



CAMPAIGN FOR
FREE EXPRESSION



Committee to Protect Journalists



PRESS RELEASE

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World Press Freedom Day marked, with notable threats and harassment of journalists in SA

South Africa is facing several threats to freedom of expression with at least 59 separate incidents where journalists were subjected to physical or verbal attacks and harassment, Amnesty International South Africa, Campaign for Free Expression, Committee to Protect Journalists, Media Monitoring Africa, and the South African National Editors' Forum said on World Press Freedom Day.

These include attacks on journalists by police, political parties, and the public; online threats targeting journalists such as hate speech, harassment, and doxxing; the surveillance of journalists by state intelligence; overly punitive legislation that targets journalists or limits their ability to report; and the ongoing vulnerability of senior journalists at the public broadcaster.

All of these are restricting the right to free expression in the country and have the potential to limit the right of the public to access information in the public interest. These issues must be properly addressed by the state in order to prevent a weakening of free expression in the country.

Last month, our five organisations made a joint submission to the UN Universal Periodic Review (UPR) focusing on South Africa's compliance with international human rights obligations related to freedom of opinion and expression. The UPR is a review of the human rights records of all UN member states held every four years. Our submission also looks at progress made since the last UPR review in 2017.

The submission details concerns over a number of issues, notably the physical attacks and harassment of journalists; online attacks and surveillance of journalists, "false news" and editorial interference at the SABC.

While the media in South Africa enjoys more freedom than many of their counterparts on the continent and other parts of the world, they still find themselves facing a barrage of attacks on a daily basis, physically and online. Trust in the media has also waned over the past few years, especially because of misinformation and disinformation.

Physical attacks and harassment of journalists

In the past five years there have been at least 59 separate incidents where journalists working in the field have been assaulted, or verbally and physically harassed, preventing them from doing their work. The main perpetrators of these attacks have been the South African Police Services (SAPS); political parties or groups and their supporters; communities where reporting occurs; and criminals.

The attacks restrict the ability of journalists to perform their tasks properly, and therefore have direct consequences for freedom of the media and freedom of expression in South Africa.

The organisations were concerned that the attacks speak to an underlying lack of understanding and acceptance of the importance of a free media and the extent to which they are the result of deliberate attempts by politicians, including cabinet ministers, to undermine the media.

Online attacks

We have also seen an increase in online attacks on journalists. Since the last reporting period, journalists have been subjected to hate speech, death threats, threats of physical harm, and public attacks by politicians and public figures.

Of specific concern has been the targeting of journalists or the media in general by politicians which often leads to further online harassment and intimidation by their political supporters.

Threats to female journalists have also been pervasive, with many of these attacks being gendered and include misogynistic attacks, death threats, and threats of rape.

These attacks undermine media freedoms and can have a chilling effect on a journalist's willingness to perform his or her duties, sometimes leading to self-censorship. Journalists are also unable to find easy recourse to justice.

Surveillance of journalists

We have raised concern that reports of state surveillance of journalists by the Crime Intelligence division of the SAPS persist, with the latest incidents reported as recently as March 2021. This is despite the Constitutional Court declaring the Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002 (or RICA) unconstitutional.

Editorial interference at the public broadcaster

In the previous UPR review, South Africa supported a recommendation to ensure that journalists, especially those working at the public broadcaster, can work without fear of reprisals for expressing critical opinions, including when reporting on issues sensitive to the government.

Not enough was being done to ensure the editorial independence of the SABC. This includes potential for board interference in editorial decision-making, ostensibly to secure preferential coverage for the ruling-party.

Despite several house-cleaning exercises over the past five years, including a revision to the public broadcaster's editorial code (which is considered a benchmark for editorial independence at the public broadcaster and is supported by the industry and media watchdogs) and reassurances from the broadcaster of its commitment to editorial integrity and independence, allegations continue to surface of undue political influence in editorial decision-making.

"False News"/Mis and Disinformation

In 2020, during the first year of the Covid-19 pandemic, regulations were issued in relation to the Disaster Management Act of 2002. Section 14 (2) of the regulations made it an offence to publish any statement "with the intention to deceive any other person" about Covid-19, or any measure taken by the government to address Covid-19.

We raised concern that attempts to criminalise the spread of “false news” will largely be ineffective, can be misused, and will have a chilling effect on media freedoms. Leaving “false news” unaddressed is also a problem, and can damage public trust in journalists, and result in a loss in media credibility, as was suggested in the 2021 Inquiry into Media Ethics and Credibility initiated by the Sanef.

However, criminalising the spread of information over educating the public and encouraging fact-checking and other mechanisms to increase the public’s access to trustworthy, objective and reliable data is likely to lead to serious infringements of media freedoms, including the misuse of this legislation by partisan authorities, censorship and self-censorship, and, as has been pointed out, could delay access to critical information that is in the public interest.

Other concerns raised in the submission related to:

- Cybercrimes Act
- Prevention and Combating of Hate Crimes and Hate Speech Bill
- Threats to whistleblowers
- Review of the Protection of State Information Bill
- Amendments to the Films and Publications Act
- Children and the media

Read the full UN UPR submission on Freedom of Expression [here](#).

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