EU SEE SUPPORTING AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY

South Africa

Country Focus Report

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Credit: Tommy Fogelberg

TABLE OF CONTENTS

EU SEE SUPPORTING AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY

A) An Introduction to the Enabling Environment

What we understand by an Enabling Environment is the combination of laws, rules and social attitudes that support and promote the work of civil society. Within such an environment, civil society can engage in political and public life without fear of reprisals, openly express its views, and actively participate in shaping its context. This includes a supportive legal and regulatory framework for civil society, ensuring access to information and resources that are sustainable and flexible to pursue their goals unhindered, in safe physical and digital spaces. In an enabling environment, the state demonstrates openness and responsiveness in governance, promoting transparency, accountability, and inclusive decision-making. Positive values, norms, attitudes, and practices towards civil society from state and non-state actors further underscore the supportive environment.

To capture the state of the Enabling Environment, we use the following six principles:

SIX ENABLING PRINCIPLES

1. Respect and Protection of Fundamental Freedoms
2. Supportive Legal and Regulatory Framework
3. Accessible and Sustainable Resources
4. Open and Responsive State
5. Supportive Public Culture and Discourses on Civil Society
6. Access to a Secure Digital Environment

In this Country Focus Report, each enabling principle is assessed with a quantitative score and complemented by an analysis and recommendations written by our Network Members. Rather than offering a singular index to rank countries, the report aims to measure the enabling environment for civil society across the six principles, discerning dimensions of strength and those requiring attention.

The findings presented in this report are grounded in the insights and diverse perspectives of civil society actors who came together in a dedicated panel with representatives from civil society to discuss and evaluate the state of the Enabling Environment. Their collective input enriches the report with a grounded, participatory assessment. This primary input is further supported by secondary sources of information, which provide additional context and strengthen the analysis.

Brief Overview of the Country Context

Reporting period covered: August 2024 to August 2025

South Africa generally maintains an enabling environment for civil society, supported by a robust constitution and legal frameworks that protect freedoms of association, expression, and peaceful assembly. The Constitution of 1996 and the Nonprofit Organisations Act of 1997 (NPO Act) remain the principal instruments guaranteeing the establishment, registration, and functioning of civil society organisations (CSOs). Chapter 9 Institutions including the South African Human Rights Commission (SAHRC), Public Protector, and Commission for Gender Equality (CGE) further strengthen accountability and civic participation by upholding constitutional democracy and providing oversight on the state's human rights obligations.

Despite these progressive frameworks, South Africa remains one of the most unequal countries in the world, marked by high unemployment, persistent poverty and corruption, which continues to fuel widespread frustration. Public protests have become a key means for citizens to voice grievances, particularly over poor service delivery. While protest is a vital democratic tool, many of these protests have turned violent. The right to peaceful assembly in South Africa is often undermined in practice by the misinterpretation of the Regulation of Gatherings Act and the use of excessive force by the South African Police Service (SAPS), reinforcing deep-seated community grievances and declining trust in state institutions.

The 2024 general election marked a historic turning point as the African National Congress (ANC) lost its parliamentary majority for the first time since 1994, leading to the formation of a Government of National Unity (GNU) with the Democratic Alliance (DA) and smaller political parties. While the elections were deemed free and fair, the pre-election period was marred by political violence. Between January and April 2024, at least one politically motivated assassination occurred every two weeks. Many of these killings targeted whistleblowers, political activists and local councillors. In several communities, violent disruptions of electoral processes including attacks on campaigners and the destruction of voting infrastructure, further undermined the integrity of the elections. For many South Africans, fundamental acts of freedom of expression such as voting and campaigning were undermined by fear, intimidation, and violence.

Civil society organisations (CSOs) operate within a regulatory framework that is broadly supportive, particularly under the Nonprofit Organisations Act of 1997. However, amendments linked to anti-money laundering and counter-terrorism financing obligations have introduced stricter compliance requirements and increased administrative burdens, especially for small and grassroots organisations. These measures, while aimed at improving transparency, have also intensified scrutiny of the sector and, in some cases, limited operational flexibility.

Civic space is increasingly constrained, with human rights defenders (HRDs), particularly those working on gender justice, anti-corruption, land rights, and environmental protection, facing harassment, physical attacks and killings. Freedom of expression remains relatively robust but not without concern. Positive developments, such as the repeal of criminal defamation through the Judicial Matters Amendment Act (2023), coexist with emerging risks linked to legislation like the Cybercrimes Act and General Intelligence Amendment Act, which has implications on access to information and media freedom. Journalists and media practitioners continue to face harassment, surveillance and legal intimidation, including Strategic Litigation Against Public Participation (SLAPP) suits, which threaten investigative reporting and accountability. LGBTIQ, migrants and grassroots activists have been subjected to cyberbullying, hate speech, and intimidation online and offline.

These pressures are further compounded by shifting global political dynamics and reduced international funding. Tensions with the United States linked to its criticism of South Africa's land reform policies and its case against Israel at the International Court of Justice (ICJ) have affected funding pipelines. Abrupt funding cuts by the United States Agency for International Development (USAID) further strained CSO operations and advocacy capacity.

The GNU introduced uncertainty over policy direction, governance priorities and institutional stability. However, for CSOs, it also created opportunities for more inclusive governance, democratic renewal, and increased citizen engagement. Platforms such as the National Convention for Dialogue, the Civil 20 (C20) Forum, and South Africa's preparations to host the G20 Summit provided unprecedented avenues for civil society to influence national and global policy discussions. Civil society actors had to navigate a complex political landscape to ensure meaningful participation, safeguard civic space and hold government accountable.

B) Assessment of the Enabling Environment

PRINCIPLE SCORE

1. Respect and Protection of Fundamental Freedoms

Score: [1]

The rights to freedom of expression, peaceful assembly and association are guaranteed by the South African Constitution under Sections 16, 17 and 18. These freedoms are further safeguarded by regional frameworks such as the African Charter on Human and Peoples' Rights (Articles 9, 10, and 11) and the Guidelines on Freedom of Association and Assembly (2017). Internationally, South Africa is a state party to the International Covenant on Civil and Political Rights (ICCPR, Articles 19, 21, 22) and the Universal Declaration of Human Rights (UDHR , Articles 19 and 20), which collectively establish binding obligations to respect civic freedoms.

However, according to the CIVICUS Monitor (2024), the country's civic space is rated as "Obstructed", reflecting persistent barriers to the exercise of fundamental civic freedoms. These persistent challenges highlight the gap between the law and lived realities.

Freedom of Association

Freedom of association is protected under Section 18 of the Constitution which guarantees the right of individuals to form or join formal and informal groups to pursue collective action without coercion or mandatory registration. This right underpins trade unions, social movements, civil society organisations (CSOs), and community groups, enabling citizens to

[1] *This is a rebased score derived from the CIVICUS Monitor rating published in December 2025.*

organise around issues such as land, housing, accountability, and the protection of marginalised groups.

However, the existing Protected Disclosures Act (PDA), commonly known as the Whistleblowers Act, currently under review, remains limited in scope. The Act primarily protects employees who disclose wrongdoing in the workplace and does not adequately extend to grassroots activists and human rights defenders (HRDs) who fall outside the formal definition of a whistleblower. HRDs, whistleblowers, and community activists, particularly those advocating for minority rights, land justice or accountability have been killed, which undermines the right to freedom of association. On 7 March 2025, Pamela Mabini a whistleblower and gender activist, was gunned down after exposing abuse and corruption linked to televangelist Timothy Omotoso who was on trial for rape, racketeering and human trafficking. On 15 February 2025, Imam Muhsin Hendricks, a globally respected Muslim LGBTQI+ advocate, was murdered in Gqeberha, Eastern Cape Province, reportedly in a hate crime. On 25 July 2024, Simangaliso Zwane, a whistleblower and community activist, was fatally shot in Vryheid after exposing corruption and service delivery failures. On 14 July 2024, Sibusiso Hlongwane, a land rights activist in KwaZulu-Natal, was assassinated for opposing the Jindal Iron Ore Project, which threatened communal land.

Harassment and intimidation of HRDs remain widespread, perpetrated by both state and non-state actors. HRDs are frequently subjected to threats and reprisals for challenging corruption, inequality and abuses of power.

HRDs and CSOs were subjected to threats and violence following an anti-immigration march in July 2025. In a context of recurring xenophobic violence, Operation Dudula - a South African anti-immigration movement targeting undocumented migrants and foreign nationals - marched on 17 July 2025 to the CSO Socio-Economic Rights Institute of South Africa (SERI) and the South African Human Rights Commission (SAHRC) to submit a memorandum demanding that South Africans be prioritised in public healthcare. Members of Abahlali baseMjondolo - a shack dwellers' movement whose members have in recent years faced killings, threats, intimidation and other violations - joined SERI and the SAHRC in solidarity. Instead of handing over their memorandum, tensions escalated as members of Operation Dudula attempted to forcibly enter the SERI offices and issued threats of violence, prompting police intervention. Following the incident, Abahlali baseMjondolo's members reported having received vicious death threats and online harassment for defending the rights of marginalised communities.

