and strengthened institutional capacity and oversight by the Information Regulator in South Africa. However, there are persistent gaps in connectivity, digital literacy, online safety, and equitable access. This illustrates the continued need for sustained, multi-stakeholder collaboration with accountability mea-

asures enforced on government and tech platforms, alongside the implementation of safeguards to advance digital rights and inclusion. Key findings highlight progress in the expansion of mobile broadband and 4G coverage, the strengthening of the Information Regulator's mandate, and greater awareness around digital rights. Persistent challenges remain, including high data costs, unreliable infrastructure, low digital literacy, online gender-based violence, risks associated

with emerging technologies such as AI and digital IDs, and the potential chilling effect of new regulatory frameworks.

This report was formulated through extensive desktop research, the findings of which were then compared to key indicators outlined in the African Commission on Human and People's Rights' Declaration of Principles on Freedom of Expression and Access to Information in Africa. The Score Index, set out below, was then used to assign South Africa a score for each key indicator. Each indicator score makes up the total score, which is reflective of the overall position of digital rights in South Africa. Based on these findings, South Africa has been allocated a score of 47 out of 60 on the Score Index – a 4-point increase from 2024.<sup>1</sup> This improvement is partly attributable to government efforts to expand digital inclusion and increase the dissemination of information through digital technologies in underserved areas, alongside incremental progress in policy development related to emerging technologies.

Key recommendations are proposed,

based on the aforementioned developments and findings of the Score Index. Such recommendations include expanding affordable and equitable internet access and improving digital literacy initiatives. Stronger oversight of surveillance, data protection, and access-to-information systems is needed, alongside clearer protections for free expression and careful regulation of mis- and disinformation. Efforts to address online gender-based violence should be strengthened through awareness campaigns, reporting mechanisms, and accessible legal remedies. Additional priorities include improving journalist safety online, enhancing content-verification practices, investing in secure digital infrastructure, and promoting ongoing civic participation in policy and legislative processes to support inclusive, rights-respecting digital governance.

1. See below page 21.

## Introduction

Since 2016, South Africa has established strong legal foundations for digital rights – such as enacting cybercrime and data protection laws, online gender-based violence protections, and progressive policy frameworks. Civil society engagements in the country are robust and have helped to deepen awareness and accountability within these spaces. South Africa continues to play an influential role in shaping digital rights across the continent.

However, persistent gaps have remained in the past decade. The digital divide endures with high data costs, unreliable electricity supply, and low digital literacy rates continuing to limit meaningful access to online spaces, especially for rural communities, women, and low-income households.<sup>2</sup> Several government initiatives aimed at increasing and monitoring regulation of online harms and digital spaces have been implemented in recent years, with some being criticised for po-

tentially criminalising misinformation and imposing overly broad obligations on online platforms.<sup>3</sup> This highlights ongoing tensions between regulating online harms and safeguarding freedom of expression in South Africa. Emerging technologies such as Artificial Intelligence (AI), digital IDs, and deepfakes further complicate the landscape, presenting both opportunities for inclusion and risks of discrimination, surveillance, and exclusion.

2. Gillwald and Mothobi 'The state of ICT in South Africa' (2018) <https://researchictafrica.net/research/state-of-ict-in-south-africa/> (accessed 21 November 2025).

3. Nicole Fritz and Justine Limpitlaw 'OPINION | Balancing freedom and safety: Online regulation debate demands

## Internet Access

## And Disruptions

By mid-2025, South Africa's population reached 63.1 million,<sup>4</sup> with internet penetration rising to 78.9% from 74.7% in 2024<sup>5</sup>. However, the digital divide remains significant.<sup>6</sup> Rural communities lack in-home internet access, and income disparities continue to restrict both device ownership and data accessibility.<sup>7</sup> Even where coverage is available, a persistent "usage gap" driven by affordability constraints and limited digital literacy prevents many from fully participating online.<sup>8</sup> Service quality

is improving, but frequent power outages force operators to depend on costly backup systems, resulting in disruptions to access to services that disproportionately affect lower-income households and rural areas, reinforcing existing inequalities in meaningful internet access.<sup>9</sup>

The SA Connect flagship project, which was launched last year, has to date failed to meet its desired targets due to budgetary constraints.<sup>10</sup> However, the Department of Communications and Digital Technologies allocated ZAR 710 million, approximately USD 42.4 million, in 2025 to the programme for the 2025/2026 financial year.<sup>11</sup> In addition, in May 2025,

oversight' (2025) <https://www.news24.com/opinions/columnists/opinion-balancing-freedom-and-safety-online-regulation-debate-demands-oversight-20251015-0901> (accessed 23 November 2025).

