

10 August 2025

Department of Communications and Digital TechnologiesPer email: fwpsa2025@dcdt.gov.za.

To whom it may concern

DRAFT WHITE PAPER ON AUDIO AND AUDIOVISUAL MEDIA SERVICES AND ONLINE SAFETY

1. The Internet Service Providers' Association (ISPA) has noted the publication for comment of the Draft White Paper on Audio and Audiovisual Media Services and Online Safety.
2. Although delays in modernizing policy on broadcasting are regrettable, ISPA supports the approach of rebooting the policy process and setting out a framework for moving forward which recognizes the complexity of the subject matter.
3. ISPA has noted the provisions of the Draft Policy relating to a separate process for establishing an ombudsman for online safety and media regulation.
 - 3.1. This process is supported, and ISPA looks forward to participating.
 - 3.2. ISPA has noted the work of Media Monitoring Africa and others in promoting the creation of such an ombud and has engaged with the Competition Commission which is considering similar recommendations in the final report on its inquiry into the media and digital platform markets (scheduled to be published on 22 August 2025).
 - 3.3. Further ISPA is reviewing and responding to the working paper on content moderation for social media published by the Commission on 7 August 2025¹. This document - which is open for comment - and the responses it will elicit are directly relevant to what is being proposed in the Draft Policy (notwithstanding the difference between social media platforms and audiovisual media services platforms).
 - 3.4. ISPA requests that the DCDT and the Commission ensure that their processes and outputs are closely aligned. Specific care should be taken in defining the jurisdiction of the ombud (having more than one ombud for online content regulation is not supported).
4. With reference to paragraph 5.5 of the Draft Policy relating to over-the-top services (OTTs), ISPA anticipates that there will be efforts by mobile network operators to hijack this process for the purpose of advancing their own agenda relating to "fair share". ISPA is encouraged by the specific reference to

¹ Reviewing South Africa's Content Moderation for Social Media Platforms: The Draft White Paper on Audio and Audiovisual Media Services and Online Content Safety Policy Framework, Electronic Communications and Transactions Act 25 of 2002, and an Online Integrity Ombudsman Model. Available from <https://www.compcom.co.za/wp-content/uploads/2025/08/Reviewing-South-Africas-Content-Moderation-for-Social-Media-Platforms-August-2025.pdf>.

regulatory parity with broadcasting licensees and gives notice that it will oppose any attempt to translate this into the telecommunications space.

5. ISPA is concerned that the Draft Policy does not deal with online harms as a discrete issue broader than disinformation and misinformation. The drafters will be aware of developments relating to age verification to prevent access to adult content and age-related restrictions on use of social media in a number of jurisdictions, including the UK, Australia and several states in the USA.
6. The recent consent order sanctioned by the High Court in the matter of The Digital Law Company Inc v Meta relating to content falling within the legal definition of “child pornography” distributed over WhatsApp channels speaks to the prevalence and impact of online harms in South Africa.
7. In ISPA’s view online harms should be their own area of focus. ISPA will argue in the course of the relevant processes for the work of the Commission and the implementation of the finalised AAVMS policy to have as an output a separate policy framework for online harms.

regards

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ISPA Chair