On 22 May 2025, Gayton McKenzie, South Africa's Minister of Sports, Arts and Culture, made controversial remarks in an interview with The Africa Report by calling for the dismissal of foreign nationals working in departments under his authority, arguing positions should be reserved for South Africans. His comments sparked criticism from CSOs, including the Ahmed Kathrada Foundation who accused McKenzie of promoting xenophobic narratives and undermining the role of independent civil society. In response to the outcry, McKenzie threatened that he will "get rid of illegal foreigners. I will close this type of charity because we need patriotic charities in our country. I will close down the charities that are anti-government, that are anti South African."

HRDs at times receive threats as a result of their criticism of government officials. On 13 June 2025, Archbishop Nkosinathi Ngesi, chairperson of the Concerned Makhanda Residents (CMR), reported a death threat allegedly issued by municipal officials in the Makana Local Municipality, who described him as the "only stumbling block" to their interests and suggested he "had to be removed". On 18 March 2024, Nomsa Sizani, former General Secretary of Abahlali baseMjondolo received death threats after having questioned government officials about a local development project.

Additionally, legal intimidation has emerged as a tactic to silence civil society and activists. A notable example is a Strategic Litigation Against Public Participation (SLAPP) case in which property developers Century Property Developments and Riversands Developments filed a R197 million lawsuit (approximately 10.4 million Euro) in 2021 against the Greater Kyalami Conservancy, a non-profit environmental group, and its chairperson, Kristin Kallesen, for raising environmental objections to developments near Midrand, Gauteng Province. The case was finally withdrawn in January 2025. Previously, in a landmark 2022 ruling, the Constitutional Court affirmed the validity of a SLAPP defence. This judgment marked an important step in protecting activists, journalists, and civil society actors from abusive litigation intended to suppress public participation.

The above highlights persistent threats to civil society and the risks associated with advocating for accountability, land justice, minority rights, and gender equality. In response, CSOs have consistently called for the adoption of the Whistleblowers Protection Bill and the enactment of a model law to safeguard human rights defenders. However, the delay in adopting and implementing these protections underscores a lack of political will, leaving defenders exposed and civil society's role in promoting justice and accountability precarious.

Freedom of Peaceful Assembly

Section 17 of the Constitution protects the right to peaceful assembly, demonstration, picketing, and petitioning. The Regulation of Gatherings Act (RGA) regulates this right by distinguishing between demonstrations (up to 15 people) and gatherings (more than 15). Organisers must notify authorities in advance, though demonstrations are exempt. Restrictions may apply to time, place and manner, and gatherings may be prohibited if they risk violence, disruption or damage to properties.

Municipalities often undermine the right to protest through misinterpretation of the Regulation of Gatherings Act. Officials frequently treat notice as permission, imposing unlawful fees or creating burdensome administrative requirements. For example, the Johannesburg High Court ruled in 2022 that charging protesters fees was unconstitutional, yet the City of Johannesburg continued to demand fees ranging from R5,000 to R20,000 (approximately €255 to €1017). CSOs, including the Right2Protest (R2P) Project - a coalition that promotes and protects the rights to protest and freedom of expression for all - reported a notable increase in requests for assistance in 2024 through the R2P National Toll-Free Hotline. Communities, activists, and social movements in Limpopo, North West, and the Free State sought support in response to similar municipal restrictions and prohibitions on protests. Through its litigation programme, R2P challenged the City of Johannesburg in court, reflecting the broader struggle to ensure that the right to protest is upheld and that municipalities comply with the law.

A wide range of protests have taken place in recent years, including on service delivery and university fees, with police officers regularly deploying excessive force, including rubber bullets and tear gas, at times injuring protesters and bystanders. South Africa has witnessed a surge in protests driven by dissatisfaction with service delivery, including lack of access to clean water, electricity, housing, and basic services. In many cases, law enforcement has responded with excessive use of force, including the use of tear gas, rubber bullets, stun grenades and arrests, raising concerns about the violation of citizens' constitutional rights to protest and the misinterpretation of the Regulation of Gatherings Act. On 10 September 2025, Westbury and Coronationville residents protested after nearly a week without water, blocking roads and clashing with police, who used stun grenades, tear gas and rubber bullets to disperse the crowd. Several residents and Daily Maverick reporter Julia Evans were injured. Communities highlighted years of neglect, which had forced them to buy water from local shops. On 13 August 2025, service delivery protests in Ritchie, Northern Cape, escalated after police fired rubber bullets, tear gas and stun grenades. Taxi and bus operators joined the protests, disrupting transport and shutting down schools and clinics. 19 people were arrested and transported to Kimberley Police Station. On 11 May 2025, approximately 150 Red Card Israel activists peacefully protested against Israeli apartheid during the Africa Cup of Nations qualifier between South Africa's national soccer team Bafana Bafana and Malawi at Loftus Stadium in Pretoria. Police manhandled and pepper-sprayed protesters and seized materials. The protest escalated when some allegedly threw objects at police, resulting in the arrests of five men (Loftus 5) who were charged with public violence, assault and malicious damage to property. They were denied bail, sparking national condemnation. On 16 February 2025, residents of Phafola, Limpopo, frustrated by years of inadequate service delivery including poor roads, lack of clean water and crumbling infrastructure blocked the N11 highway with burning tyres. Police responded with bullets and excessive force, injuring several and arresting 20 others. The incident prompted engagements with the Limpopo Member of the Executive Council (MEC) for Public Works and municipal officials.

On 11 February 2025, 15 students were arrested at the University of the Free State during protests over registration and National Student Financial Aid Scheme (NSFAS) funding shortages, disrupting academic activities at the Bloemfontein and Qwaqwa campuses. On the same day, over 200 students from Cape Peninsula University of Technology marched to Parliament to address accommodation issues, resulting in property damage, injuries to two police officers, and the arrest of a 20-year-old student.

Freedom of Expression

Freedom of expression is constitutionally guaranteed under Section 16, which guarantees the right to receive and impart information and ideas, freedom of the press and other media, and the freedom of artistic creativity and academic research. These protections enable individuals and institutions to express opinions, share information, and conduct independent investigations without fear of retaliation. For civil society organisations (CSOs), this constitutional protection is essential as it allows journalists, activists, whistleblowers and human rights defenders to critique government policies, advocate for reforms, conduct independent investigations and hold public institutions accountable.

South Africa has enacted legislation that intersects with the exercise of freedom of expression. The Cybercrimes Act 19 of 2020, which came into force in 2021, criminalises cyber fraud, hacking and certain forms of malicious online communication. While the law aims to address cybercrime and online harassment, CSOs have raised concerns that it lacks adequate public interest protections for journalists and could limit their ability to publish leaked or sensitive information.

A significant positive development in media freedom and freedom of expression was the repeal of criminal defamation through the Judicial Matters Amendment Act No. 15 of 2023, signed into law in April 2024 by President Cyril Ramaphosa. Previously, individuals could face criminal prosecution for publishing statements that harmed another person's reputation in terms of section 10 of the Constitution which guarantees everyone the right to inherent human dignity and to have their dignity respected and protected. Civil society and media organisations had long argued that such laws were open to abuse and could be used to intimidate journalists and suppress critical reporting.

In May 2024, President Cyril Ramaphosa signed the Preventing and Combating of Hate Crimes and Hate Speech Bill into law. The legislation criminalises speech that incites hatred or promotes discrimination based on race, gender, religion, or other protected grounds. While CSOs broadly welcomed it as a positive step toward addressing hate crimes and promoting tolerance, it has also raised concerns about its potential impact on freedom of expression. Critics warn that the law's broad and vague definitions could lead to the criminalisation of legitimate, critical or unpopular speech such as religious views, political commentary, or social critique if such expression is perceived as "hateful".

Developments in the media sector have also raised concerns about potential threats to press freedom. In October 2023, then Minister Gungubele introduced the South African Broadcasting Corporation (SABC) Bill in Parliament to repeal the outdated Broadcasting Act of 1999, by restructurng the SABC's governance and addressing the public broadcaster's financial challenges. On 10 November 2024, the Minister of Communications withdrew the SABC Bill following strong criticism from CSOs that it threatened editorial independence and lacked a viable funding model to protect and reform the public broadcaster. However, by June 2025, the withdrawal had not been gazetted, leaving uncertainty over the broadcaster's governance and independence.

Further concerns emerged on 28 March 2025 when President Cyril Ramaphosa signed the General Intelligence Laws Amendment Bill (GILAB) into law. The legislation restructures South Africa's intelligence services by separating the State Security Agency into domestic and foreign intelligence bodies to improve oversight and accountability. While earlier provisions allowed broad security vetting of individuals and civil society organisations, these were removed from the final version. However, it still permits vetting of individuals working in or accessing "critical infrastructure." Civil society groups have warned that this provision could affect journalists working within institutions such as the public broadcaster, the South African Broadcasting Corporation (SABC), particularly those involved in sensitive or investigative reporting. Concerns were heightened by the fact that senior SABC executives have previously undergone state security vetting, raising fears that similar measures could be extended to a broader group of journalists and thereby posing risks to editorial independence and the protection of confidential sources.