4. StatsSA 'Mid-year population estimates 2025' (2025) <https://www.statssa.gov.za/publications/P0302/P03022025.pdf> (accessed on 22 November 2025).
5. Data Reportal 'Digital 2025: South Africa' (2025) <https://datareportal.com/reports/digital-2025-south-africa> (accessed on 21 November 2025).
6. ICASA 'A step closer to achieving a connected South Africa where no one is left behind' (2023) <https://www.icasa.org.za/news/2023/a-step-closer-to-achieving-a-connected-south-africa-where-no-one-is-left-behind> (accessed 21 November 2025).
7. GSMA 'Driving Digital Transformation of the Economy in South Africa Opportunities, policy reforms and the role of mobile' (2024) [https://www.gsma.com/about-us/regions/sub-saharan-africa/wp-content/uploads/2024/11/GSMA\\_South-Africa-Report\\_Nov-2024-FINAL-VERSION](https://www.gsma.com/about-us/regions/sub-saharan-africa/wp-content/uploads/2024/11/GSMA_South-Africa-Report_Nov-2024-FINAL-VERSION) (accessed 21 November 2025).
8. Id.
9. Id.
10. Nicola Mawson 'SA Connect rebooted with private sector support' (2025) <https://www.itweb.co.za/article/sa-connect-rebooted-with-private-sector-support/o1Jr5MxPOQmMKdWL> (accessed 25 November 2025.)
11. Parliament 'Parliament Communications Minister Allocates R710 Million to SA Connect Programme in 2025/26 Budget' (2025) <https://www.parliament.gov.za/news/communications-minister-allocates-r710-million-sa-connect-programme-2025-26-budget> (accessed on 21 November 2025).

Operation Vulindlela Phase II was introduced by the Treasury to include new priority areas such as addressing spatial inequality, strengthening local government performance, and advancing digital transformation.<sup>12</sup> This could play a role in closing the usage gap, although its impact has not yet been demonstrated in practice.

## Online Freedom of Expression and Access to Information

South Africa continues to have an enabling legislative environment that protects freedom of expression and access to information. In 2025, the government published a Draft White Paper on Audio and Audiovisual Media Services and Online Safety (White Paper), which, while intended to address digital harms, has

been criticised for proposing an overly broad regulatory licensing framework for online platforms. If the White Paper is adopted in its current form, it could chill lawful expression and public discourse. Therefore, critics warn that this overregulation could criminalise misinformation, restrict free expression, and impose overburdensome obligations on platforms, potentially chilling public discourse.<sup>13</sup> In addition, the Cybercrimes Act 19 of 2020 continues to be criticised for vague definitions that do not sufficiently set out the required intention necessary for the downloading of illegal content, which may result in those with lower digital literacy levels facing punitive consequences, effectively creating indirect discrimination among marginalised users. Further, the Act has limited public interest safeguards which may chill journalistic activity and whistleblowing if misapplied.<sup>14</sup>

12. National Treasury 'Q2 Operation Vulindlela Progress Report' (October 2025) <https://www.treasury.gov.za/Q2%20Operation%20Vulindlela%20Progress%20Report.pdf> (accessed on 11 November 2024).

13. Nicole Fritz and Justine Limpitlaw 'OPINION | Balancing freedom and safety: Online regulation debate demands oversight' (2025) <https://www.news24.com/opinions/columnists/opinion-balancing-freedom-and-safety-online-regulation-debate-demands-oversight-20251015-0901> (accessed 23 November 2025).

14. SANEF 'Media and the law: legislation that affects journalists' (2024) <https://presscouncil.org.za/2024/08/28/laws-that-threaten-journalists> (accessed 21 November 2025).

## Access to information

The Promotion of Access to Information Act (PAIA) remains the main mechanism for public access to State and publicly held information, but compliance by public bodies is unreliable, and request processing is often slow.<sup>15</sup> PAIA mandates that a request for information should be complied with within 30 days. However, government bodies often request extensions on this timeframe and subsequently deny access to the requested information through misapplying the PAIA grounds of refusal.<sup>16</sup> The Information Regulator, which is empowered to monitor and investigate complaints made in terms of PAIA,<sup>17</sup> has noted a substantial increase in PAIA complaints in 2025, reflecting non-compliance by public bodies and weak en-

forcement of access-to-information obligations.<sup>18</sup> To this end, the Regulator has launched a new promotion of an access to information programme with a sub-programme to investigate PAIA complaints.<sup>19</sup>

