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**TO: SOUTH AFRICAN HUMAN RIGHTS COMMISSION**  
Email: [hearings@sahrc.org.za](mailto:hearings@sahrc.org.za)

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**SUBMISSION BY MEDIA MONITORING AFRICA:**

**NATIONAL INVESTIGATIVE HEARING INTO THE JULY 2021 UNREST IN ESPECIALLY GAUTENG  
AND KWAZULU- NATAL PROVINCES**

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## INTRODUCTION

1. This submission is made by Media Monitoring Africa (“**MMA**”) to the South African Human Rights Commission (“**SAHRC**”) in response to the invitation for submissions from those who have information that can assist in the National Investigative Hearing into the July 2021 unrest, which affected especially the provinces of Gauteng and KwaZulu-Natal (“**Investigation**”). We welcome the efforts of the SAHRC to better understand the context within which the July unrest occurred, the factors that escalated the unrest, and the impact of the unrest.
2. MMA notes at the outset that it has a good and longstanding relationship with the SAHRC, particularly around issues pertaining to online content. For example, MMA has participated in engagements with the SAHRC concerning a potential social media charter. Further, MMA is acting as *amicus curiae* in the matter of *Mavhidula (on behalf of the SAHRC) v Matumba* which centres around a series of tweets posted in 2020 that allegedly constitute harassment.<sup>1</sup> MMA is also in the process of finalising an MOU with the SAHRC in relation to the Real411 platform (“**Real411**”), to help address and combat hate speech online.<sup>2</sup> Accordingly, MMA welcomes the opportunity to provide reflections, insights, and recommendations focusing on online content that may assist the SAHRC as it conducts its Investigation.
3. This submission focuses on the role and incidents of disinformation and online incitement as a feature of the events surrounding the July unrest, as received in the Real411.<sup>3</sup> While it is not MMA’s role to provide evidence of specific (alleged) acts or statements, we aim through this submission to provide a broad overview of the role and prevalence of social media during the unrest and the trends we detected during this time, in order to contribute to a better public understanding of the harms that disinformation and incitement pose to our constitutional democracy. In addition, we provide a set of recommendations which may assist the SAHRC and other key stakeholders should similar or other forms of unrest or chaos erupt.
4. Accordingly, the submissions are structured as follows:
  - 4.1. **First**, an overview of MMA.
  - 4.2. **Second**, an overview of the prevalence and impact of disinformation and content that incited violence which was disseminated across social media platforms during the unrest.

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<sup>1</sup> See case description and pleadings in *South African Human Rights Commission v Matumba* (accessible at <https://powersingh.africa/2021/08/13/south-african-human-rights-commission-v-matumba/>).

<sup>2</sup> The Real411 platform will be discussed in more detail below.

<sup>3</sup> For purposes of this submission the terms we refer to, such as disinformation, and incitement, are defined on the Real411 under digital offences (accessible here <https://www.real411.org/digital-offences>). This submission does not focus on mis-information (generally used to refer to misleading information created or disseminated without manipulative or malicious intent) as our focus is on content shared during the July unrest, which was either orchestrated, or intentionally sought to confuse, manipulate, inflame, or incite conduct during the period in question.

- 4.3. **Third**, MMA's observations on the trends of disinformation and content that incited violence during the July unrest as reported to the Real411.
- 4.4. **Fourth**, a description of the human rights implications of this type of content and an overview of existing mechanisms domestically and internationally.
- 4.5. **Fifth**, a set of recommendations.

## **OVERVIEW OF MEDIA MONITORING AFRICA**

5. MMA is a not-for-profit organisation, based in South Africa, which has been monitoring the media since 1993. MMA's objectives are to promote the development of a free, fair, ethical, and critical media culture in South Africa and the rest of the continent. MMA has and continues to play an active role in media monitoring and seeks to proactively engage with media, civil society organisations, state institutions and citizens, and in doing so advocates for freedom of expression and the responsible free flow of information to the public on matters of public interest.
6. MMA has a keen interest in navigating the appropriate balance to be struck between freedom of expression and other competing rights and interests, as is evidenced by its involvement in a range of policy, legislative and advocacy processes. Notably, MMA has made a variety of submissions that relate to, among other things, freedom of expression, access to information, disinformation, hate speech, incitement, and online content. These submissions have been made to various stakeholders including the Department of Justice and Constitutional Development and its parliamentary committees, the Information Regulator, the Competition Commission, international civil society organisations, and the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
7. In addition to the *Matumba* matter, MMA has also been involved in litigation around disinformation and/or other forms of online harm. In a case that involves a defamatory Tweet, MMA argued that when disinformation is also defamatory it is important to strike the appropriate balance between the right to freedom of expression and the rights to dignity and reputation, all while addressing the threat of disinformation.<sup>4</sup> MMA is also involved in a matter in which it has raised concerns about a TV interview which we argue is a clear example of disinformation pertaining to the COVID19 pandemic.<sup>5</sup>
8. MMA has also played an active role in addressing disinformation in South Africa. In 2019, MMA, and the South African Independent Electoral Commission ("**IEC**") launched the Real411, a Digital Disinformation Complaints platform geared to govern and engage on the issue of

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<sup>4</sup> For further details on this matter see 'MMA Amicus Curiae Heads of Argument in EFF v Trevor Manuel case' (accessible at <https://mediamonitoringafrica.org/cases-and-outcomes/>). See further *Economic Freedom Fighters and Others v Manuel* [2020] ZASCA 172 (accessible at <http://www.saflii.org/za/cases/ZASCA/2020/172.html>).

<sup>5</sup> For further details on this matter see 'MMA complaint to the BCCSA' and 'BCCSA – final tribunal judgment MMA v eNCA & eTV' (accessible at <https://mediamonitoringafrica.org/cases-and-outcomes/>).

disinformation during the national election period. In March 2020, MMA launched the next iteration of the Real411, which has expanded the scope of the platform to deal with disinformation, hate speech, incitement to violence, and harassment.

9. MMA continues to run the Real411 in partnership with key stakeholders including the South African National Editors' Forum and the Press Council. The Real411 has also been endorsed by the South African government as a mechanism to help combat COVID-19 disinformation. To date over 2000 complaints have been received. Real411 was also the official mechanism through which to register complaints about the 2021 Local Government Elections.
10. The Real411 is a home-grown solution where digital offences are reviewed by local experts in an independent and transparent process that is in line with the South African Constitution. Members of the public are able to report social media content that may be disinformation, hate speech, or incitement to violence, which are reviewed by Real411's Digital Complaints Committee and secretariate. Appropriate technical and legal measures have been established to safeguard all personal data of the complainant and to protect the confidentiality of the complainant in the outcome. For more information, please visit [real411.org.za](http://real411.org.za).
11. For more information about MMA, please visit: [mediamonitoringafrica.org](http://mediamonitoringafrica.org).