Journalists continue to face harassment, intimidation, surveillance, physical assaults and confiscation of equipment while carrying out their work. On 5 September 2025, Cape Town freelance journalist Sandiso Phaliso of GroundUp was assaulted by police while taking photos and recording a crime scene following a shooting in Sangxa Street in Browns Farm, Cape Town. Police reportedly slapped him repeatedly and confiscated his phone after he refused to delete the photos. In a separate incident, on 25 April 2024, Phaliso was detained for approximately two hours while photographing a crime scene in Philippi. He was accused of obstructing police work after refusing to stop taking pictures. He was later released on condition that the pictures he had taken were deleted. On 18 May 2024, during a political rally in Soweto, men in military fatigues protecting uMkhonto we Sizwe (MK) party leader Jacob Zuma aggressively confronted journalists attempting to film and photograph Zuma's arrival, with several journalists having been shoved and pushed to the ground and one journalist sexually assaulted, highlighting ongoing risks to press freedom.

The misuse of legal tools such as protection and gag orders to prevent publications - a form of censorship - and Strategic Litigation Against Public Participation (SLAPP) lawsuits have also strained media freedom in South Africa. These instruments are increasingly used to intimidate journalists and silence investigative reporting. For example, freelance journalist

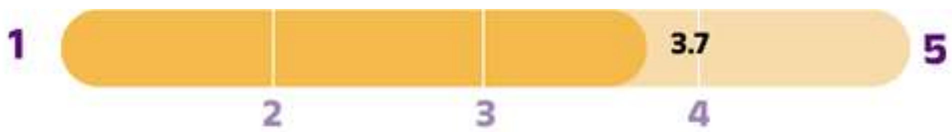
Thomo Nkgadima from Limpopo has faced persistent intimidation after reporting on alleged corruption in public infrastructure projects. In 2023, Mampuruburu Machubeng, a local community representative from Fetalkgomo Tubatse Municipality in Limpopo Province, obtained a court order prohibiting Nkgadima from contacting or publishing any information about Machubeng in the media until November 2027. When Nkgadima sought Machubeng's response for a follow-up investigation concerning a stalled hospital construction project in February 2025, he was arrested for allegedly breaching the court order. Although released the next day without charge, Nkgadima described the arrest as a deliberate attempt to silence and discourage investigative journalism.

In May 2024, Mpumalanga Premier Refilwe Mtshweni-Tsipane sued the Umjindi-Elukwatini Guardian and its editor Bheki Mashile for R10 million (approximately € 520,000) for reporting on alleged corruption and misuse of R100 million (approximately € 5.20 million) in public health funds. Media watchdogs described the case as a SLAPP suit aimed at intimidating investigative journalists.

PRINCIPLE SCORE

2. Supportive Legal and Regulatory Framework

Score:



The legal and regulatory framework in South Africa provides a generally supportive environment for civil society actors to form, register, and operate their organisations. The NPO Act of 1997 (NPO ACT) establishes clear procedures for registration, and the Constitution protects freedom of association, providing a legal basis for civil society operations. These frameworks offer protection from arbitrary state interference and enable access to resources such as tax exemptions and government funding.

Registration of CSOs

The registration of CSOs is governed mainly by the Nonprofit Organisations Act of 1997 (NPO Act), as amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act of 2022, alongside the Companies Act and the Trust Property Control Act. The General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act of 2022 was introduced as part of efforts to address deficiencies identified by the Financial Action Task Force (FATF) and avoid further sanctions on South Africa's financial system. It expanded obligations under the NPO Act, Companies Act, and Trust Property Control Act, placing greater emphasis on governance, reporting, and financial accountability across sectors, including CSOs.

The NPO Act makes registration relatively accessible by recognising three main forms - voluntary associations, non-profit trusts and non-profit companies - without imposing high fees or complex procedures, which aligns with constitutional protections of freedom of association. However, the regulatory framework has evolved in recent years. Prior to 2023, CSO registration was voluntary. However, the General Laws Amendment Act of 2022 made registration mandatory for specific CSOs, who are obliged to register with the NPO Directorate or face admistrative sactions. While accountability and transparency are important, mandatory registration exacerbates burdens on small, rural, and youth-led organisations already facing challenges such as those related to opening bank accounts. Initially, punitive provisions like criminal sanctions were proposed but later excluded. The NPO Directorate is mandated to process applications online within two months, offering CSOs a clear legal foundation to establish and operate. Once registered with the Department of Social Development (DSD), CSOs gain legal personality enabling them to open bank accounts, enter into contracts, receive funding, issue invoices and access benefits such as tax exemptions or receive donor and government funding.

The reforms introduced in 2022/2023 are closely linked to South Africa's commitment to the Financial Action Task Force (FATF) after being greylisted in 2023. It developed an Action Plan with 22 Action Items linked to the eight strategic deficiencies identified in the country's anti-money laundering and counter-terrorism financing (AML/CFT) regimes. CSOs were specifically flagged under Recommendation 8, which identifies CSOs as potentially vulnerable to terrorist financing and abuse. FATF urged South Africa to strengthen oversight of the non-profit sector by enhancing transparency of governance structures, requiring beneficial ownership disclosure, and tightening monitoring of cross-border financial flows. This placed CSOs under heightened scrutiny by regulators, banks and donors, leading to more demanding compliance obligations.

On 13 June 2025, FATF announced that South Africa had substantially completed all 22 Action Items that were contained in the Action Plan and was awaiting an on-site assessment to verify the implementation of its anti-money laundering and counter-terrorism financing (AML/CFT) regimes before its official removal from the grey list at its next plenary in October 2025.

The Department of Social Development, together with the South African Revenue Service (SARS) and the Financial Intelligence Centre (FIC), are implementing risk-based monitoring for CSOs, categorising them as high, medium or low risk. As part of these measures, non-compliant organisations outside the high-risk category have been deregistered. On 5 February 2025, a total of 203,279 CSOs were considered non-compliant and the DSD issued 41,787 notices of non-compliance to CSOs. Of this number, a total of 15,650 CSOs have been deregistered for failure to comply with the requirements to submit annual reports as per the provisions of section 18(1) of the Non-Profit Organisations Act (Act No. 71 of 1997, as amended through the General Laws Amendment Act 22 of 2022).

To address these systemic challenges, including registration backlogs, delays in processing applications, poor communication with organisations, and weaknesses in compliance monitoring, the Department of Social Development (DSD) announced in August 2025 the phased rollout of a new digital registration and compliance monitoring platform, aimed at simplifying processes and improving accountability, with full functionality expected by October 2025.

Operations

In South Africa, the legal framework governing CSOs provides a solid foundation for their formation, operation, governance, and access to resources. The NPO Act facilitates the establishment of CSOs as nonprofit companies, trusts, or voluntary associations. It grants organisations the autonomy to design their own governance structures and define operational objectives, enabling them to align their activities with their missions and the needs of their communities.

The NPO Act requires registered organisations to submit annual narrative and financial reports, including an accounting officer's report, within nine months of their financial year-end. While financial statements are not required to be audited, they must be independently reviewed by a qualified accounting officer. Failure to comply with these requirements may result in deregistration by the Department of Social Development. Deregistration does not prohibit an organisation from operating, but it removes its formal legal status as a registered CSO, which can significantly affect its credibility, access to funding, and ability to enter into formal partnerships.

Efforts since 2012 to update the CSO register and deregister non-compliant organisations have faced resistance from the nonprofit sector and have been marred by inconsistent implementation by government. Small and volunteer-driven organisations, in particular, struggle to comply due to limited financial resources and difficulties engaging with Department of Social Development (DSD) systems. Although the DSD introduced measures to support compliance, these were undermined by a lack of consistent enforcement. These accountability measures, while promoting transparency, often impose significant burdens on small, rural and youth-led organisations that already struggle with banking, reporting and administrative capacity. In addition, opening a bank account can be challenging, particularly for community-based organisations structured as voluntary associations or for those with board members residing outside South Africa. Banks must comply with strict customer due diligence and verification requirements under anti-money laundering and counter-terrorism financing regulations. While banks often accept electronic copies of CSO Certificates as proof of registration, some organisations still face delays or difficulties in accessing banking services. Furthermore, compliance challenges for CSOs have been heightened by legislative reforms.

The draft General Laws Amendment Bill of 2024, released by the National Treasury for public comment in December 2024 proposes further amendments to strengthen regulatory enforcement. Notably, it seeks to amend Section 30 of the NPO Act to clarify penalties, including the maximum fines and terms of imprisonment for offences under the Act, effectively re-introducing punitive measures that were not included in earlier reforms. Once enacted, non-compliance could result not only in deregistration but also in significant financial penalties or criminal liability, increasing administrative and financial burdens, especially for smaller CSOs.