## Disruptions and the lingering Digital Divide

South Africa lacks a clear, publicly accountable statutory takedown regime that balances rights with platform obligations. With regards to the White Paper above, civil society has also expressed concern that combining both broadcasting and online safety under one Act, and thus framing online safety through a broadcasting lens, conflates media regulation with platform oversight, creating risks of

15. South African History Archive 'Failure to respond to PAIA requests' (2018) [https://www.saha.org.za/news/2018/September/failure\\_to\\_respond\\_to\\_paia\\_requests.htm](https://www.saha.org.za/news/2018/September/failure_to_respond_to_paia_requests.htm) (accessed 21 November 2025).
16. Timothy Lloyd, 'The Just Energy Transition in South Africa: Approaches to accessing information and knowledge for transition-affected communities' (2024) [https://climateresilience.africa/wp-content/uploads/2024/06/JET\\_in\\_south\\_africa\\_v8.pdf](https://climateresilience.africa/wp-content/uploads/2024/06/JET_in_south_africa_v8.pdf) (accessed on 20 January 2026); Daily Maverick 'Transparency, democracy the losers with most public institutions shamelessly ignoring requests for information' (2024) <https://www.dailymaverick.co.za/article/2024-10-01-transparency-democracy-the-losers-with-most-public-institutions-shamelessly-ignoring-requests-for-information/> (accessed 19 January 2026).
17. Information Regulator of South Africa 'About the Regulator' <https://info regulator.org.za/> (accessed on 28 October 2024).
18. Information Regulator 'Annual Report' (2025) <https://info regulator.org.za/wp-content/uploads/2025/11/Information-Regulator-Annual-Report-2025-210mm-x-260mm-1.pdf> (accessed 23 November 2025).
19. Information Regulator 'Annual Report' (2025) <https://info regulator.org.za/wp-content/uploads/2025/11/Informa->

ensorship rather than protecting rights.<sup>20</sup> In addition, the continuous surge of Online Gender Based Violence (OGBV) may be seen as a cause of self-censorship for women journalists due to the increased amount of harassment and threats that they receive online, compounding existing gender-based barriers to participation in public discourse and violating their constitutional rights to equality, dignity, freedom of expression, and the right to be free from all forms of violence.<sup>21</sup>

In July 2025, the Gauteng High Court ordered Meta to shut down certain Instagram accounts and WhatsApp channels that were distributing explicit Child Sexual Abuse Material (CSAM) and to provide identifying information of the offenders.<sup>22</sup> After the judgement, Meta confirmed that the accounts that it was able to identify

were shut down and that the relevant reports were filed to the National Centre for Missing and Exploited Children.<sup>23</sup> This first of its kind litigation in South Africa established legal accountability for global platforms operating in the country while balancing content removal with due process.

## Arrests and prosecutions

Detailed, consolidated national statistics on arrests linked specifically to online expression remain limited in public reporting. However, in January 2025, a social-media user was charged for statements made online under the Cybercrimes Act and common-law offences of *crimen injuria* and incitement, but the

tion-Regulator-Annual-Report-2025-210mm-x-260mm-1.pdf (accessed 23 November 2025).

20. Above at n 12.

21. Sisanda Nkoala 'Baloi, clever blacks and magogo: Language as symbolic action in online violence against South African female journalists on X' (2025) <https://link.springer.com/article/10.1007/s43545-025-01069-x> (accessed on 21 November 2025).

22. The Department of Communications and Digital Technologies 'DCDT Welcomes the Ruling Ordering Meta to Shut Down Certain Instagram Accounts and WhatsApp Channels Posting Sexual Content' (2025) <https://www.dcdt.gov.za/media-statements-releases/604-dcdt-welcomes-the-ruling-ordering-meta-to-shut-down-certain-instagram-accounts-and-whatsapp-channels-posting-sexual-content.html> (accessed 21 November 2025).

23. L Isaacs, 'After court order, Meta agrees to several steps to shut down child porn distribution on Whatsapp, Instagram in SA' EWN (2025) <https://www.ewn.co.za/2025/07/18/after-court-order-meta-agrees-to-several-steps-to-shut-down-child-porn-distribution-on-whatsapp-instagram-in-sa> (accessed 16 February 2026).

case was later struck off the roll for incomplete investigations, illustrating how arrests alone can produce chilling effects even in the absence of convictions.<sup>24</sup> In addition, vigilante group Operation Dudula were interdicted by the Johannesburg High Court from spreading hate speech and incitement online after the Court recognised that they routinely used online spaces to mobilise violence, and encourage unlawful acts against foreign nationals.<sup>25</sup>