#### **THE PREVALENCE AND IMPACT OF DISINFORMATION AND INCITEMENT DISSEMINATED ACROSS SOCIAL MEDIA PLATFORMS**

12. MMA is not in a position to draw a clear conclusion about the exact role and impact of disinformation and incitement in the violence that erupted in July. However, we do know that concerning and at times harmful content was being spread, which appears to have contributed to the anger and facilitated the incitement to violence and disorder. In what follows we provide an overview of research, reports, and responses to the role of disinformation and incitement on social media.
13. The role of social media during the unrest was recognised at an early stage. On 12 July 2021, the Daily Maverick published an article that said, "it is obvious that since 11 July social media has been the main catalyst in the mobilisation of people in South Africa towards anarchy".<sup>6</sup> The Institute for Security Studies argued that the "images and videos (many fake or taken out of context) of burning infrastructure, fences torn down or other acts of civil disobedience generate their own momentum. They have arguably provoked further violence and threats of racialised and militia-like counter-attacks."<sup>7</sup>

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<sup>6</sup> F Netswera, 'In light of the unrest and looting in South Africa, when does social media turn antisocial?' (12 July 2021) Daily Maverick (accessible at <https://www.dailymaverick.co.za/opinionista/2021-07-12-in-light-of-the-unrest-and-looting-in-south-africa-when-does-social-media-turn-antisocial/>).

<sup>7</sup> K Allen, 'Fomenting violence online is illegal in SA – social media use during the latest violence makes digital literacy a priority' (16 July 2021) Institute for Security Studies (accessible at <https://issafrica.org/iss-today/social-media-riots-and-consequences>).

14. Notably, during his address on 12 July 2021 on acts of violence and destruction of property, President Ramaphosa, said: “We should refrain from posting and circulating inflammatory messages on social media, and from spreading rumours or false reports that may create further panic”.<sup>8</sup> In his subsequent address on the security situation in South Africa on 16 July 2021, the President acknowledge that social media, fake news, and misinformation are being used to “inflame racial tensions and violence.”<sup>9</sup> The following day the government shared a Tweet warning people that “messages on social media that incite violence or call for certain areas to be shut down is a crime. Anyone found to be sharing such content will face criminal charges of inciting violence.”<sup>10</sup> A few days later, Police spokesperson Colonel Brenda Muridili was quoted as follows:

“The incessant spreading of such fake and malicious posts will not be taken lightly. In this regard, at least five suspects have in the past week been arrested in different parts of the country for recording or creating inflammatory messages and circulating them on social media, with the intention of spurring up violence. Police have been ordered to look into these messages and find the perpetrators behind them.”<sup>11</sup>

15. In an attempt to discourage disinformation local and international media houses began publishing guides and tips on spotting disinformation and examples of widely-shared misleading content. For example, the Mail&Guardian published “#ZumaUnrest: How to spot fakes and hoaxes online”,<sup>12</sup> BBC News published an article on “South Africa Zuma riots: Fact-checking claims about the protests”,<sup>13</sup> and Reuters shared “Fact Check-Footage of the crowd throwing objects at police is old and does not show July unrest in South Africa”.<sup>14</sup> During this time, MMA also published content that provided examples and shed light on the role of social media in the violence and looting.<sup>15</sup>
16. These more immediate responses from the state, media houses, and civil society illustrate the prevalence and impact of disinformation and incitement disseminated across social media platforms.

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<sup>8</sup> President Cyril Ramaphosa, ‘Address on acts of violence and destruction of property’ (12 July 2021) (accessible at <https://www.gov.za/node/807706>).

<sup>9</sup> President Cyril Ramaphosa, ‘Update on security situation in the country’ (16 July 2021) (accessible at: <https://www.gov.za/speeches/president-cyril-ramaphosa-update-security-situation-country-16-jul-2021-0000>).

<sup>10</sup> South African Government Twitter Account (17 July 2021) (accessible at: <https://twitter.com/governmentza/status/1416457675131457541>).

<sup>11</sup> C Mthetwa, ‘Fake news: Police slam social media post claiming shooting of Phoenix man was linked to KZN unrest’ (24 July 2021) eNCA (accessible at <https://www.news24.com/news24/southafrica/news/fake-news-police-slam-social-media-post-claiming-shooting-of-phoenix-man-was-linked-to-kzn-unrest-20210724>).

<sup>12</sup> R Joseph, ‘#ZumaUnrest: How to spot fakes and hoaxes online’ (12 July 2021) Mail&Guardian (accessible at <https://mg.co.za/news/2021-07-12-zumaunrest-how-to-spot-fakes-hoaxes-online/>).

<sup>13</sup> P Mawi & C Giles, ‘South Africa Zuma riots: Fact-checking claims about the protests’ (16 July 2021) BBC Reality Check (accessible at <https://www.bbc.com/news/57834755>).

<sup>14</sup> Reuters Fact Check, ‘Fact Check-Footage of crowd throwing objects at police is old and does not show July unrest in South Africa’ (27 July 2021) Reuters (accessible at <https://www.reuters.com/article/factcheck-safrica-protests-idUSL1N2P31WA>).

<sup>15</sup> W Bird & T Smith, ‘Disinformation in a time of Covid-19: Weekly Trends in South Africa’ (18 July 2021) Daily Maverick (accessible at <https://www.dailymaverick.co.za/article/2021-07-18-disinformation-in-a-time-of-covid-19-weekly-trends-in-south-africa-40/>).

17. As the chaos subsided, further reflections on the role and prevalence of social media began to emerge. The eNCA reported that “the role of social media and fake news in fueling animosity between communities is becoming clearer.”<sup>16</sup> Business Live reported that the unrests marked a “significant inflection point for digital media in SA”.<sup>17</sup> The report goes on:

“Just like the police – who struggled to keep ahead of the movements of the looters as they went on the rampage across the two provinces – professional media was caught flatfooted by the flood of misinformation and disinformation. The uncertainty, anxiety and panic that spread across social media, along with the way that digital tools allowed the instigators to organise, played a **key role** in one of the most violent uprisings in SA since 1994.

The ramifications are manifold. The famous quote ‘A lie can travel around the world and back again while the truth is still lacing up its boots’ resonates more than ever. While professional journalists are trying to verify the facts before filing their reports, **a deliberate falsehood created to stoke panic or anger can spread like wildfire across social media.**”<sup>18</sup> (own emphasis).