The DSD de-registration process is not considered a significant barrier to operational activity, since CSOs can avoid de-registration by submitting any outstanding reports and may appeal the decision to an Arbitration Tribunal.

Protection from interference

The Constitution of the Republic of South Africa (1996) provides strong protections for CSOs against undue interference by the state or third parties. The NPO Act further strengthens this by recognising the right of CSOs to exist and operate independently while placing a duty on the state to support and promote their work. In this way, the Act affirms CSOs as essential contributors to democratic governance. In addition, the Protection of Personal Information Act (POPIA) safeguards personal data by preventing unauthorised access, misuse or disclosure, providing critical protection for the members, staff and beneficiaries of CSOs.

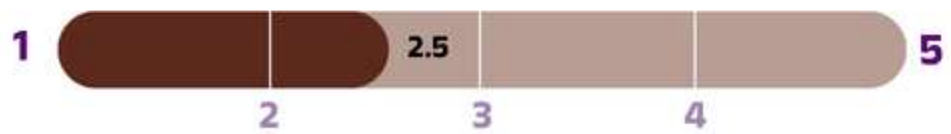
Nonetheless, challenges remain in practice. Civil society actors have highlighted instances where the state misapplies laws, such as the POPIA, in ways that reduce transparency and restrict access to information. A significant example was the Constitutional Court's ruling on the appointment of new commissioners to the Commission for Gender Equality (CGE), following a case brought by Corruption Watch. Parliament had misapplied the Protection of Personal Information Act (POPIA) to justify withholding candidate CVs and restricting the scope of public participation. This interpretation was found to be unlawful and inconsistent with the Constitution, as POPIA does not require consent when personal information is processed to fulfil public duties. The Information Regulator supported this position, stressing that POPIA cannot be used to block transparency and accountability. The Court declared the process unconstitutional, affirming civil society’s role in holding the state accountable when public participation rights are undermined.

Furthermore, reforms in the intelligence sector also indicate efforts to reduce interference. The General Intelligence Laws Amendment Act of 2024 sought to tighten oversight of intelligence operations after years of abuse, introducing mechanisms intended to prevent political manipulation of surveillance and monitoring. Although welcomed, the effectiveness of these reforms depends on consistent enforcement and transparency.

PRINCIPLE SCORE

3. Accessible and Sustainable Resources

Score:



Expert panellists have rated access to resources for CSOs as partially enabling. While funding opportunities exist from government programmes and international donors, access is uneven. CSOs require sufficient, sustainable, and flexible resources to operate effectively and achieve their objectives. These resources include not only financial support but also access to information, training, technical assistance, and networks that strengthen CSOs' capacity. Without such resources, CSOs face operational vulnerabilities, struggle to implement programmes consistently, and may become overly dependent on a narrow set of donors, which can compromise independence and effectiveness.

Access to funding

South Africa's legal framework does not impose constraints on the ability of CSOs to seek or secure funding, whether from domestic or international donors. There are no specific restrictions on foreign funding, and CSOs are permitted to access a wide range of financial streams, including international donors, private sector entities, philanthropic foundations, and government mechanisms such as the National Development Agency (NDA), which provides grant support to CSOs to implement development projects, strengthen service delivery, and support organisational sustainability. It also offers institutional capacity building support such as training, technical assistance and organisational development. In addition, South Africa's fiscal environment encourages philanthropy through incentives such as Section 18A of the Income Tax Act, which allows individuals and private entities donating to approved Public Benefit Organisations to deduct qualifying donations from taxable income.

This regulatory framework is complemented by a diverse philanthropic ecosystem including local foundations, international donors, and Corporate Social Investment programmes, with strong focus on social justice, education, health and entrepreneurship. According to the Trialogue Business in Society Handbook (2025) based on an online survey of 110 CSOs out of a total of 289,852 registered CSOs, 97% of companies provided funding to nonprofit initiatives, with organisations receiving on average more than two-thirds (68%) of total corporate social investment. In addition, more than half of organisations also received support from individual donors. Individual giving remains an important component of the funding ecosystem, with surveys indicating that a significant proportion of South Africans donate to charitable causes or participate in community support initiatives. These trends, alongside the growing use of crowdfunding and digital fundraising platforms, demonstrate a relatively enabling environment for both institutional and grassroots philanthropy.

Despite this enabling environment, the accessibility of government funding in practice remains deeply contested. Many organisations, particularly small or rural organisations, face difficulties in securing reliable support due to government budget cuts and administrative delays: for example, in 2024, CSOs in Gauteng reported late disbursements from the Department of Social Development, with some programmes forced to suspend operations, while overall provincial funding for CSOs declined by R223 million (approximately €11.59 million) in the 2024/25 financial year. Similarly, the National Lottery Commission (NLC) faced a massive backlog of grant applications, leaving thousands of organisations waiting months for funding decisions or disbursements. This has disrupted the payment of salaries of CSO staff, stalled projects and made long-term planning nearly impossible. Although the backlog began to clear by mid-2025, the disruption highlighted CSOs' dependence on timely disbursements for survival.

Furthermore, while Section 18A of the Income Tax Act provides tax incentives, compliance obligations were tightened in 2024 through the new IT3(d) — a third-party data submission process implemented by the South African Revenue Service (SARS) to improve transparency and oversight of charitable tax deductions. This requirement obligates Public Benefit Organisations (PBOs) approved under Section 18A to submit detailed information on all tax-deductible donations, including donor identification, donation values, and corresponding receipts, to enable verification of donor tax claims. While donors benefit from these deductions, the reporting burden falls primarily on organisations as it significantly increases administrative burdens. Smaller and rural organisations, in particular, often lack the technical and financial capacity to comply, placing them at risk of losing Section 18A status and donor eligibility. This, in turn deepens existing inequalities within the sector and constrains access to funding.

Competition for limited resources has intensified among CSOs vying for the same grants. For example, during the 2024/25 funding cycle, the National Lotteries Commission experienced a surge in applications, with thousands of organisations competing for limited funding and many excluded due to compliance requirements or administrative capacity constraints. According to the report, over 16,000 organisations registered on the system, but only around 3,000 applications were deemed compliant, with approximately 7,000 rejected due to incomplete or unverifiable documentation.

Furthermore, even when banking services are nominally accessible, CSOs face significant compliance hurdles, including slow onboarding procedures and stringent Know Your Customer (KYC) requirements. These require organisations to submit extensive documentation, including registration records, governance documents, proof of address, tax compliance status, and identification of board members in line with anti-money laundering and counter-terrorism financing (AML/CFT) regulations. As a result, cross-border transactions are often delayed, flagged, or rejected, particularly for organisations receiving international funding. In practice, banks apply enhanced due diligence and "de-risking" measures to avoid regulatory penalties, which can lead to delays, account restrictions, or closures. These measures disproportionately affect small, rural, and grassroots organisations, limiting their ability to access and manage funding effectively.

In 2025, the NDA allocated R86.7 million (approximately €4,5 million) to 312 CSOs focused on women-centred poverty alleviation, while the Western Cape government partnered with the Health Foundation to launch the Cape Care Fund to strengthen health-focused CSOs. However, such initiatives remain exceptions within a funding environment that is highly uneven and increasingly competitive. Recent evidence shows that competition among CSOs has intensified due to declining and shifting funding streams, while donor priorities remain concentrated in sectors such as education, health, and social development, often excluding organisations focused on human rights and advocacy. At the same time, CSOs must compete with non-CSO actors, including schools, universities, and other institutions that receive a significant share of corporate social investment. Furthermore, reductions and shifts in international philanthropic funding have added additional pressure, limiting access to external resources and reinforcing inequalities within the sector.

Effectiveness.

The effectiveness of funding is heavily influenced by the priorities set by donors, often without meaningful engagement with CSOs. Large-scale international funders such as international bilateral donors and international philanthropic foundations and initiatives determine their strategic focus independently, and changes at the top can abruptly alter the funding landscape.

Global crises including escalating conflicts in Gaza, Sudan, and the Democratic Republic of Congo (DRC); humanitarian emergencies in Ukraine and Haiti and worsening climate-related disasters such as floods and droughts across vulnerable regions have led donors to shift priorities, tighten budgets, and reduce available grant windows. As a result, many CSOs that had previously enjoyed stable donor support suddenly lost funding when priorities shifted in response to government policy decisions or geopolitical tensions.