## Gendered disinformation

In South Africa, gendered disinformation disproportionately targets women, pol-

iticians, journalists, and human rights defenders, through online attacks.<sup>26</sup> A recent study of tweets targeting South African female journalists revealed how gendered and racialised insults are mobilised to undermine their credibility and push them out of public conversations.<sup>27</sup> These online attacks often spill over into real-world fear and self-censorship, and many women report withdrawing from social media, toning down their digital presence, or not voicing opinions to avoid abuse.<sup>28</sup> Despite the scale of abuse, platforms and authorities continue to provide little protection, highlighting accountability gaps in both platform governance and state enforcement of digital safety for women.<sup>29</sup>

24. SA News 'Social media personality appears in court' (2025) <https://www.sanews.gov.za/south-africa/social-media-personality-appears-court>. (assessed 21 November 2025).
25. Power Law Africa 'Kopanang Against Xenophobia & Others v Operation Dudula & Others' (2025) <https://powerlaw.africa/2025/11/04/kopanang-against-xenophobia-others-v-operation-dudula-others/> (accessed on 21 November 2025).
26. David Maas 'In South Africa, women journalists are targeted online routinely and with impunity, new research finds' (2025) <https://ijnet.org/en/story/south-africa-women-journalists-are-targeted-online-routinely-and-impunity-new-research-finds> (accessed on 21 November 2025).
27. Id
28. SAHRC 'Opinion: GBV at the click of a button: even online, misogyny is out of line' (2023) <https://www.sahrc.org.za/index.php/sahrc-media/opinion-pieces/item/3499-opinion-gbv-at-the-click-of-a-button-even-online-misogyny-is-out-of-line> (accessed 21 November 2025).
29. Id.

## Data Protection and

## Cybersecurity

In 2025, the Information Regulator launched a new e-system to report any security compromises of personal information in an ongoing effort to improve the monitoring of security incidents affecting personal information.<sup>30</sup> A 40% increase in data breaches was reported in 2025.<sup>31</sup> A notable data breach in 2025 was of a leading real estate firm, which suffered an unauthorised breach to its client database, including names, ID numbers, physical addresses, and contact details.<sup>32</sup> Further, at the international level, South Africa has not yet ratified the African Union Convention on Cybersecurity and Personal Data Protection. This results in limited regional alignment on data-protection norms and

weak cross-border co-operation and enforcement of cybersecurity.

## Digital IDs

Despite indications from the Department of Home Affairs last year that the National Identification and Registration Bill would be submitted to Cabinet during the 2024/25 financial year, there has been no movement on this. However, South Africa has made notable strides in its journey towards introducing digital IDs through its Roadmap for the Digital Transformation of Government.<sup>33</sup> The Roadmap, which falls under the Operation Vulindlela Phase II mentioned above, seeks to create digital public infrastructure reform under four main workstreams: digital identity; data exchange; digital payments; and digital

30. Information Regulator 'Media Statement: Regulator launches online reporting platform for security compromises' (2025) <https://infoeregulator.org.za/wp-content/uploads/2025/04/MEDIA-STATEMENT-INVITATION-TO-REPORT-SECURITY-COMPROMISES-THROUGH-THE-eSERVICES-PORTAL-.pdf> (accessed 23 November 2025).

31. Corbado '10 Biggest Data Breaches in South Africa [2025]' (2025) <https://www.corbado.com/blog/data-breaches-south-africa> (accessed 23 November 2025).

32. Id.

33. My Mzansi 'South Africa's Roadmap for the Digital Transformation of Government' (2025) [https://www.gov.za/sites/default/files/gcis\\_document/202505/south-africas-roadmap-digital-transformation-government.pdf](https://www.gov.za/sites/default/files/gcis_document/202505/south-africas-roadmap-digital-transformation-government.pdf) (accessed 25 November 2025).

services.<sup>34</sup> In 2025, the pilot phase of the data exchange workstream was launched through MzansiXchange, which is a national data exchange initiative that seeks to support effective planning, policymaking, reporting, and service delivery.<sup>35</sup>

Under this pilot phase, several task teams have been established, including a legal and governance task team which, amongst other things, is aimed at safeguarding the exchange of personal and sensitive information.<sup>36</sup> While this initiative aims to aid access to services, without stronger data and human rights protections, the move to digital ID and other digital public infrastructure may deepen inequality and amplify privacy risks.