18. Of interest, the National Council of Provinces Committee on Security and Justice during its reflections and assessment of the unrest recorded that the *modus operandi* of the unrest involved the “extensive use of social media platforms”.<sup>19</sup> The Committee went on to note that “social media and media coverage of the carnage played a role in creating widespread panic in communities.” Further, the Committee suggested that the perception of a lack of government response was “fueled by fake news and social media”, which “highlighted the need to strengthen government communication.”<sup>20</sup>
19. We note further that in the recent hearings that form part of the Investigation of the SAHRC the role of social media was highlighted. Phoenix community activist and founder of the Ubuntu Peace Committee Sham Maharaj blamed acts of vigilantism on social media messages, drug syndicates and gangsters and argued that the media had contributed to misinformation on events that unfolded in Phoenix.<sup>21</sup> The National police commissioner General Sitole explained during his testimony that there was a shortage of human resources to deal with the thousands of looters that had taken to the streets and that a “new” *modus operandi* — including the use of technology, presumably instigation via social media — made planning for interventions

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<sup>16</sup> eNCA, ‘Crime in SA | Fake news fuels social media hysteria’ (15 August 2021) eNCA (accessible at <https://www.enca.com/news/crime-sa-fake-news-fuels-social-media-hysteria>).

<sup>17</sup> G Lapping, ‘The July riots: an inflection point for digital media’ (1 September 2021) BusinessLive (accessible at <https://www.businesslive.co.za/redzone/news-insights/2021-09-01-the-july-riots-an-inflection-point-for-digital-media/>).

<sup>18</sup> Id.

<sup>19</sup> NCOP Security and Justice, ‘Extent of recent unrest: SAPS & KZN briefing; with Minister and Deputy’ (13 August 2021) (accessible at <https://pmg.org.za/committee-meeting/33357/>).

<sup>20</sup> Id.

<sup>21</sup> Z Dawood, ‘Human Rights Commission hears witness accounts of civil unrest in Phoenix’ (17 November 2021) IOL (accessible at <https://www.iol.co.za/dailynews/news/kwazulu-natal/human-rights-commission-hears-witness-accounts-of-civil-unrest-in-phoenix-c296efde-0b8f-403c-a0ca-8c7c7123a9eb>), and K Singh, ‘Week 1 of SAHRC investigation into July unrest: What’s been said so far?’ (20 November 2021) News24 (accessible at <https://www.news24.com/news24/southafrica/news/week-1-of-sahrc-investigation-into-july-unrest-whats-been-said-so-far-20211120>).

difficult.<sup>22</sup> The Institute for Security Studies testified that social media played a major part in encouraging the looting.<sup>23</sup>

20. We bring all this to the attention of the SAHRC to provide an overview of the prevailing position that content disseminated across social media played a role in the unrest. In addition, the above insights illustrate the interlink between disinformation and incitement. **MMA submits that the SAHRC should seriously consider the role and impact of social media as it finalises its investigation.**

## TRENDS IN DISINFORMATION AND INCITEMENT DURING THE JULY UNREST

21. In the days leading up to President Zuma's detention in July 2021, and in the period of unrest that followed, we saw a spike of complaints to the Real411. While it is not MMA's role to provide evidence to the SAHRC of specific acts or statements that may have played a role in the July unrest, we aim here to provide a broad overview of the types of complaints and reports received by the Real411 portal during this time. In doing so MMA aims to contribute to a better public understanding of the harms that disinformation and incitement pose to our constitutional democracy.

### *Fake protests*

22. A significant trend in disinformation reports received by the Real411 related to false claims relating to the size and breadth of public protest against Zuma's arrest. Examples of disinformation assessed by the Real411 in the days after Zuma's arrest include:
  - 22.1. A Tweet alleging: *"Reports coming in are that prisoners at Escourt Correction Services Centre are refusing to eat. They are on hunger strike because they want ubaba released."* The claim was assessed as fake and a notice was issued. To date the tweet is still publicly accessible, with 175 retweets. The source of the report appears to be the disinformation 'news' site, Opera News.
  - 22.2. A Tweet posting an old video of a taxi protest, which the author claimed was a protest in support of Zuma in the Johannesburg CBD that day. This tweet is still public and the video has 22,000 views.
  - 22.3. A Tweet of a video of MKVA members marching in formation, which the author alleged to be a gathering of pro-Zuma protesters in Diepkloof Soweto. However, the

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22 D Erasmus, 'Outmanned, outgunned, outrun: Police commissioner Sitole admits SAPS' failings as SAHRC hearings continue' (22 November 2021) Daily Maverick (accessible at <https://www.dailymaverick.co.za/article/2021-11-22-outmanned-outgunned-outrun-police-commissioner-sitole-admits-saps-failings-as-sahrc-hearings-continue/>).

23 Y Pillay & S Mtshali, 'Social media was 'instrumental' in July unrest expert tells SA Human Rights Commission' (3 December 2021) IOL (accessible at <https://www.iol.co.za/mercury/news/social-media-was-instrumental-in-july-unrest-expert-tells-sa-human-rights-commission-0d4c5257-027f-4a45-abbd-6644ce0a6415>).

video is believed to show a funeral of an MKVA member from an earlier date. The tweet is still public and the video has been viewed over 100,000 times.

22.3.1. Real411 received a report of a tweet by the same user, which showed a video of a taxi strike on a highway which the author alleged was a current strike in support of Zuma.

22.3.2. A WhatsApp message in circulation which showed a (fake) letter of apology by the Venda nation for alleged mistreatment of former President Zuma by President Ramaphosa.

### ***Incitement to violence***

23. While the authorities have already charged several individuals for allegedly inciting violence on social media, we received a number of reports that appeared to incite or advocate violence and further unrest, including against individuals, racial groups, and judges. These include:

23.1. A tweet reading *"Burn everything forces. President Jacob Zuma was sent to prison by thugs in robes who take bribes. Burn everything. We must find addresses of judges."* While the Real411 assessment concluded that this message lacked the specificity (such as time and date) to constitute incitement to violence, in the context of actual violence and unrest occurring at the time (10 July 2021) the inference that judges are 'thugs' that 'take bribes' and that they should be located, could lead to violence and further harm.

23.2. An expletive-ridden tweet depicting an image of the Constitutional Court, with the message: *"You better hurry up mother fuckers #Concourt we waiting for your fucken judgment on @PresJGZuma this time around if you get it wrong we burn your mother fucken court". The account associated with this tweet has since been suspended."*

23.3. A WhatsApp group titled *"Indians will know us!"* which contained images of firearms on display, and messages of hate speech and incitement to violence against Indians in the Phoenix, Chatsworth and Isiphingo areas.