On 21 January 2025, the U.S. government announced a pause in all foreign assistance through the United States Agency for International Development (USAID), leading to thousands of HIV testing counsellors and clinic staff being laid off in programmes supported by USAID. CSOs, whose mission focused on delivering essential healthcare, supporting vulnerable groups and promoting public health awareness, lost funding suddenly, disrupting critical services such as HIV testing, tuberculosis (TB) treatment, and community health education. In Africa specifically, the impact has been severe: in a survey conducted by African NGOs and EPIC Africa, over 38% of CSOs reported losing more than half of their funding in 2025, with many unable to sustain operations or deliver services. The withdrawal of donor support forced local government to step in to fill gaps, highlighting the sector's dependence on external funding and the risks associated with abrupt changes in donor priorities. In the past years, the world has seen other bilateral donors reducing funding to civil society.

Expert panellists also noted that donor expectations for financial and administrative compliance have become increasingly stringent. The application process for funding is complex, requiring detailed proposals, budgets and extensive documentation to demonstrate governance and financial credibility. Organisations must submit audited financial statements, SARS tax compliance certificates, proof of Non-Profit Organisation (NPO) registration, and Public Benefit Organisation (PBO) status under Section 18A of the Income Tax Act. Once grants are awarded, CSOs must use funds strictly in line with approved project budgets and timelines. Donors often enforce repayment or "recoupment" clauses that require organisations to return unspent funds - sometimes as much as one-third of the total grant - or risk disqualification from future funding rounds. While these measures aim to promote transparency, they limit organisational flexibility, preventing CSOs from adapting to changing community needs, responding to emerging crises, or reallocating resources to address unforeseen challenges during project implementation.

At the national level, the 2025 Gauteng Department of Social Development annual report revealed that R102 million (approximately €5.2 million) in state funding was returned to the Treasury because CSOs failed to meet stringent compliance conditions, such as submitting building plans and rezoning certificates. These bureaucratic hurdles disproportionately affect smaller and community-based organisations, undermining their capacity to deliver essential welfare, human rights, and advocacy services.

Sustainability

CSOs in South Africa continue to face significant challenges in achieving long-term sustainability due to a combination of donor expectations, state funding modalities, and systemic inefficiencies. These factors hinder their ability to fulfill their missions effectively and maintain operational stability.

Donor expectations often impose rigid conditions on CSOs, favouring project-based grants over core operational support. Funders typically specify how funds are to be used, demand sophisticated evidence of impact and prior experience, and impose significant reporting and compliance burdens. These requirements disproportionately favour well-resourced CSOs with established administrative capacity, disadvantaging small or rural organisations.

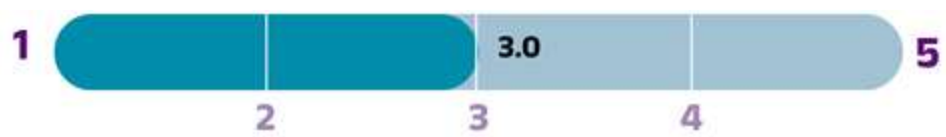
Long-term sustainability depends on greater transparency, accountability, and efficiency from state-linked funding mechanisms, particularly the Department of Social Development (DSD) and the National Lotteries Commission (NLC). These entities are mandated to distribute resources fairly and consistently but continue to be hampered by inefficiencies, compliance burdens, and allegations of mismanagement. Until they operate in a more transparent, open, and timely manner, the sustainability of the sector will remain compromised.

Small or rural organisations are particularly vulnerable, relying heavily on short-term, project-based funding from both domestic and international sources. Core funding is scarce, undermining strategic planning, staff retention and long-term programme continuity. Many CSOs struggle to offer competitive remuneration, with employees often underpaid or working on a voluntary basis once projects end. This reliance on temporary or unpaid labour weakens institutional capacity and staff morale. Without reliable core funding, CSOs face persistent uncertainty and, in severe cases, the risk of shutting down entirely. This threatens both organisational sustainability and the continuity of essential services for communities.

PRINCIPLE SCORE

4. Open and Responsive State

Score:



In South Africa, the principle of an open and responsive state is rooted in the Constitution, which guarantees the right of access to information and public participation in governance. This constitutional right is operationalised through the Promotion of Access to Information Act (PAIA), Act 2 of 2000, which obliges public bodies to appoint Information officers, publish PAIA manuals, and respond to requests for information within 30 days. In principle, these mechanisms are designed to enable CSOs, journalists, and the public to monitor government actions, engage meaningfully in policy debates, and hold officials accountable.

Transparency

Transparency in South Africa is grounded in Section 32 of the Constitution, which guarantees everyone the right of access to information held by the state, as well as information held by private entities when it is required for the exercise or protection of rights.

In 2024, the Department of Public Service and Administration introduced its fifth Open Government Partnership (OGP) action plan, developed collaboratively between the government and CSOs. This plan emphasises a citizen-centric approach to government data transparency, focusing on two primary commitments: expanding open budget data and establishing a framework for open data principles at both national and municipal levels. The aim is to enhance public access to information, thereby enabling civil society to engage more effectively in policy discussions and monitor government actions.

Budget transparency is high, with South Africa scoring 83/100 in the Open Budget Survey 2023. However, it scored only 35/100 for public participation in budget processes, indicating openness of data does not automatically translate into meaningful engagement.

Despite these developments the implementation of PAIA remains uneven. PAIA, enacted to give effect to section 32 of the Constitution, provides the public with a legal right to access information held by the state and, in certain instances, private bodies. This right is intended to promote transparency, accountability, and good governance. However, PAIA also allows for certain limitations, as access to information may be refused on specific grounds, including where disclosure would compromise national security, defence, international relations, or other protected interests such as personal privacy and commercial confidentiality.

A 2024 GroundUp investigation revealed that only around 20% of South Africa's 257 municipalities had complied with their legal obligation to report on the outcomes of PAIA requests, signalling widespread non-compliance at the local government level. Provincial departments have also struggled: for example, several provincial Social Development Departments failed to provide reconciliation reports on grant transfers from 2014 to 2024 within the legally required timeframes, with some exceeding the deadlines even after extensions were granted.

Judicial oversight has been critical in reaffirming the constitutional principle of transparency. For example, in the 2024 case of Nkosi v City of Johannesburg, the High Court confirmed that public bodies may not rely on procedural technicalities to deny access to information where disclosure is required by PAIA and the Constitution. This decision highlights that transparency is not a discretionary act by the state but a constitutional obligation enforceable by law.

Participation

CSOs have played a significant role in influencing decision-making processes, particularly in public policy, legislative reform, and governance. Their involvement has been instrumental in fostering public debate, enhancing accountability and ensuring that diverse voices are considered in the formulation of policies.

Parliament has made notable efforts to promote public engagement in legislative processes. In late 2023, it established an Ad Hoc Committee to process the General Intelligence Laws Amendment Bill (GILAB). The Ad Hoc Committee facilitated nationwide consultations, including written submissions, public hearings, and oral presentations. CSOs highlighted the lack of awareness raising on the Bill, leaving the public ill equipped to make informed decisions. Despite these challenges, the process contributed to legislative reform. Over 30 CSOs objected to provisions allowing intelligence agencies to vet any person or institution, including CSOs, citing risks of surveillance and political interference. Their advocacy led to the omission of this clause, strengthening accountability and oversight when President Ramaphosa signed the General Intelligence Laws Amendment Bill on 28 March 2025.

Similarly, the consultation on the White Paper on Citizenship, Immigration and Refugee Protection, released in November 2023 and extended into early 2024, included public hearings in all nine provinces and engaged CSOs, refugees, municipalities and international organisations. Nonetheless, the Socio-Economic Rights Institute of South Africa (SERI) criticised the process as inadequate, citing tight deadlines, limited engagement with affected communities, and political motivations to advance xenophobia as it is a big issue in South Africa. Despite objections, the Immigration Amendment Bill was passed in June 2025, aligning immigration law more closely with the Constitution and strengthening protections for vulnerable groups.

Beyond legislation, the first National Convention, marking the launch of the National Dialogue

- an inclusive, multi-stakeholder process intended to bring together government, civil society, and other actors to deliberate on key national challenges and propose collective solutions - took place on 15–16 August 2025 at the University of South Africa (UNISA) in Pretoria to address national issues such as poverty, inequality, unemployment, corruption, and education. However, several prominent CSOs, including the Thabo Mbeki Foundation, Steve Biko Foundation, and Desmond & Leah Tutu Legacy Foundation withdrew, citing concerns over a rushed timeline, lack of transparent budgeting estimated at R700 million (approximately €36.4 million) for the dialogue, and increasing government control. Despite these criticisms, the convention proceeded with over 1,000 delegates from around 200 CSOs, though disruptions, including unlisted attendees storming the stage, reflected ongoing tensions between the state and civil society.

At the international level, CSOs engage with platforms such as the Civil 20 (C20) to influence global debates on economic justice, climate change, gender equality, and digital rights. While participation provides opportunities to amplify domestic concerns internationally, tensions exist within C20 structures, with some organisations withdrawing over lack of transparency and dominance by well-resourced actors.

Accountability

South Africa has formal mechanisms intended to ensure accountability to CSOs. The Promotion of Access to Information Act (PAIA) legally obliges public institutions to release information, enabling CSOs to monitor decision-making processes. Parliament applies the Public Participation Framework updated in 2024, which requires that bills, committee hearings, and oversight processes include opportunities for public submissions and feedback.