## Privacy and

## Surveillance

The General Intelligence Laws Amendment Bill (GILAB) was passed by the National Council of Provinces in early 2024 and was finally assented to by the President on 28 March 2025.<sup>37</sup> The Act seeks to amend several of South Africa's existing intelligence laws to modernise and strengthen the country's intelligence framework. Despite substantial amendments following the public consultation process, commentators remain concerned about numerous aspects of the Act, including oversight mechanisms, scope of inception powers, and safeguards for journalists and lawyers.<sup>38</sup> Furthermore, the Act is not yet in force due to the need to align current regulations and

34. Id at pages 4-5.

35. MzansiXchange, 'What is MzansiXchange?' (2025) <https://mzansixchange.treasury.gov.za/about/> (accessed on 26 November 2025).

36. MzansiXchange, 'Task Teams Driving the Pilot' (2025) <https://mzansixchange.treasury.gov.za/pilot/> (accessed on 21 January 2026).

37. President Ramaphosa Assents to General Intelligence Laws Amendment Bill (28 March 2025) <https://www.thepresidency.gov.za/president-ramaphosa-assents-general-intelligence-laws-amendment-bill> (accessed on 19 November 2025).

38. Press Council 'General Intelligence Law Amendment Act adopted; still 'deeply flawed'' (29 March 2025) <https://presscouncil.org.za/2025/03/29/general-intelligence-law-amendment-act-adopted-still-deeply-flawed/> (accessed on 23 November 2025).

directives with the Act.<sup>39</sup> On July 25 2025, the Constitutional Court handed down judgment in *President of the Republic of South Africa v Speaker of the National Assembly and Others*.<sup>40</sup> Here the Court ordered that, pending new legislation, the Regulation of Interception of Communications and Provision of Communication-Related Information Act (RICA) must be deemed to include provisions requiring the appointment of designated judges by the Minister upon nomination by the Chief Justice, that surveillance applications involving journalists or lawyers must disclose their status and be subject to additional protections, and that post-surveillance notification requirements must be reinstated.<sup>41</sup>

## Mass surveillance

## technologies and

## biometric surveillance

South Africa continues to grapple with the legal and ethical implications of expanding mass surveillance infrastructure. In February 2025, the City of Johannesburg adopted the Privately-Owned Closed-Circuit Television Surveillance Camera By-law, which sought to regulate the installation and operation of private CCTV systems.<sup>42</sup> The by-law required individuals and businesses to register their cameras with the metro police, pay annual fees, submit technical plans, and grant the city access to footage.<sup>43</sup> In July 2025, civil society organisations challenged the by-law on constitutional and administrative grounds.<sup>44</sup> They argued that it infringed

39. Ministry in the Presidency 'Question for Oral Reply Question Number: 538' (2025) [https://www.parliament.gov.za/storage/app/media/Docs/exe\\_rq\\_na/01pv5mf2e6kzxkbsq55bbivjny2sclj4qg.pdf](https://www.parliament.gov.za/storage/app/media/Docs/exe_rq_na/01pv5mf2e6kzxkbsq55bbivjny2sclj4qg.pdf) (accessed 25 November 2025).

40. [2025] ZACC 12; 2025 (9) BCLR 994 (CC) (*President v Speaker of the National Assembly*) <https://www.saflii.org/za/cases/ZACC/2025/12.html> (accessed on 20 November 2025).

41. *President v Speaker of the National Assembly* above n 41 at para 21.

42. See the draft bill here: [https://joburg.org.za/documents\\_/Documents/By-Laws/2024/CCTV%20By-Law%20\(ITEM%2069%20ANNEXURE\).pdf](https://joburg.org.za/documents_/Documents/By-Laws/2024/CCTV%20By-Law%20(ITEM%2069%20ANNEXURE).pdf).

43. OUTA 'Police the City of Joburg, not our CCTV cameras' (7 July 2025) <https://www.oua.co.za/blog/newsroom-1/police-the-city-of-joburg-not-our-cctv-cameras-1428> (accessed on 21 November 2025).

44. OUTA 'Lights, camera, repeal: Joburg ditches CCTV by-law' (4 September 2025) <https://www.oua.co.za/blog/newsroom-1/lights-camera-repeal-joburg-ditches-cctv-by-law-1443> (accessed on 21 November 2025).

on residents' rights to privacy, imposed unjustified financial burdens, and failed to enhance public safety. The by-law was ultimately repealed in September 2025.<sup>45</sup>

## Oversight

The Constitution outlines that the Inspector-General of Intelligence provides independent oversight of the State Security Agency, SAPS Crime Intelligence, and Defence Intelligence, with appointments requiring nomination by the Joint Standing Committee on Intelligence and approval by two-thirds of Parliament.<sup>46</sup> Beyond these, the Auditor-General audits intelligence budgets, including secret expenditure, while the Public Protector may investigate maladministration linked to surveillance practices.<sup>47</sup>