23.4. A tweet by an account purportedly owned by Duduzane Zuma, although its ownership has not been verified, stating "Let everything burn".

23.5. A doctored (and likely dubbed) video which claims to depict a speech by the eThekweni Mayor inciting the killing of Indian and White people and the burning of their houses.

***Sowing of fear or confusion***

24. Not all disinformation was in clear support of Jacob Zuma. Another significant trend was false reporting of incidents of public violence. These include:
- 24.1. A video on TikTok appearing to show a prison riot in an unknown location; the video was accompanied by a message falsely claiming that prisoners were being released in South Africa and that South Africa needed prayers.
  - 24.2. A WhatsApp message on 13 July 2021 which claimed falsely that a Checkers Hyper in Roodepoort, Gauteng, had been set alight by looters.
  - 24.3. In addition to the horrifying incidents of actual violence against various communities, we received a number of reports of social media posts which falsely claimed to show evidence of current incidents of racial abuse against certain communities, but which used old footage and images from previous events.

***False or misleading claims about Mr Zuma's arrest and detention***

25. Among the complaints submitted to Real411 during the July unrest, there were several examples of false or misleading claims about Mr Zuma's arrest and detention, such as:
- 25.1. A tweet by the JG Zuma Foundation falsely claiming that it was "just pure malice to incarcerate President Zuma whilst litigation on his Detention Without Trial case (for a civil contempt) was on-going." The former President was incarcerated pursuant to an order by the Constitutional Court.
  - 25.2. A video circulated on Twitter accounts favourable to Jacob Zuma, in which conspiracy peddling Larry Swart claims without evidence that President Ramaphosa paid Deputy Chief Justice Zondo R50-million to prosecute Zuma.
26. These examples and others can be reviewed at <https://real411.org.za/complaints>.<sup>24</sup>

**HUMAN RIGHTS IMPLICATIONS OF DISINFORMATION AND EXISTING MECHANISMS**

27. It goes without saying that disinformation and online incitement present significant threats to human rights and democratic principles. They also present a significant challenge in terms of policy and practical response. In a complicated world of diverse views and competing interests, identifying, and agreeing on what kinds of speech are harmful or justifiable can be a notoriously difficult task.

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<sup>24</sup> See further W Bird & T Smith, 'Disinformation in a time of Covid-19: Weekly Trends in South Africa' (18 July 2021) Daily Maverick (accessible at <https://www.dailymaverick.co.za/article/2021-07-18-disinformation-in-a-time-of-covid-19-weekly-trends-in-south-africa-40/>).

28. MMA submits that disinformation may have far-reaching consequences, cause public harm, be a threat to democratic political and policy-making processes, and may even put the protection of the public's health, security and environment at risk. Disinformation erodes trust in institutions, as well as in the media, and harms democracy by hampering the ability of the public to make informed decisions. It can polarise debates, create or deepen tensions in society, undermine electoral processes, and impair freedom of opinion and expression.<sup>25</sup> MMA further submits – as we have done elsewhere<sup>26</sup> – that suggestive or inflammatory content is dangerous and there is a fine line between content being inflammatory and content being incitement. Often this content encourages or enables disinformation to be spread with ease and to thrive during a time of heightened emotions and mistrust.

***Domestic responses to harmful speech***

29. Even once harmful speech has been identified, legal and policy responses to online disinformation must provide adequate protection for freedom of expression. Technological responses, such as the use of algorithms to automatically monitor for and identify harmful speech can lead to over-censorship of legitimate speech that is misidentified.<sup>27</sup>
30. The criminal justice system has existing legal mechanisms to deal with legitimately harmful speech, although these are necessarily slow, resource-intensive and generally reserved for particularly harmful or dangerous acts of speech.
31. Another important approach is that of proactive identification and reporting, as the Real411 platform seeks to do, using both public awareness and existing reporting mechanisms (either on the social media platforms or where appropriate, with law enforcement agencies) to mitigate the harm caused by any inflammatory content. The advantage of this approach is that it is fast, empowers the public to do something about digital harms, and does not come at a huge cost to the public. The disadvantages are that the system cannot hold individuals accountable, or lay criminal charges, and it can only act on content reported. It also has no authority over the platforms, so we cannot guarantee that where a takedown notice is sent that it will be removed.
32. The platform's own internal reporting systems for inflammatory content are also an important mechanism, but these also have certain flaws: they are often developed and administered in other countries (usually the United States or Europe) and often rely heavily on artificial

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<sup>25</sup> Joint Declaration on Freedom of Expression and 'Fake News', Disinformation and Propaganda (2017). This was published by the Special Rapporteur on Freedom of Opinion and Expression of the United Nations, the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe, the Special Rapporteur on Freedom of Expression of the Organization of American States, and the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights.

<sup>26</sup> Bird & Smith above n 24.

<sup>27</sup> Broadband Commission for Sustainable Development, 'Balancing Act: Countering Digital Disinformation while respecting Freedom of Expression', September 2020, available here: <https://en.unesco.org/publications/balanceact>

intelligence and algorithms for enforcement, creating risks of algorithmic bias and untransparent review processes.

33. These interventions and mechanisms are important in combatting and mitigating the spread of disinformation. However, we believe it is equally important for disinformation to be addressed through a particular culture of politics and governance: one focused on building and earning the trust of the people of South Africa. That is to say, we must strive to create a democratic culture where all public institutions are focused on disseminating and fostering high-quality, relevant information that is accessible to communities, and the political cost of being associated with disinformation is so high that no leader or public figure can afford to bear it. This must mean that office bearers of any organ of state or political organisation should face dismissal and marginalisation if they engage in or tolerate disinformation and other attacks on the integrity of our institutions.

