



# A NEW NORMAL?

REFLECTIONS ON THE EFFECTS OF COVID-19 AND LESSONS LEARNED FOR "BUILDING BACK BETTER".

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ISOBEL FRYE

# DIRECTOR'S NOTE

This is the first edition of SPII Talk for 2021 and we have much to celebrate as an institute. We have been joined by a great class of interns, and they write for SPII Talk for the first time in this edition. Being able to return to the office space has enabled us to bring far more people into our space, to introduce people to the world not only of work, but a progressive space of activist work.

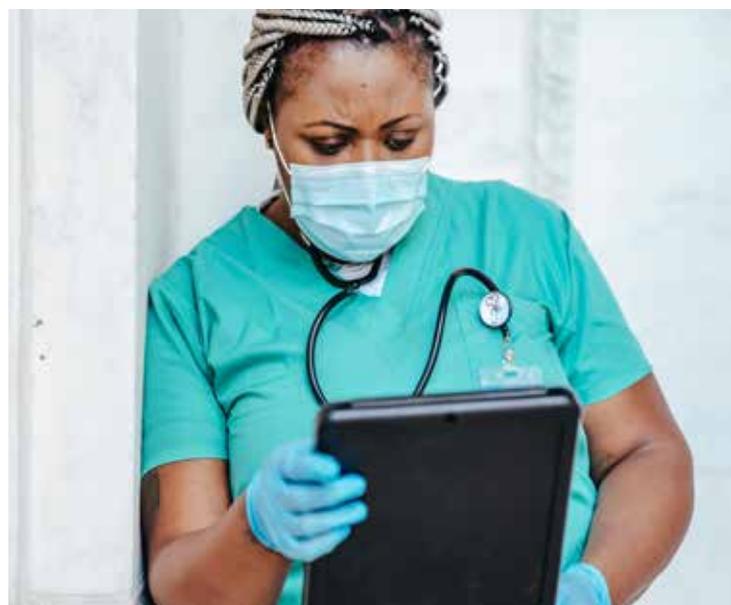
It is difficult these days to find reasons for great optimism. The rising trajectory of unemployment continues and we anticipate these figures to rise with the 2021 cohort of new labour market entrants fresh from high school. The articles that follow each highlight a specific vulnerability exacerbated by COVID- 19 in South Africa in recent months. This is not to say that we decry all the state actions and interventions. We hail the rapid decisions that were taken and the coming together of the private and the public as people joined hands in early lockdown days.

What has sadly emerged as days have turned into weeks, months and a year, is that the thrust of our recovery priorities and interventions have been for the elite and not the majority of South Africans.

The failure of the state education system coupled with the begrudging and vastly flawed roll out of measly cash grants basically suggest a nation in which neither the daily needs of the majority nor the possibility of any future mobility out of poverty matter.

If you begrudge an unemployed adult woman R350 per month, why are you bothering to vaccinate her? Or is it just so that herd immunity will be reached, reducing the possible future exposure for those safe in comfort?

This pandemic held the possibility for a radical rescue and resuscitation of a democracy that was failing in its primary guarantees of equality, life and dignity for all. The acceleration of a linked up National Health System, the adoption of a universal basic income grant, the concerted effort to tax idle wealth and shock our moribund monetary policy – all these great and grand plans faded as time passed. We sit with the skin and bones of our democratic vision, but even now those who could make a difference, won't.



# THE DISPROPORTIONALITY OF TARGETED SOCIAL RELIEF MEASURES DURING LOCKDOWN: IS THE SOCIAL RELIEF OF DISTRESS GRANT A HIT OR MISS?



LELONA MXESIBE

Like many countries across the world, South Africa's response to the emergence of the COVID-19 pandemic was thought to be rapid. In efforts to curb the fast spread of the virus, economic activity was suspended and stringent regulations that limited social mobility were imposed. Limiting people's ability to interact and participate in the economy led to more than 3 million jobs being lost, causing devastating effects on livelihoods and the labour market under strict lockdown regulations.

The effects of the pandemic were so adverse that even with an eventual phased re-opening of the economy, recovery could not have been expected to happen overnight. Much research has shown that low-income households have been disproportionately affected by the widespread retrenchments and reduced working hours during lockdown. Loss of employment for individuals who live in the poorest households accounted for 35% of total retrenchments that took place between February and April 2020. This shockingly means that 1 in every 3 people who lost their jobs was from a low income household.

In an attempt to mitigate the devastating effects of the pandemic, the government announced that there would be increases to existing social grants, as well as the introduction of the special COVID-19 grant known as the Social Relief of Distress (SRD) grant from May until October 2020.