Furthermore, government structures such as Chapter 9 Institutions which are independent, constitutionally mandated bodies in South Africa designed to strengthen democracy, protect human rights, and ensure government accountability provide formal channels through which civil society actors can demand accountability. These institutions, including the Public Protector and the Auditor-General, operate independently of the executive and are accountable to Parliament, reinforcing their oversight role. An example of this oversight role can be seen in the continued work of the Auditor-General, which in its 2024 audit outcomes reports highlighted widespread irregular expenditure and financial mismanagement across municipalities and government departments. These findings have been used by civil society organisations and the media to pressure government entities to address governance failures and improve financial accountability. In this way, Chapter 9 Institutions not only expose maladministration but also enable civil society to actively engage in holding the state accountable.

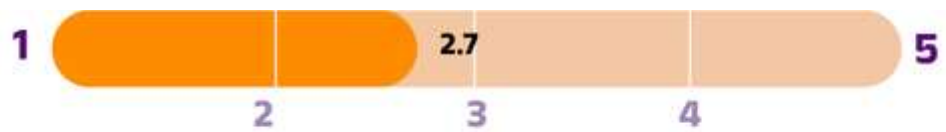
At the parliamentary level, while efforts to improve public participation continue, including streaming sessions online and holding oversight visits, Parliament itself has acknowledged shortcomings in engaging communities effectively. Outreach remains limited and strategies to translate public input into legislative impact have yet to mature.

Institutionally, the judicial framework reinforces that Parliament has a constitutional duty to facilitate meaningful public involvement, including providing timely notice, sufficient information and opportunity for input to influence outcomes. Yet, practices often fall short, meaning CSOs are not always informed whether or how their input was considered.

PRINCIPLE SCORE

5. Supportive Public Culture and Discourses on Civil Society

Score:



Civil society in South Africa occupies a complex and contested space within public discourse. While its role in advancing democracy, accountability, and social development is widely recognised, the way it is framed in government rhetoric, media narratives, and political dialogue remains inconsistent. CSOs and advocacy actors are depicted in both positive and contested terms depending on their alignment with state priorities and the issues they address.

Public Discourse and Constructive Dialogue on Civil Society

Government-led initiatives, such as the national dialogue processes, the G20 Summit, and the Civil Society 20 (C20) engagement platform, reflect a willingness to include CSOs in policy discussions, signalling recognition of their value in democratic deliberation. These formal avenues offer opportunities for dialogue, consultation, and the sharing of evidence-based policy proposals. However, reports from media analyses and civil society studies show that CSOs often encounter systemic barriers to meaningful influence. Their contributions may be invited but are not always fully incorporated, or the terms of engagement may favour state-led agendas over independent critical input.

Media representation and public framing of CSOs also vary. Organisations aligned with government priorities are often described as constructive “partners” in governance, while those challenging decisions or exposing corruption are sometimes portrayed as adversarial or marginalised. The 2024 State of Free Expression in South Africa report highlights threats to journalists and civil society actors, including surveillance, smear campaigns, and restricted access to information. This creates a tension between recognition and risk, where CSOs are valued for their expertise yet constrained in their capacity to shape outcomes.

South Africa’s government demonstrates ambivalent attitudes toward the media. While President Ramaphosa has publicly praised journalists for their role in informing voters during the 2024 elections, concerns remain about insufficient engagement on public-interest issues. In April 2025, the South African National Editors' Forum (SANEF) strongly condemned the treatment of journalists during president Cyril Ramaphosa's oversight visit to the Eastern Cape, stating that many accredited media were excluded, left waiting hours with no access or explanation, and effectively sidelined from covering the event.

Despite these challenges, independent media outlets continue to provide critical platforms for CSO voices, particularly on corruption, governance, and socio-economic rights. During the 2024 general elections, independent media worked alongside civil society to counter disinformation, ensure accurate reporting, and support civic engagement. Similarly, campaigns such as Justice for CweCwe, which advocated for accountability in cases of Gender-Based Violence and Femicide (GBV-F) and systemic reforms in law enforcement, showcased collaborative efforts between CSOs and media to amplify public awareness and demand government action.

Perception of Civil Society and Civic Engagement

In South Africa, the perception of civil society and civic engagement reflects both optimism and caution. Many citizens recognise the crucial role that CSOs play in promoting transparency, accountability and societal change, and there is a widespread belief that engagement with CSOs can influence governance outcomes. Participation takes multiple forms, from voting and attending community meetings to joining protests, advocacy campaigns, and digital activism. The youth in particular have increasingly embraced civic engagement through digital platforms, organising campaigns on issues such as climate change, education, social justice, and unemployment, thereby amplifying their voices and holding leaders accountable.

However, public trust in civil society and governance institutions remains fragile. According to the 2025 Edelman Trust Barometer, CSOs (63%) and business (68%) are the most trusted institutions, while trust in the media (46%) and government (36%) remains significantly lower despite a slight improvement in confidence in government. This is further reflected in voter turnout, which stood at approximately 58.6% during the 2024 General Elections, indicating a continued decline in participation in formal political processes. Beyond elections, national polling data from 2025 shows that only 8% of South Africans had contacted a Member of Parliament (MP), underscoring limited direct engagement with representatives and decision-making processes. Contributing factors include corruption, mismanagement and limited responsiveness of public institutions. Although many citizens express a desire to drive societal change, the gap between their expectations and the actual performance of civic and governance structures continues to constrain meaningful participation.

Civic engagement is also uneven across regions and communities. While urban youth and digitally connected populations have greater access to platforms for activism and advocacy, rural and marginalised groups often face logistical, informational, and resource barriers that limit meaningful participation. Studies on local governance, such as in the OR Tambo District, reveal mixed trust in e-government services: while some citizens welcome digital tools for service delivery, concerns about data security and bureaucratic inefficiencies remain high.

Civic education, which is essential for deepening democratic participation, remains under-resourced and inconsistently delivered. The Centre for Civic and Democracy Education highlights opportunities to strengthen this area, including integrating civic learning into schools, creating youth engagement platforms, expanding media programming, and fostering peer-led digital tools to enhance civic literacy. Strengthening civic education and inclusive engagement mechanisms is therefore crucial to bridging the gap between citizens' aspirations and their ability to participate meaningfully in governance and societal change.

Civic Equality and Inclusion

South Africa's Constitution guarantees civic equality and inclusion regardless of race, gender, socio-economic status, ethnicity, or disability. Yet, in practice, marginalised groups remain under-represented in civic processes and face overlapping barriers.

As public consultations, e-government services and civic engagement increasingly move online, those without reliable internet, affordable data, or digital skills are disadvantaged. Rural residents, poorer households, older people, and communities that remain structurally disadvantaged due to historical and socio-economic inequalities are particularly affected, reinforcing structural inequalities in access to participation.

Migrants and refugees are often targeted by xenophobic rhetoric, scapegoated as job-stealers or burdens on public services, and are even excluded from community forums and policy dialogues. CSOs report that migrant voices are frequently dismissed as "outsiders' issues." CSOs, including the Human Rights Institute of South Africa (HURISA), have consistently defended migrant rights, stressing that denying healthcare and education to foreign nationals violates constitutional and human rights standards. However, these interventions have sparked significant backlash. Operation Dudula, an anti-migrant group, has directly targeted CSOs and human rights institutions, accusing them of favouring undocumented migrants over South African nationals. In July 2025, Operation Dudula submitted demands to the South African Human Rights Commission (SAHRC), labelling it and allied CSOs as "foreigners' human rights commissions." This hostility has escalated into legal battles, with CSOs suing Operation Dudula for xenophobic harassment, intimidation, unlawful evictions, and forced document checks.

Similarly, LGBTIQ persons continue to face marginalisation in decision-making processes. Although constitutional protections prohibit discrimination, and platforms such as the National Task Team (NTT) on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) exist, LGBTIQ voices are often included symbolically rather than substantively. In 2025, LGBTIQ activists raised concerns about NTT's lack of accountability and effectiveness. While institutions like the Commission for Gender Equality have convened engagements with LGBTIQ stakeholders, these are often reactive responses to violence rather than proactive inclusion in policymaking. Grassroots LGBTIQ organisations, particularly in rural and under-resourced areas, also face capacity constraints that limit their influence compared to those in urban areas.

Women and youth continue to face underrepresentation in governance, policymaking, and broader civil society leadership despite strong constitutional and policy frameworks promoting equality. Women made up 55% of registered voters in the 2024 General Elections but accounted for only 42% of candidates, a decline from previous election cycles and below the 50% gender parity target promoted by some political parties and policy frameworks, including voluntary parity commitments within party list systems such as those adopted by the African National Congress (ANC). Youth participation also remained limited, with young people comprising only 32% of political representatives and less than 25% of leadership roles within CSOs.