### ***International initiatives on disinformation***

34. In what follows, MMA highlights some recent examples and initiatives from the United States (“US”) and Europe in response to disinformation and incitement.
35. In the US, the role of disinformation and incitement on social media have come into focus in inquiries into the attack on the US Capitol building, the legislative seat of the US federal government, on 6 January 2021. A committee appointed by the US House of Representatives to investigate the events of 6 January has sought from a range of social media and telecommunications companies, including details of any internal reviews, policy proposals or algorithmic changes that may have addressed or influenced the spread of misinformation, disinformation or extremism in relation to the 2020 US Presidential elections. Prior to this process, in March 2021 two sub-committees of the US House of Representatives held joint hearings on how social media companies are responding to disinformation. In testimony, the CEOs of Facebook (now Meta), Alphabet (Google’s parent company), and Twitter acknowledged that the spread of disinformation and extremism on their platforms presents a significant set of challenges and outlined a range of initiatives each platform has adopted in response.<sup>28</sup>
36. In May 2021, the European Parliament’s Special Committee on Foreign Interference in all Democratic Processes, whose mandate includes responding to disinformation, held hearings with senior representatives of Facebook, Youtube and Twitter on how the companies are responding to disinformation on their platforms.<sup>29</sup>

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<sup>28</sup> See New York Time, ‘Inside the Capitol Riot: An Exclusive Video Investigation’ (10 November 2021) (accessible at <https://www.nytimes.com/2021/06/30/us/jan-6-capitol-attack-takeaways.html>), Freedom House, ‘United States: Freedom on the Net 2021’ (2021) (accessible at <https://freedomhouse.org/country/united-states/freedom-net/2021>).

<sup>29</sup> Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation, Hearings (10 May 2021) (accessible at <https://www.europarl.europa.eu/committees/en/meeting-hearing-on-online-platforms-and-/product-details/20210506CHE08802>).

37. These examples illustrate the importance of engaging directly with the platforms to better understand their responses and approaches. Unfortunately, there is limited publicly available information about the response of social media platforms during the July unrest. **MMA, therefore, suggests that the SAHRC engage with the platforms to gain insight into their responses, systems, and plans for future times of crisis.**

## **RECOMMENDATIONS**

38. MMA proposes a three-pronged approach to addressing disinformation and incitement in the context of unrest.

### ***Rights-based approach***

39. Attempts to combat disinformation that undermine human rights are short-sighted, counterproductive, and must be avoided.<sup>30</sup> The rights to freedom of expression and access to information are not part of the problem, they are the objective and the means for combating disinformation. MMA would like to highlight the importance of striking a balance and safeguarding freedom of expression and access to information. Freedom of expression and access to information is of “the utmost importance in the kind of open and democratic society the Constitution has set as our aspirational norm” because they are “indispensable facilitator[s] of a vigorous and necessary exchange of ideas and accountability”.<sup>31</sup> MMA recognises that the internet and social media can be a means to accelerate and advance access to information and freedom of expression.<sup>32</sup> Not only has social media “become a powerful tool to hold public officials accountable”, but it also enables transparency and allows people to exercise their constitutional rights, and “allows people to capture and report real-time abuses or other examples of executive overreach, and a megaphone to demand consequences for transgressions.”<sup>33</sup>
40. We would be remiss to not acknowledge the more helpful role of the internet and social media in the context of accessing information during the unrest. This was also acknowledged by various government officials. For example, KwaZulu-Natal Premier Sihle Zikalala confirmed that his government relied on “social media, mainstream media reports and an online pamphlet warning of a shutdown to react to the violent protests and looting in the province in July.”<sup>34</sup>

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<sup>30</sup> See further the conclusions and recommendations of Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, ‘Disinformation and freedom of opinion and expression’ United Nations Human Rights Council (13 April 2021) (accessible at <https://undocs.org/A/HRC/47/25>).

<sup>31</sup> *Qwelane v South African Human Rights Commission and Another* [2021] ZACC 22 at para 68, quoting *Economic Freedom Fighters v Minister of Justice and Correctional Services* [2020] ZACC 25; 2021 (2) SA 1 (CC); 2021 (2) BCLR 118 (CC) at para 1.

<sup>32</sup> United Nations General Assembly, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression’ A/HRC/17/27 (2011) at para 22 (accessible at [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/17/27](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/17/27)).

<sup>33</sup> ISS above n 7.

<sup>34</sup> E Stoltz, ‘Government relied on social media and mainstream media for updates on July unrest, says KwaZulu-Natal premier’ (26 November 2021) (accessible at <https://mg.co.za/news/2021-11-26-government-relied-on-social-media-and-mainstream-media-for-updates-on-july-unrest-says-kwazulu-natal-premier/>).

Former Communications and Digital Technologies Minister Stella Ndabeni-Abrahams appealed to people to use social media to expose those behind the widespread unrest.<sup>35</sup>

41. With this in mind, MMA would like to highlight two points of concern for the consideration of the SAHRC.

### **Criminalising disinformation is not a viable solution**

42. MMA accepts that disinformation can be harmful.<sup>36</sup> However, MMA refers the SAHRC to what appears to be a concerning trend in the Southern African region regarding political commentary around the criminalisation of disinformation. In August 2020, the Heads of State of the Southern African Development Community (“SADC”) held its 40<sup>th</sup> Ordinary Summit during which it was resolved that member states are urged to “take pro-active measures to mitigate against external interference, the impact of fake news and the abuse of social media, especially in electoral processes”.<sup>37</sup> In South Africa, there have been shifting attitudes of the South African Police Services (“SAPS”) regarding disinformation. Some members of SAPS have noted that the publication, distribution, disclosure, transmission, circulation or spreading of false information or fake news is an offence,<sup>38</sup> whereas others cautioned the public against the incessant promotion and distribution of malicious untruths that seek to sow panic and pandemonium amongst communities.<sup>39</sup>
43. MMA is concerned that criminalisation has the potential to be misused and may lead to a clampdown on dissent and limit freedom of expression under the guise of addressing disinformation. Further, the criminalisation of disinformation is contrary to the dictates of our constitution and principles of international law. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression recently confirmed that “criminal sanctions constitute a serious interference with the freedom of expression”.<sup>40</sup>

### **Shutting down the internet or social media platforms is against the law**

44. MMA would like to raise an additional concern pertaining to the internet or social media shutdowns. While this was not the case during the July unrest, MMA records that we have seen in recent months the responses of our neighbours in Eswatini and Zambia whose governments elected to shut down or limit access to the internet and social media platforms amidst protests,

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<sup>35</sup> S Ngqakamba, ‘#UnrestSA: Ndabeni-Abrahams urges people to use social media to expose looters, instigators’ (14 July 2021) (accessible at <https://www.news24.com/news24/southafrica/news/unrestsa-ndabeni-abrahams-urges-people-to-use-social-media-to-expose-looters-instigators-20210714>).

<sup>36</sup> Report of the Special Rapporteur above n 30.

<sup>37</sup> Communique of 40<sup>th</sup> Ordinary Summit Heads of State of the Southern African Development Community (SADC), (17 August 2020) (accessible at [https://www.sadc.int/files/8115/9767/2537/Communique\\_of\\_the\\_40th\\_SADC\\_Summit\\_August\\_2020\\_-ENGLISH.pdf](https://www.sadc.int/files/8115/9767/2537/Communique_of_the_40th_SADC_Summit_August_2020_-ENGLISH.pdf))

<sup>38</sup> South African Police Service, ‘Media Statement: 17 September 2020’ (accessible at <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=28349>).

