

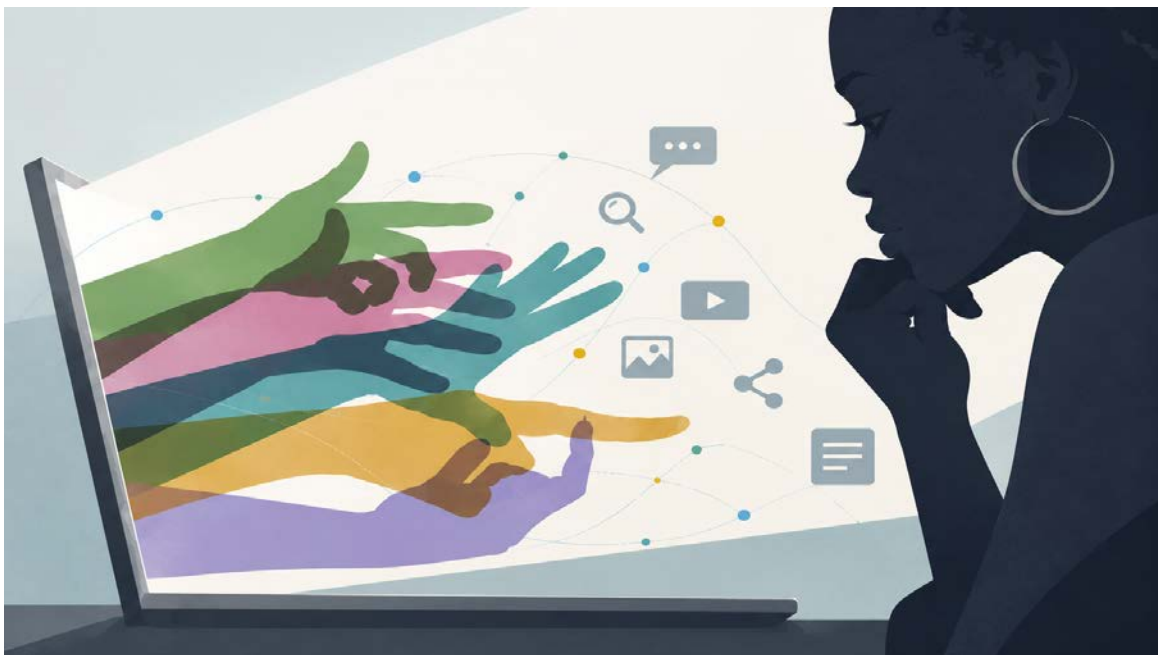
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Press Release

KAS Media Programme Sub-Saharan Africa

Tackling Online Harm While Protecting Freedom of Expression

New KAS Study: What might South Africa learn from the EU's Digital Services Act?



Digital platforms offer opportunities to connect, access information and participate in public debate. But their algorithms, recommendation systems and business models also shape what people see and share, with consequences for democratic processes, public safety and fundamental rights.

The study by Nicole Fritz and Justine Limpitlaw, “A South African Legal Framework to Govern Online Harm: What Might We Learn from the EU's Digital Services Act?”, examines how South Africa could strengthen platform accountability while safeguarding freedom of expression. This study was initiated and funded by KAS Media Programme Sub-Saharan Africa.

A South African Approach to Platform Accountability

The study argues that South Africa should adapt the core principles of the European Union's Digital Services Act (DSA) to its own constitutional, institutional and economic realities.

While existing legislation addresses aspects of online harm, the authors identify the need for a coherent framework that makes platforms accountable for their operations in South Africa.

The proposed approach combines transparency, user rights and independent oversight with obligations proportionate to a platform's size and influence. The largest platforms would face stronger requirements to assess and address systemic risks, including disinformation, election interference, hate speech, gender-based online violence and threats to children.

Freedom of expression remains central to the study's recommendations. The authors caution against regulatory measures that encourage excessive content removal. They advocate clear complaint and appeals procedures, explanations for moderation decisions and protections against general monitoring obligations or automatic takedowns following complaints.

Transparency and Effective Oversight

The study also calls for South Africa-specific transparency reporting and access to relevant platform data for regulators and qualified independent researchers. These measures would help address the information gap between technology companies and those seeking to understand their impact on society.

Recognising South Africa's linguistic and cultural diversity, the authors recommend that platforms demonstrate the ability to understand and moderate content in local languages and contexts. Children's protection is another priority, with proposals for stronger privacy safeguards, child-friendly default settings and restrictions on profiling-based advertising aimed at minors.

Effective enforcement would require major international platforms to designate a legal representative in South Africa. The study proposes the Independent Communications Authority of South Africa (ICASA) as the lead supervisory authority, supported by sufficient resources, investigative powers and meaningful penalties. A supervisory levy on the largest platforms could help fund oversight.

The report contributes to the debate on how South Africa can build a safer and more accountable digital environment. Its central message is that addressing online harm and protecting freedom of expression must go hand in hand.

Download the whole study here:

<https://www.kas.de/en/web/medien-afrika/einzeltitel/detail/-/content/new-study-making-digital-platforms-accountable-in-south-africa>

Quotes about the Study:

Justine Limpitlaw and Nicole Fritz, report authors

“South Africa should draw on the Digital Services Act’s regulatory innovations to develop a framework rooted in our Constitution and responsive to our social and economic realities. The aim is to learn from the DSA, adapting its lessons to make powerful digital platforms accountable while protecting freedom of expression. The European Union can help by supporting countries such as ours to develop frameworks suited to their own societies, with shared principles that enable cooperation across borders. Ambitious as the DSA is, its promise will be harder to realise if it remains the exception in a world where vast populations have little protection or recourse against platform power. Platforms operate globally; effective accountability must reach beyond Europe.”

Hendrik Sittig, Director, KAS Media Programme Sub-Saharan Africa

“The strength of our study lies in its balanced and practical approach. It neither advocates importing the European model wholesale nor calls for state control of online content. Instead, it offers thoughtful proposals for strengthening transparency, accountability and oversight while remaining firmly grounded in constitutional principles and democratic freedoms.”

About the Authors:

Nicole Fritz, executive Director of Campaign for free expression. She serves on the national working committee of Defend Our Democracy, an umbrella movement of various civil society structures in South Africa coordinating efforts to strengthen South Africa’s constitutional democracy. She has participated in several global initiatives relating to the protection of international human rights law, humanitarian law and public interest litigation. She has also taught courses relating to these topics in South Africa and the United States and contributes public comment to these topics.

Justine Limpitlaw is an independent communications law consultant based in Johannesburg, specialising in media, broadcasting and telecommunications regulation. She advises on freedom of expression, online regulation and access to information, and is the author of the Konrad-Adenauer-Stiftung’s Media Law Handbooks for Southern Africa and for Eastern Africa.

KAS Media Programme Sub-Saharan Africa

The Media Programme Sub-Saharan Africa of the Konrad-Adenauer-Stiftung, based in Johannesburg, has worked since 2002 to strengthen democracy through free and independent media. The work focuses on four areas: fostering informed dialogue on journalism's role, supporting initiatives against disinformation, promoting modern journalism education, and expanding regional and international exchange.

Campaign for Free Expression

Campaign for Free Expression is a non-profit organisation dedicated to protecting and expanding the right to free expression for all, and enabling everyone to exercise this right to the full, whether it by speaking out, by protesting, by revealing information, by blowing the whistle on wrong-doing, by arguing, debating, writing, painting, composing or just by shouting out your opinion.

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