The Department of Women, Youth and Persons with Disabilities (DWYPD) 2023/24 Annual Report emphasised efforts to empower marginalised women, youth and persons with disabilities, particularly those from rural and township contexts, but acknowledged continued structural barriers to their full participation. The Commission for Gender Equality (CGE) also notes that although women's and youth-led organisations are increasingly visible in advocacy around gender-based violence, climate justice and employment, their influence in policy design remains limited, often confined to consultative rather than decision-making roles.

PRINCIPLE SCORE

6. Access to a Secure Digital Environment

Score:

South Africa's digital environment is comparatively open, with no record of government-imposed nationwide internet or social media shutdowns. The country benefits from a competitive telecommunications sector, making large-scale shutdowns difficult to enforce. The constitution guarantees freedom of expression, privacy, and access to information which extends to the digital space as outlined in Sections 16, 14, and 32, but in practice, significant challenges remain for civil society actors seeking to operate freely online due to censorship, cyberbullying, surveillance, hacking and phishing.

Digital rights and freedoms

Although the Regulation of Interception of Communications and Provision of Communication-related Information Act (RICA) and the Protection of Personal Information Act (POPIA) are intended to safeguard privacy, they have significant shortcomings. A 2025 study by the International Center for Not-for-Profit Law (ICNL) found that weak judicial oversight, broad interception powers, and the lack of independent monitoring mechanisms have created loopholes that enable mass data collection and online monitoring in South Africa. The report further highlights that both state and non-state actors increasingly deploy tools such as spyware and social media monitoring to track and suppress dissent. These practices raise serious privacy and security concerns, particularly for civil society actors, journalists, and activists, who rely on safe digital spaces to carry out their work.

Furthermore, journalists, particularly women, face mounting harassment, intimidation, and online abuse. SANEF has recorded an increase in digital threats, hate speech, and doxxing, a malicious act of publicly revealing a person's private, identifying information without their consent. These practices heighten safety risks and create a chilling effect on critical reporting. Censorship through legal action is also a concern. For example, in 2024, RE Capital Holdings attempted to interdict the Mail & Guardian from publishing allegations linked to a suspected

Ponzi scheme. The Johannesburg High Court dismissed the case, affirming that such reporting was in the public interest, an outcome widely seen as a victory for press freedom.

Hacking has become one of the most serious threats to CSOs in South Africa, particularly because these organisations handle sensitive information such as whistleblower reports, research data, and details of vulnerable communities. Recent data shows a sharp increase in cyberattacks and breaches: over 2,374 data breaches were reported in the 2024/25 financial year, with incidents continuing to rise in 2025. South African organisations also face extremely high attack volumes, averaging over 1,800 cyberattacks per organisation per week.

Phishing has also emerged as a major threat and is often the primary method used to gain access to organisational systems. Phishing attacks made up 52% of all cyberthreats in the country, compared to the global average of 28%. It exploits human error through deceptive messages, enabling attackers to access systems, steal funds, and impersonate organisations, ultimately causing financial loss, reputational damage, and increased risk for activists and journalists, whose contact information is often publicly available.

Content regulation also poses risks. The Films and Publications Amendment Act (FPAA) grants the Films and Publications Board broad powers to regulate online material, and while it is framed as a measure to combat harmful content and disinformation, civil society has warned that its vague provisions could be misapplied to suppress legitimate expression. In 2024, a controversial notice under this Act sought to impose penalties, including fines and imprisonment, for the dissemination of “misinformation.” The measure was ultimately withdrawn after strong pushback from CSOs who argued that it would enable censorship and restrict free expression during elections.

During South Africa’s 2024 elections, misinformation and disinformation spread widely on social media such as WhatsApp, Facebook, Twitter (X), and TikTok targeting candidates, electoral procedures, and the Independent Electoral Commission (IEC). False claims included fabricated ballots, manipulated voter rolls, and allegations of election rigging. Civil society organisations and digital rights groups actively sought to counter these threats through initiatives like Real411, co-managed by the IEC and digital rights advocates, which enabled citizens to report false content for verification and correction. Monitoring organisations, including CODE-SA, tracked thousands of incidents, highlighting how disinformation was weaponised to delegitimise electoral outcomes and erode trust in democratic institutions. Emerging technologies, including generative AI and deepfake media, posed additional risks by potentially amplifying false narratives. The prevalence of misinformation (unintentional falsehoods) and disinformation (deliberately misleading narratives) threatened public trust and democratic participation, prompting journalists, CSOs, and the IEC to promote media literacy, fact-checking, and proactive reporting to mitigate the impact.

Civil society has further raised concerns about the role of global digital platforms. A 2025 initiative by the CSO Legal Resources Centre and its partners stressed that unregulated digital platforms often fail to account for South Africa’s linguistic and cultural diversity, leaving marginalised communities more vulnerable to online harms and exclusion. Without stronger regulation, transparency requirements, and civic participation in shaping platform governance, digital spaces risk entrenching inequalities rather than advancing inclusivity.

Digital Security and Privacy

South Africa's digital security and privacy landscape has undergone significant change in recent years, with important implications for CSOs, who are increasingly vulnerable to cyber threats, surveillance, and online harassment. The Constitution guarantees the right to privacy under Section 14, including the privacy of communications.

This right has been reinforced through the landmark amaBhungane Centre for Investigative Journalism v Minister of Justice case, in which the Constitutional Court found sections of the Regulation of Interception of Communications and Provision of Communication-Related Information Act (RICA) unconstitutional because they lacked sufficient safeguards. Specifically, the Court found that RICA was unconstitutional because it did not require post-surveillance notification, failed to ensure independent judicial oversight, lacked procedural protections, provided insufficient safeguards for lawyers and journalists, and authorised unlawful bulk surveillance. In response, on 21 November 2024, President Cyril Ramaphosa referred the RICA Amendment Bill to the National Assembly out of concern that the draft law may be vulnerable to constitutional challenge. Parliament has been working on amendments to RICA to introduce stronger protections, such as requirements for notification, independent judicial oversight, and specific safeguards for journalists and lawyers.

South Africa has a dedicated data protection framework through the Protection of Personal Information Act (POPIA), which came into full effect in 2021. POPIA regulates how personal information is collected, processed and shared, requiring consent in most cases, placing restrictions on sensitive personal data such as biometrics and setting limits on cross-border transfers. The Act established the Information Regulator, an independent body empowered to investigate complaints, issue fines, and enforce compliance. For civil society actors, this provides a potential avenue for redress when personal data is mishandled by state or private entities. However, implementation has been inconsistent and enforcement capacity remains limited, with many private actors using surveillance tools such as CCTV and facial recognition without transparency or compliance with POPIA .

Further concerns emerged following the enactment of the General Intelligence Laws Amendment Act. The Act retains vague definitions of "national security" and "national security threat", leaving room for arbitrary interpretation and potential abuse by intelligence agencies. In April 2024, the State Security Agency (SSA) subjected Moshoeshoe Monare, the then Group Executive for News and Current Affairs at the South African Broadcasting Corporation (SABC), to high-level security vetting ahead of the national elections. This reportedly included a request for a polygraph test, which he refused. Several other SABC employees were also asked to undergo similar testing, despite having long-standing careers at the public broadcaster. These actions were reportedly linked to the leak of a recording involving President Cyril Ramaphosa discussing media coverage of the ruling party. Although the vetting was justified under the Critical Infrastructure framework, civil society organisations including the Campaign for Free Expression argued that such measures are intended for security personnel, not journalists. They warned that these actions undermine editorial independence and signal increased state scrutiny of the media

For civil society, these developments present a double-edged sword. On one hand, the strengthening of privacy protections through constitutional rulings and data protection law provides important safeguards. On the other hand, delays in reform, lack of robust enforcement, and the persistence of vague surveillance powers create an environment where the risk of abuse remains high. Civil society actors have reported chilling effects, with some activists and journalists concerned that state surveillance and online harassment may be used to intimidate them or undermine their work.

Digital Accessibility

South Africa's digital accessibility landscape has seen significant progress, though notable gaps remain that affect CSOs and the broader public. As of early 2025, approximately 78.9 % of the population, or around 50.8 million people, had access to the internet, largely through mobile devices. Government initiatives such as SA Connect aim to expand broadband access, particularly in rural and underserved areas, with Phase 2 targeting connectivity for over 5.5 million additional households. These infrastructure improvements have been complemented by efforts to enhance digital skills through the National Digital and Future Skills Strategy, which established the National Digital Skills Forum in 2024. Programmes such as the "Ya Rona Digital" initiative have trained tens of thousands of youth in basic digital literacy, while specialised training for municipal officials strengthens capacity for digital engagement and public service delivery.