<sup>39</sup> South African Police Service, ‘Media Statement: 23 September 2020’ (accessible at <https://www.saps.gov.za/newsroom/selnewsdetails.php?nid=28467>).

<sup>40</sup> Report of the Special Rapporteur above n 30.

violence, and during elections.<sup>41</sup> Regrettably, internet shutdowns are an increasingly common tool by governments to restrict dialogue, debate, online organizing, and information dissemination. MMA reiterates the position of the UN Special Rapporteur that “internet shutdowns do not curb disinformation but, rather, hamper factfinding and are likely to encourage rumours. In many cases, they appear to be aimed at silencing minority voices and depriving them of access to vital information.”<sup>42</sup> International and regional bodies have made it clear that internet shutdowns result in rights violations.<sup>43</sup> The rights to access to information, freedom of expression, association, and assembly, to name a few, are violated when there is a deliberate disruption of internet or electronic communications.

45. MMA recommends that a rights-based approach inform all responses to disinformation and incitement during a crisis such as and unrest. Such an approach must include the following:

**All efforts to address disinformation and incitement must fall squarely within the dictates of our Constitution and must be grounded firmly in international human rights law, including respect for freedom of expression and access to information.**

**Any responses from social media platforms, the government, and other stakeholders must be guided by appropriate protections for freedom of expression, inclusivity, and minimisation of online harm.**

**Any limitation of the right to freedom of expression must be narrowly circumscribed in accordance with section 36 of the Constitution.**

**Any measures proposed must be cognisant of, and give appropriate effect to, the nuances of the right to express any opinions without censorship or restraint.**

**Any criminal sanctions for speech risk having a chilling effect on the exercise of the right to freedom of expression and must be approached with heightened caution.**

**Authorising internet shutdowns as a means of combating disinformation is unlawful and should never be a response by states or private actors in the ordinary course and more importantly in times of crisis.**

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<sup>41</sup> AccessNow, ‘#KeepItOn: Eswatini authorities shut down internet to quell protests, ask people to email grievances’ (21 October 2021) (accessible at <https://www.accessnow.org/keepiton-eswatini-protests/>) and AccessNow, ‘As a contentious election nears, rights groups urge Zambia to #KeepItOn’ (20 August 2021) (accessible at <https://www.accessnow.org/as-contentious-election-nears-rights-groups-urge-zambia-to-keepiton/>).

<sup>42</sup> Report of the Special Rapporteur above n 30.

<sup>43</sup> Media Defence, ‘Internet Shutdowns’ (2020) (accessible at <https://www.mediadefence.org/ereader/publications/advanced-modules-on-digital-rights-and-freedom-of-expression-online/module-2-restricting-access-and-content/internet-shutdowns/>).

**The principles of openness and accountability must further inform efforts to address disinformation and incitement and hold those responsible accountable for their actions.**

***Multi-stakeholder approach***

46. Tackling disinformation requires multidimensional, multi-stakeholder responses that are well-grounded in the full range of human rights and the proactive engagement of the government, platforms, civil society organisations, and the media. Unrest, as we saw in July, is multidimensional – affecting various communities, sectors, and the country as a whole. Disinformation and incitement appear to fuel the spread and severity of unrest. Accordingly, and in order to mitigate the impact of disinformation and incitement and respond to and manage the situation appropriately, we need to deploy appropriate multi-stakeholder management strategies which can improve the effectiveness and efficiency of crisis and humanitarian operations. The need for multi-stakeholder dialogue and partnerships cannot be overstated.

**Lessons of multi-sectoral approaches**

47. The pandemic has been an important reminder of the need for countries to pursue a multi-sectoral collaboration for the planning and coordination of an effective response to pandemics, with trends highlighting increased cooperation between various actors such as policymakers, public health workers, civil society organizations, private sector, academics, and religious and community leaders to enable community resilience for withstanding and recovering from the pandemic and its immediate and longer-term consequences.<sup>44</sup> South Africa's COVID-19 response has been, in some ways, multi-sectoral: a National COVID-19 Command Council was established to take government-wide decisions and an adapted World Health Organisation COVID-19 strategy was implemented by the National Department of Health which included the creation of national and provincial incident management teams, which comprised of a variety of workstreams namely, governance and leadership; medical supplies; port and environmental health; epidemiology and response; facility readiness and case management; emergency medical services; information systems; risk communication and community engagement; and occupational health and safety and human resources.<sup>45</sup> MMA is an active member of the Risk Communication and Community Engagement team that continues to meet weekly as the COVID pandemic is navigated. MMA emphasises the inclusion of; risk communication and community engagement as part of the response – this will be addressed in more detail below.

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<sup>44</sup> See T Akentoye et al, 'Modeling the barriers to multistakeholder collaboration for COVID-19 pandemic response: Evidence from Sub-Saharan Africa' *International Public Management Journal* (2021) (accessible at <https://www.tandfonline.com/doi/epub/10.1080/10967494.2021.1970061?needAccess=true>)

<sup>45</sup> D Moonasa et al, 'COVID-19: lessons and experiences from South Africa's first surge' *BMJ Global Health* (2021) (accessible at <https://gh.bmj.com/content/bmjgh/6/2/e004393.full.pdf>).

48. Multi-sectoral approaches have also been encouraged and applied in the context of addressing disinformation. In her recent report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression called for “multi-dimensional and multi-stakeholder responses that are well-grounded in the international human rights framework and urges companies to review their business model and States to recalibrate their responses to disinformation, enhancing the role of free, independent and diverse media, investing in media and digital literacy, empowering individuals and rebuilding public trust.”<sup>46</sup>
49. Closer to home, a multi-stakeholder approach to disinformation recently proved successful in the 2021 Local Municipal Elections. The IEC and MMA and major social media platforms joined hands to fight the spread of disinformation in the run-up to, during and beyond the municipal elections.<sup>47</sup> Through this framework, complaints of disinformation were sent to the Real411. Once a complaint was reviewed and pointed to possibly constituting disinformation or misinformation, the IEC notified the affected online platform. The notification would be acknowledged and processed as expeditiously as possible by the online platform. All requests sent to the platforms were acted on by the platforms. That the requests were acted on by the platforms shows that the Real411 taken seriously by the platforms concerned.<sup>48</sup> MMA submits that the framework represents a significant shift towards recognising the importance of human rights and free, fair, and credible elections and democracy in an African context. It also represents the beginning of building a deep and meaningful commitment to combating disinformation by all the participants.<sup>49</sup> Accordingly, and as will be outlined below, MMA proposes a similar approach to combatting disinformation and incitement in times of crisis and unrest.