Despite this sound legal structure, a Commission of Inquiry into alleged criminality,

political interference, and corruption in the criminal justice system is currently underway in South Africa. This inquiry underscores the risk that surveillance powers may have been misused, applied without sufficient oversight, or influenced by political or institutional bias, which may have implications for the oversight of privacy and surveillance laws.<sup>48</sup> The Commission is expected to examine how intelligence and law-enforcement agencies operate, including their use of surveillance powers, and could recommend reforms to enhance accountability, transparency, and human-rights protections.<sup>49</sup>

45. Id.

46. Office of the Inspector-General of Intelligence <https://www.oigi.gov.za/> (accessed 21 November 2025).

47. Auditor-General South Africa <https://www.agsa.co.za/AboutUs.aspx> (accessed 21 November 2025); Public Protector South Africa <https://www.pprotect.org/?q=content/our-mandate> (accessed 21 November 2025).

48. Commission of Inquiry 'The Judicial Commission of Inquiry into Alleged Criminality, Political Interference and Corruption in the Criminal Justice System' (2025) <https://criminaljusticecommission.org.za/> (accessed 25 November 2025).

49. Id.

## Developments in

## ICT and Emerging

## Technologies

proceed to Parliament for formal processing as a Bill.<sup>52</sup>

## AI and the media

### AI Policy development

The enactment of the National Artificial Intelligence Policy Framework is still underway following its introduction in August 2024.<sup>50</sup> In October 2025, the Minister of Communications and Digital Technologies confirmed, in an interview, that the policy development process had been finalised and that stakeholder feedback had been incorporated into the Framework.<sup>51</sup> According to the Minister, the Framework is now ready to be presented to Cabinet for approval, after which it will

In November 2025, the Competition Commission published its final report in its Media and Digital Platforms Market Inquiry (MDPMI), the first of its kind in South Africa to examine the impact of digital platforms and AI on news media sustainability through a competition law framework.<sup>53</sup> The Competition Commission's final report found that AI chatbots significantly affect South Africa's news media as they rely on local journalism for training, but provide very little traffic or value back to the publishers who produced it.<sup>54</sup> The report also found that larger outlets are beginning to opt out of AI web crawlers, but most smaller media remain vul-

50. Department of Communications and Digital Technologies, 'South Africa National Artificial Intelligence Policy Framework' (2024) <https://www.dcdt.gov.za/sa-national-ai-policy-framework/file/338-sa-national-ai-policy-framework.html> (accessed on 23 November 2025).

51. Mzekandaba 'ITWeb TV: Malatsi vows to finalise SA's AI policy' (24 October 2025) <https://www.itweb.co.za/article/itweb-tv-malatsi-vows-to-finalise-sas-ai-policy/KPNG878NDgWq4mwD> (accessed on 23 November 2025).

52. Id.

53. Competition Commission 'Media Statement: Media and Digital Platforms Market Inquiry Releases Final Report' (13 November 2025) <https://www.compcom.co.za/wp-content/uploads/2025/11/MDPMI-Releases-Final-Report-13-November-2025-2.pdf> (accessed 23 November 2025).

54. Competition Commission 'Media and Digital Platforms Market Inquiry' (2025) [https://www.compcom.co.za/wp-content/uploads/2025/11/CC\\_MDPMI-Final-Report\\_Non-Confidential-1.pdf](https://www.compcom.co.za/wp-content/uploads/2025/11/CC_MDPMI-Final-Report_Non-Confidential-1.pdf) at page 95.

nerable due to a lack of resources. This creates bargaining imbalances that favour global publishers with content deals and marginalise South African outlets.<sup>55</sup> To address these issues, the Commission proposes empowering local publishers with clearer opt-out mechanisms, periodic training, and technical support, while encouraging AI companies to extend emerging compensation models to South African media.<sup>56</sup> If platforms fail to comply with these recommendations, the Competition Commission may refer the matter to the Competition Tribunal for enforcement.<sup>57</sup>

## Other Emerging Technologies

Other innovations include the development of South Africa's first AI-powered teaching robot (IRIS), which was designed

to master all subjects from Grade R to tertiary level in 11 official languages.<sup>58</sup> IRIS was developed by a private innovator, who undertook to introduce IRIS into classrooms by October 2025.<sup>59</sup> While this has not been achieved, the Minister of Science, Technology and Innovation praised the development of IRIS, highlighting its ability to “enhance education in the country by enabling learners to reach their full potential”.<sup>60</sup>

## Digital Inclusion

Persons with disabilities

In August 2025, the Deputy Minister of Science, Technology and Innovation launched a suite of locally developed assistive technologies to enhance accessibility and inclusion for people with disabilities, including learners from special

55. Id.

56. Competition Commission ‘Media and Digital Platforms Market Inquiry’ (2025) [https://www.compcom.co.za/wp-content/uploads/2025/11/CC\\_MDPMI-Final-Report\\_Non-Confidential-1.pdf](https://www.compcom.co.za/wp-content/uploads/2025/11/CC_MDPMI-Final-Report_Non-Confidential-1.pdf) at page 96.