Despite these advances, meaningful access remains uneven. About one in five South Africans remain offline, with affordability, unreliable connectivity, and slower broadband speeds disproportionately affecting rural and marginalised communities. Digital literacy is uneven, with older populations, those with limited formal education, and people with disabilities often facing significant barriers. Studies indicate that persons with disabilities continue to struggle with accessing online platforms due to limited assistive technologies and low adoption of inclusive design practices. For CSOs, these disparities translate into challenges in online advocacy, digital campaigning, public service engagement, and broader civic participation. Smaller CSOs, particularly those operating in rural areas, lack both the connectivity and technical capacity to participate fully in online processes, limiting their visibility and impact.

While South Africa has made strides in expanding access and skills, the combination of persistent offline populations, uneven digital literacy, and accessibility barriers means that many CSOs and citizens are still constrained in their ability to engage effectively online. Addressing these gaps remains crucial to ensure inclusive digital participation, equitable access to information, and strengthened civic engagement across all sectors of society.

C) Recommendations

The following recommendations aim to strengthen the enabling environment for CSOs by fostering collaboration between government, oversight institutions and civil society to enhance accountability, safeguard civic freedoms, and promote inclusive participation in governance and development processes.

1. Civil society organisations (CSOs)

- Work together, forming coalitions and alliances to present unified positions when engaging in policymaking, legislative consultations, and governance forums.
- Engage in joint public education campaigns to highlight the role of civil society, human rights, and civic participation.
- Stay updated and informed about changes to the NPO Act and related legislation to ensure full legal compliance.
- Strengthen internal compliance by implementing systems for timely reporting, transparent governance, and proper financial management to meet regulatory and donor requirements.
- Work with other CSOs to share best practices and adopt digital platforms, such as the DSD's new compliance system, to streamline processes and enhance accountability.

2. Department of Social Development (DSD)

- Simplify registration and compliance by introducing tiered reporting based on size and risk, supported by a user-friendly, multilingual digital system accessible in low-connectivity areas.
- Enhance capacity-building for smaller organisations through training on governance, AML/CFT, financial management, and tax compliance to reduce unintentional non-compliance.
- Ensure equitable access to funding through timely grant disbursement and transparent mechanisms that prevent administrative bias.

3. National Treasury and Financial Intelligence Centre (FIC)

- Adopt a risk-based approach to FATF compliance that differentiates between small community CSOs and large NGOs.
- Coordinate frameworks among FIC, SARS, and DSD to streamline compliance, minimise duplication, and protect legitimate funding flows.
- Institutionalise dialogue with CSOs to ensure AML/CFT policies do not restrict freedom of association or access to resources.

4. **South African Reserve Bank (SARB)**

- Develop standardised guidelines ensuring fair access to financial services for CSOs, voluntary associations, and trusts.
- Prevent de-risking practices by establishing a CSO banking support desk and a verified "trusted CSO registry" to simplify compliance screening.
- Engage with financial institutions to ensure AML/KYC procedures are proportionate and transparent.

5. **National Development Agency (NDA) and National Lotteries Commission (NLC)**

- NDA: Introduce mentorship programmes pairing established CSOs with small or rural organisations to strengthen governance, fundraising, and project management; and publish transparent annual reports on grant recipients and criteria.
- NLC: Should prioritise clearing backlogs in grant applications and ensure transparent, predictable timelines for disbursements to reduce disruptions and uncertainty.
- NLC: Should simplify its funding processes by making grant applications and proposal formats easier to follow, especially for small and rural CSOs, using clear guidelines and templates to reduce administrative burdens and encourage wider participation. In addition, NLC should strengthen transparency and accountability by publishing clear funding criteria, timelines, and decision-making processes as well as regularly disclosing information on approved and rejected applications.

6. **South African Revenue Service (SARS)**

- Simplify Section 18A compliance by creating online tools and grace periods for small CSOs struggling with IT3(d) reporting obligations.
- Conduct joint capacity-building workshops with DSD and Treasury on tax exemption, donor eligibility, and compliance.

7. **International Donors and Development Partners**

- Involve CSOs in setting funding priorities and timelines to ensure local relevance and responsiveness.
- Increase flexibility in grant use by allowing limited reallocation of project funds in response to emerging community needs.
- Support operational funding by allocating a portion of all grants to core organisational costs to ensure sustainability beyond project cycles.

8. **Government Communication and Information System**

- Strengthen PAIA implementation through regular audits, uniform templates, and training to improve responsiveness to information requests.
- Promote civic awareness via national campaigns educating citizens and CSOs about access to information rights.
- Enhance inclusive engagement by training officials to engage constructively with CSOs and monitor how public inputs shape policy.

9. **Parliament of South Africa and the Office of the Auditor-General**

- Parliament should provide adequate notice and accessible documentation for consultations, ensure representation of marginalised groups, and implement feedback mechanisms showing how public submissions influence policy.
- The Auditor-General should publish findings in accessible formats and conduct regular audits on inclusivity and participation in governance processes.

10. Chapter 9 Institutions

- Hold regular consultations translating oversight findings into actionable reforms.
- Provide technical support to integrate women's, youth, and minority perspectives into policymaking.
- Establish rapid-response mechanisms to address intimidation or exclusion of CSOs, particularly those defending migrants, refugees, and LGBTIQ persons.

11. Cybercrime Units

- Establish specialised units to protect CSOs, journalists, and human rights defenders from online harassment, phishing, hacking, and targeted cyberattacks.
- Develop reporting channels and rapid-response protocols to address digital threats against civil society actors efficiently.

12. Department of Justice and Constitutional Development (DoJ&CD)

- Accelerate the finalisation of the Whistleblower Protection Bill and adopt a model law aligned with the Guidelines on Freedom of Association and Assembly (FoAA) to strengthen the protection framework for human rights defenders (HRDs).
- Establish a dedicated mechanism to investigate threats, harassment, and killings of HRDs, ensuring timely prosecutions and effective protection for activists.
- Enhance judicial oversight to prevent the misuse of protection and gag orders aimed at silencing journalists, whistleblowers, and civil society actors, thereby safeguarding freedom of expression and accountability.
- Accelerate oversight reforms under RICA and ensure constitutional safeguards in surveillance laws.

13. Film and Publication Board (FPB)

- Promote transparency in content regulation under the Films and Publications Act through structured consultation with civil society.

14. Information Regulator

- Enhance enforcement under POPIA to prevent misuse of personal data by both state and private actors.

15. Department of Women, Youth and Persons with Disabilities (DWYPD)

- Develop proactive measures to increase women's and youth representation in decision-making bodies.
- Collaborate with CSOs to identify and address barriers limiting their participation.

16. Department of Basic Education (DBE)

- Expand civic education through school and community programmes that promote democratic participation.
- Integrate digital and civic education into curricula and training platforms, targeting marginalised and rural groups.
- Support youth engagement via digital advocacy tools and peer-led platforms.

17. National Dialogue and International Engagement Platforms

- Ensure transparency and inclusion by publicising event budgets, selection criteria, and post-dialogue reports.
- Guarantee equitable representation for small or rural organisations, women and youth through travel support and accessible digital participation.
- Link global and national advocacy by ensuring domestic implementation of commitments made at platforms like the C20 and other civil society engagement platforms within the G20 process.

18. South African Police Service (SAPS)

- SAPS should respect citizens' constitutional right to peaceful assembly by properly applying the Regulation of Gatherings Act, avoid excessive force during protests and prioritise negotiation and de-escalation.
- SAPS should receive training on human rights and crowd management, establish accountability for violations, and engage with communities to facilitate safe and lawful demonstrations.

D) Research Process

Each principle encompasses various dimensions which are assessed and aggregated to provide quantitative scores per principle. These scores reflect the degree to which the environment within the country enables or disables the work of civil society. Scores are on a five-category scale defined as: fully disabling (1), disabling (2), partially enabling (3), enabling (4), and fully enabling (5). To complement the scores, this report provides a narrative analysis of the enabling or disabling environment for civil society, identifying strengths and weaknesses as well as offering recommendations. The process of drafting the analysis is led by Network Members; the consortium provides quality control and editorial oversight before publication.

For Principle 1 - which evaluates respect for and protection of freedom of association and peaceful assembly - the score integrates data from the CIVICUS Monitor. However, for Principles 2–6, the availability of yearly updated external quantitative indicators for the 86 countries part of the EUSEE programme are either limited or non-existent. To address this, Network Members convene a panel of representatives of civil society and experts once a year. This panel uses a set of guiding questions to assess the status of each principle and its dimensions within the country. The discussions are supported by secondary sources, such as V-Dem, the Bertelsmann Stiftung Governance Index, the RTI Rating from the Centre for Law and Democracy, and other trusted resources. These sources provide benchmarks for measuring similar dimensions and are complemented by primary data collection and other secondary sources of information available for the country. Guided by these deliberations, the panel assigns scores for each dimension, which the Network Members submit to the Consortium, accompanied by detailed justifications that reflect the country's specific context. To determine a single score per principle, the scores assigned to each dimension are aggregated using a weighted average, reflecting the relative importance of each dimension within the principle. This approach balances diverse perspectives while maintaining a structured and objective evaluation framework.

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