### **Rapid information and communications task team**

50. Times of crisis, such as unrest, require urgent and immediate responses. This has been recognised by our government who established the National Joint Operational and Intelligence Structure (“**NATJOINTS**”) as the operational arm of the Justice, Crime Prevention and Security Cluster.<sup>50</sup> The mandate of the NATJOINTS is to plan, implement, execute, and monitor all interdepartmental and cross-provincial operations affecting safety, security, and stability in

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<sup>46</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, ‘Disinformation and freedom of opinion and expression’ United Nations Human Rights Council (13 April 2021) (accessible at <https://undocs.org/A/HRC/47/25>).

<sup>47</sup> IEC, ‘A multi-stakeholder partnership to combat disinformation in the 2021 municipal elections’ (20 October 2021) (accessible at <https://www.gov.za/speeches/electoral-commission-multi-stakeholder-partnership-combat-disinformation-2021-municipal>).

<sup>48</sup> See further analysis of the disinformation during the local government elections at W Bird & N Lubisi, ‘Disinformation in a time of Covid-19: Local government elections 2021’ (1 November 2021) (accessible at <https://www.dailymaverick.co.za/article/2021-11-01-disinformation-in-a-time-of-covid-19-local-government-elections-2021/>).

<sup>49</sup> W Bird & N Lubisi, ‘Disinformation in a time of Covid-19: A historic partnership ahead of the municipal elections’ (24 October 2021) (accessible at <https://www.dailymaverick.co.za/article/2021-10-24-disinformation-in-a-time-of-covid-19-a-historic-partnership-ahead-of-the-municipal-elections/>).

<sup>50</sup> For an explanation of the Department of Co-operative Governance, ‘National Disaster Management Centre: Annual Report 2013-2014’ (accessible at [https://www.cogta.gov.za/cgta\\_2016/wp-content/uploads/2016/06/NDMC-ANNUAL-REPORT-2013-2014.pdf](https://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/NDMC-ANNUAL-REPORT-2013-2014.pdf)).

our country. The NATJOINTS is a joint structure comprising of SAPS, the South African National Defence Force, the NDMC and representatives of various other relevant government departments. The NATJOINTS is a grouping of senior representatives (line function experts) from relevant government departments, as well as other required role-players and state-owned entities, who are tasked to manage designated or unexpected events/situations in the safety and security sphere, in a coordinated manner from a centralised venue, on behalf of the Justice, Crime Prevention and Security cluster of government.

51. NATJOINTS has adopted multi-sectoral and multi-stakeholder responses in relation to a range of different strategies and areas of concern or crisis. In 2011, after rhino poaching was declared to be a national security threat, NATJOINTS, established National and Provincial Priority Committees, in terms of the NATJOINTS Instruction, 3 of 2011.<sup>51</sup> The purpose of this was to sensitise all provinces about this threat and coordinate the response, by establishing and activating National and Provincial Priority Committees to manage, implement and coordinate all joint integrated actions, as well as the efforts to curb rhino poaching and illegal hunting. In 2018, NATJOINTS had a Rural Safety Priority Committee, which consisted of internal and external role-players involved in rural safety, engaged to encourage collaboration and to ensure an integrated approach towards the rendering of rural safety.<sup>52</sup> In its recent annual report on national disaster management, the Department of Cooperative Governance and Tradition Affairs explains NATJOINTS as a multi-sectoral structure that gets activated at the government strategic level to coordinate decisions and intervention measures during major incidents threatening to cause a disaster in the country.<sup>53</sup> More recently, the Government Communication and Information System explained that the operational and technical management of COVID-19 interventions is driven by NATJOINTS and the Department of Health.<sup>54</sup>
52. Accordingly, **MMA submits that NATJOINTS is well placed to incorporate a Rapid information and communications task team (“RICTT”)** that among other things, analyses, provides up to date information, develops risk communication strategies and advises NATJOINTS, and other key stakeholders including the social media platforms of any imminent threats or issue that need to be addressed during a crisis such as a time of unrest. It is clear that NATJOINTS is the appropriate structure under which the envisaged task team would fall. First, NATJOINTS can pull together relevant government departments, as well as other required role-players in order to respond to a crisis situation. Second, MMA submits that NATJOINTS is aware of the concerns around disinformation and incitement on social media platforms and would benefit from a coordinated response. Following the July unrest and

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<sup>51</sup> Ministry of Police, ‘National Assembly: Replies by the Ministry of Police to Internal Question Paper 28 of 2017’ (18 August 2017) (accessible at <https://pmg.org.za/files/RNW2385-171012.docx>).

<sup>52</sup> Ministry of Police, ‘Annual Report of the Department of Police, for the period 1 April 2017 to 31 March 2018’ (31 August 2021) (accessible at [https://nationalgovernment.co.za/departments/246/2018-south-african-police-service-\(saps\)-annual-report.pdf](https://nationalgovernment.co.za/departments/246/2018-south-african-police-service-(saps)-annual-report.pdf)).

<sup>53</sup> Department of Cooperative Governance and Tradition Affairs, ‘National Disaster Management Centre: Annual Report 2019-2020’ (accessible at <https://www.ndmc.gov.za/AnnualReports/NDMC%20Annual%20Report%202019-2020.pdf>).

<sup>54</sup> GCIS, ‘Statement on the Virtual Cabinet Meeting of 27 May 2020’ (28 May 2020) (accessible at <https://www.gov.za/speeches/statement-virtual-cabinet-meeting-held-wednesday-27-may-2020-28-may-2020-0000>).

following threats of a “National Shutdown” on 23 August 2021, NATJOINTS released a media statement in which it confirmed it is “aware of inflammatory messages on various social media platforms advocating for violence.”<sup>55</sup> NATJOINTS warned that inciting violence is a criminal offence and urged members of the public to desist from spreading divisive messages. Accordingly, MMA submits that a Rapid information and communications task team under the auspices of NATJOINTS would assist NATJOINTS in crisis management efforts by managing and responding to disinformation or incitement in any given context.