57. The Competition Act 89 of 1998 at section 50.

58. Department of Science, Technology and Innovation ‘Deputy Minister Gina launches South Africa’s first AI teaching robot’ (20 August 2025) <https://www.dsti.gov.za/index.php/media-room/latest-news/4747-deputy-minister-gina-launches-south-africa-s-first-ai-teaching-robot> (accessed on 23 November 2025).

59. Id.

60. Id.

needs schools.<sup>61</sup> Some of these assistive technologies include video remote interpreting, sign language translation, audio description, and wearable smartphone interfaces.

### **Adoption of child on-line-specific laws**

While South Africa does not have any laws that specifically address the online safety of children, the White Paper on Audio and Audiovisual Media Services and Online Safety discussed above proposes a framework to address this gap. The White Paper sets out regulatory obligations for online platforms and streaming services, including measures to protect children from harmful content, enforce age-appropriate safeguards, and implement reporting mechanisms. Regardless of other concerns, civil society has welcomed the

White Paper's focus on child safety.<sup>62</sup>

### **The Universal Service and Access Fund**

The Universal Service and Access Agency of South Africa (USAASA) was allocated ZAR 268 million, approximately USD 16 million, for its operations, and the Universal Services and Access Fund (USAF) was allocated ZAR 173 million, approximately USD 10.3 million, for the 2025/26 financial year.<sup>63</sup> While these allocations reflect ongoing policy commitment, their scale remains insufficient to meaningfully close South Africa's digital divide, particularly in rural and underserved areas. According to its 2025-2026 Annual Performance Plan, the USAF will direct its funds toward expanding broadband connectivity in rural schools, clinics, and community centres, alongside localised Wi-Fi initiatives

61. South African Government 'Deputy Minister Nomalungelo Gina on innovations to assist people with disabilities in South Africa' (5 August 2025) <https://www.gov.za/news/media-statements/deputy-minister-nomalungelo-gina-innovations-assist-people-disabilities-south> (accessed on 23 November 2025).

62. Above at n 3.

63. South African Government, 'Minister Solly Malatsi: Communications and Digital Technologies Dept Budget Vote 2025/25' (2025) <https://www.gov.za/news/speeches/minister-solly-malatsi-communications-and-digital-technologies-dept-budget-vote> (accessed on 26 November 2025).

in underserved provinces.<sup>64</sup>

In parliamentary discussions, the Minister of Communications and Digital Technologies stated that governance failures and financial mismanagement persist at these entities, and as a result, an investigation into governance irregularities at USAASA was conducted in 2025. This resulted in the recent appointment of a new interim board to strengthen the institu-

tion and re-establish credibility.<sup>65</sup> These persistent governance and financial challenges have further delayed implementation and weakened institutional capacity, undermining the State's obligations under Principle 37 of the ACHPR Declaration.<sup>66</sup> These constraints disproportionately affect marginalised communities, including rural learners and low-income households, limiting progress towards equitable digital inclusion.

## Conclusion

While 2025 saw an increase in South Africa's overall score index to 47 from 43 in 2024 due to notable advances for digital rights and inclusion in South Africa, major gaps persist. Addressing these challenges requires sustained collaboration between government, industry, civil society, and the media. A

coordinated, rights-based approach is essential to close the digital divide and ensure meaningful digital inclusion. Further, financial mismanagement and potential oversight bodies threaten the effectiveness of institutions mandated to uphold and promote digital rights. The recommendations below outline priority actions.

64. USAF 'Universal Service and Access Fund Annual Performance Plan: 2025/26' [https://static.pmg.org.za/USAF\\_APP\\_31\\_Jan\\_2025\\_\\_5.pdf.SIGNED.pdf](https://static.pmg.org.za/USAF_APP_31_Jan_2025__5.pdf.SIGNED.pdf) at page 13 (accessed 23 November 2025).