53. MMA further submits that the responses must be guided by a rights-based approach, as outlined above. It is precisely during a crisis that respect for rights is required. When responses fail to infuse a rights-based approach crises may be deepened with further rights violations coming to the fore. **MMA, therefore, submits that the SAHRC should play a leading role in the RICTT.** This would entail the SAHRC having a pre-existing structure that is triggered in times of crisis and enables the urgent and immediate deployment of appropriate representatives of the SAHRC to the RICTT. The SAHRC then becomes the clear point of contact for coordination and communication during the crisis and provides guidance to NATJOINTS on issues of disinformation and incitement across social media platforms. We are of the view that this falls within the mandate of the SAHRC to among other things promote respect for human rights and a culture of human rights and promote the protection, development and attainment of human rights. Further, we submit that the SAHRC can fulfil this function whilst retaining independence and impartiality. The SAHRC role would be to coordinate efforts in response to disinformation and incitement and advise NATJOINTS of such efforts. While under the auspices of NATJOINTS, the SAHRC would remain independent.
54. In addition, and in line with the proposal of a multi-sectoral response, MMA suggests **relevant stakeholders should support the work of the RICTT and be members of it.** Stakeholders should include, at a minimum – and subject to the specific nature of the unrest or crisis – SAPS, the Ministry Communications and Digital Technologies, the Independent Communications Authority of South Africa, social media platforms, telecommunications companies, civil society organisations, journalists and media associations, independent fact-checking organisations, and other relevant private stakeholders able to provide expertise, evidence and contribute towards a multi-stakeholder approach to disinformation. This task team and its members are not permanent fixtures of NATJOINTS, but rather are a group of key stakeholders called together, initially by NATJOINTS, thereafter led by the SAHRC to assist in addressing disinformation and incitement on social media platforms during times of unrest.

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<sup>55</sup> Media Statement by the National Joint Operational Intelligence Structure (22 August 2021) (accessible at <https://www.saps.gov.za/newsroom/selnewsdetails.php?nid=34670>).

55. The task team would have two primary functions:

55.1. **Implementing a Risk Communication and Community Engagement (“RCCE”)**

**Action Plan:** We have seen the benefits of RCCE during the pandemic. Communicating effectively with the public, engaging with communities, local partners, and other stakeholders to help prepare and protect individuals, families, and the public’s health during the early response to COVID-19 remains a key component of COVID-19 responses.<sup>56</sup> MMA, therefore, suggests that the RICTT develop and implement an RCCE Action Plan, which would include ensuring that accurate and credible information is developed and is available to everyone. It is important to ensure that communication during times of crisis and unrest is available on an ongoing basis and that relevant and appropriate information is easily accessible to all. Such communication efforts must be effective, open, and transparent.

55.2. **Proactively identify, address and correct disinformation:** MMA recommends the expansion and mainstreaming of initiatives such as the Real411 to proactively identify, address and correct disinformation. MMA submits that the Real411 played an active role in the unrest and has and continues to play an important role in combating digital evils in the context of the COVID-19 pandemic. Further, the Real411 played a leading role in the elections multi-stakeholder approach. Accordingly, MMA recommends that the Real411 be considered as the reliable, accessible, and responsive platform that can assist the work of the task team. MMA submits that such an approach provides appropriate safeguards for freedom of expression, political organising, and robust dissent while developing the capacity to address incidents of disinformation and incitement. This role of the RICTT should be guided by a framework that clearly includes the minimum norms for processing complaints and moderation requests against content and users, including target timeframes, provisions to review content in indigenous languages and local contexts, and transparent review and appeal processes.

56. In short, MMA recommends the following:

**NATJOINTS incorporates a Rapid information and communications task team (RICTT).**

**The SAHRC leads the RICTT and becomes the point of contact for coordination and communication during a crisis and provides guidance to NATJOINTS on issues of disinformation and incitement across social media platforms.**

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<sup>56</sup> See WHO, ‘Risk Communication and Community Engagement (RCCE) Action Plan Guidance COVID-19 Preparedness and Response’ (16 March 2020) (accessible [https://www.who.int/publications/i/item/risk-communication-and-community-engagement-\(rcce\)-action-plan-guidance](https://www.who.int/publications/i/item/risk-communication-and-community-engagement-(rcce)-action-plan-guidance)) and UNICEF SA, ‘COVID-19 Situation Report’ (28 February 2021) (accessible at <https://www.unicef.org/southafrica/media/5031/file/ZAF-COVID-19-situation-report-1-28-February-2021.pdf>).

**The RICCT is responsible for developing and implementing a Risk Communication and Community Engagement (RCCE) Action Plan and through an appropriate framework, proactively identifies, addresses, and corrects disinformation.**

***Advocacy and awareness approach***

57. Alongside a rights-based approach and a multi-stakeholder approach, which are predominately reactive, MMA urges the SAHRC to consider additional pro-active responses. The unrest highlighted the need for better digital literacy initiatives to help people identify and respond to disinformation and incitement. Combating digital offences requires efforts directed at digital literacy. It is critical that as a public we are informed, we understand and we know when to trust or not to trust content we are exposed to.
58. It is well established that there is a correlation between digital literacy and identifying disinformation. A recent study of the London School of Economics confirmed that “elements of media literacy skills – particularly critical thinking, evaluation strategies and knowledge of the operation of news and media industries – are consistently found to have positive effects on the ability to critically engage with misinformation.”<sup>57</sup> The research further found that a number of studies confirm that news literacy and/or information literacy, in particular, are correlated with the ability to identify misinformation online and that pre-existing media literacy is a factor that increased the accuracy of recognising fake news. MMA supports this position, based on its own anecdotal experience working with children who are equipped with critical digital literacy skills including the ability to spot mis and disinformation.
59. The SAHRC in collaboration with the government, civil society and journalists should ensure media and information literacy is available to all people. Digital literacy programmes and initiatives should be aimed at empowering individuals to find, evaluate, and manage information online, and identify content that may amount to disinformation or content that may amount to incitement.
60. MMA recommends:

**The SAHRC in collaboration with civil society and journalists embark on a digital literacy campaign as soon as practicably possible to ensure that members of the public are empowered to critically engage with disinformation and incitement online during times of crisis and beyond.**

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<sup>57</sup> L Edwards et al, ‘Rapid Evidence Assessment on Online Misinformation and Media Literacy Final report’ London School of Economics (9 June 2021) (accessible at [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0011/220403/rea-online-misinformation.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0011/220403/rea-online-misinformation.pdf)).

**CONCLUDING REMARKS**

61. We thank the SAHRC for convening this process and for considering this submission. MMA appreciates the opportunity to provide this submission and we remain available to assist the SAHRC including by providing further written or oral submissions. MMA further welcomes the opportunity to work with the SAHRC in terms of any of the proposed recommendations above. Please do not hesitate to contact us should you require any further information.

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