65. Parliamentary Monitoring Group 'DCDT fiscal environment and an update on its entities' (19 November 2025) <https://pmg.org.za/committee-meeting/42084/> (accessed on 26 November 2025).

66. IT Web 'USAASA board shrinks as four members resign' (2025) <https://www.itweb.co.za/article/usaasa-board-shrinks-as-four-members-resign/VgZeyqJlODP7djX9> (accessed 19 January 2026).

## Recommendations

The Government should:

- Expand equitable and affordable internet access and strengthen digital inclusion by prioritising communities with limited connectivity and investing in national digital literacy programmes.
- To ensure universal access to ICT services and access to information for marginalised communities, the Universal Service and Access Agency should ensure transparent reporting on its mandate, funding, and performance.
- The Universal Service and Access Agency should further align its role with broader 2025 digital inclusion initiatives such as South Africa Connect, the National AI Policy, and the B20 Digital Transformation Task Force recommendations on connectivity, literacy, and digital public infrastructure.
- Strengthen protections for free expression, privacy, and access to information by ensuring laws such as POPIA and PAIA are effectively implemented and enforced. In particular, there should be stronger administrative and financial consequences for unjustified delays or refusals to respond to PAIA requests. In addition, oversight of surveillance practices should be improved, and the Information Regulator's financial and human resources should be increased to support robust enforcement and timely responses to data breaches.
- Address OGBV and strengthen justice-sector capacity through public-awareness campaigns, improved reporting mechanisms, and strengthened legal remedies to ensure that social media companies are held accountable through clear regulatory guidance, co-regulatory mechanisms, and effective judicial oversight for the harms perpetuated on their platforms.

### The Media should:



- Protect journalists online by implementing policies and training to safeguard staff, especially women and human-rights reporters, from online harassment.
- Establish standards for verifying content, countering mis- and dis-information, and monitoring online abuse without infringing privacy.
- Strengthen access to information and support journalists in using PAIA for reporting purposes, particularly against state institutions that do not comply with timelines mandated in PAIA for accurate and timely public interest reporting.

### The Private Sector should:



- Invest in public-private partnerships in order to strengthen infrastructure and enable government initiatives to address the digital divide by offering affordable data plans that will serve to address access to the internet disparities.
- Protect individual data rights by complying with POPIA, PAIA, and by investing in cybersecurity prevention measures.

### Civil Society Organisations should:
















- Continue to hold the government accountable to its stated commitments and deliverables, while finding suitable ways to collaborate with government and other stakeholders to promote digital literacy and access to the internet for all.
- Continue to participate robustly in legislative and other government processes.






# The Score Index

## South Africa, 2025

1 = Totally non-compliant; 2 = Mildly compliant; 3 = Moderately compliant;  
4 = Considerably compliant; 5 = Fully compliant

Indicator	ACHPR Principle	2024 Score	2025 Score	2025 Justification
Internet Shutdowns	P38(2)			South Africa experienced no deliberate internet shutdowns in 2025.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37			Although laws and policies exist to promote internet access, significant inequalities persist. The government has taken steps to address this, but progress has been slow.
False News Criminalisation	P22(2)			There are risks that regulatory bodies will attempt to criminalise mis- and disinformation in an overly broad manner that would unduly chill freedom of expression, particularly if the draft White Paper on Audio and Audiovisual Media Services and Online Safety is adopted as it currently stands.

Indicator	ACHPR Principle	2024 Score	2024 Score	2025 Justification
Sedition Legislation	P22(2)			There are no sedition laws in South Africa, and the government has taken no action against such acts.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)			There continues to be a growing trend of online harassment against journalists and human rights defenders, especially women.
Data Protection Legislation.	P42			There is strong data protection legislation in place, and progress has been made in its enforcement.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)			There is no indication of unwarranted state interference with internet intermediaries.
Invasion of Privacy of Communications	P41			Recent surveillance legislation in South Africa has yet to take effect, with ongoing concerns over its scope, enforcement, and impact on privacy.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)			Government efforts to expand the dissemination of information through digital technologies in rural areas have increased.

Indicator	ACHPR Principle	2024 Score	2024 Score	2025 Justification
AI and Emerging Technologies national strategies	P39(6)			There have been positive, although slow, advances in policy development in 2025.
Adoption of specific child laws, policies and measures promoting children’s digital safety and privacy online	P39(6)			There have been positive developments from government in working towards laws which deal with children’s digital safety.
Digital Inclusion	P37(3)			Government has made positive strides towards digital inclusion.
Total (out of 60):	2024: <b>43</b>	<b>2025</b> <span style="font-size: 2em; font-weight: bold;">47</span>		



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