Cash transfers have been used as an effective mechanism for social security programs since the dawn of democracy in South Africa. Vulnerable groups in society such as the elderly, children and the disabled have been identified as needing monetary assistance from the state. The inclusion of the 'non-white' population to this safety net in 1961 was marked with administrative delays and corruption- challenges that are unfortunately still prevalent today.

Disproportionality is the reason why the lockdown was thought to be bad for some, while being unbearable for others. And as with any target - some darts may land on the bull's eye, while others fall far from the mark.

**Target hit: the national roll-out of the SRD grant has brought millions of South Africans into the system of social security.**

The introduction of the SRD grant was a welcomed step in the right direction for many reasons. One of which was that it spoke directly to the long since overlooked portion of the population that were between the ages of 18-59, unemployed and not receiving any other form of social assistance.

Before the SRD cash transfer, the social protection system was heavily misguided by the assumption that it was only the elderly, minors and the disabled that qualified for state assistance. Those who do not fall into any of the grant categories are deemed self-sufficient and able to live unassisted lives. This conservative view, however, neglects to take into account societal ills such as poverty, structural unemployment and inequality that continue to plague democratic South Africa.

**Target hit: the decision to increase already existing social grants and introduce the SRD grant were proven pro-poor relief measures.**

With a third of retrenched individuals being from low-income households, being able to apply for and receive R350 per month for the past ten months has provided some solace in the face of destitution. Research shows that periodic cash payments improve buying power and helped to stimulate the economy after the harsh lockdown. It has also been shown that the majority of grant recipients in South Africa reside in low-income rural areas - meaning that cash payments contribute to the growth of informal economies.

The top-ups to the existing grants were immense aid in softening the economic devastations in 2020 - especially given that many schools were closed and millions of children could no longer benefit from the school feeding schemes. The increases to social security also meant that individuals could better afford basic household necessities.

**Target miss: the most vulnerable groups in society are women and children, and yet they are the ones excluded from being eligible for the SRD.**

National income data shows that 2 out of 3 recipients of the Social Relief of Distress grant were men, but also 2 out of 3 people who lost their jobs between February and April of 2020 were women. This puts the high level of disproportionality into perspective. Women were the ones hardest hit by the immediate shutting down of the economy, and yet it was men who benefited more from the SRD. Women bear the responsibility of social reproduction and directly affect the livelihoods of many members in a given household. Data also shows that grants received by women directly benefited others in the household, and not just the recipient. The ineligibility of caregivers to receive the SRD grant does not speak to effective targeting of this relief measure.

**Target miss: the exclusion errors caused by maladministration are regressive.**

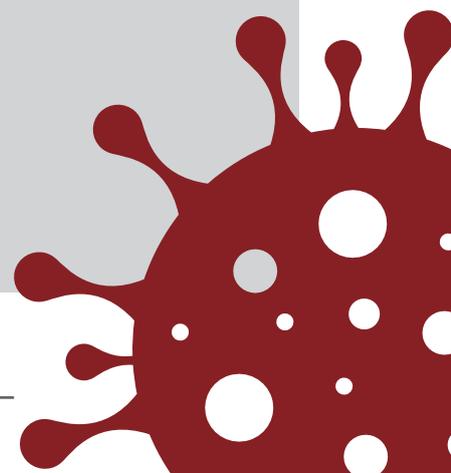
Millions of eligible individuals reported not receiving any form of social relief during 2020 (this also extends to food parcels and the Temporary Employee Relief Scheme). Research shows that only 2 out of 5 people who qualified to receive the SRD actually obtained it. This massive undercoverage could arguably be attributed to the maladministration of the provincial grant distribution systems. This is also evidenced by the high number of recipients who reported getting the SRD grant despite not being in distress. This is especially unfortunate given that more than 3 million people who applied but did not receive the SRD were in the poorest households in South Africa.

Experts predict it will take more than three years for the economy to slightly recover from the effects of the pandemic, while the social relief of distress grant was only extended for three months in February 2021.

We speak of disproportionality today because of the stubborn social ills that have persisted throughout the democratic era. Issues like chronic poverty, deepening inequality and worsening unemployment are always felt the most by the historically disadvantaged in society. The hardships and vulnerabilities that the COVID-19 pandemic has exacerbated can no longer be called the new 'normal'. In a collective effort to 'build back better', we cannot continue to normalise or turn a privileged eye on these toxic social issues. We need basic income support and better economic reforms to lay the foundation for building back. Complacency is the enemy of any development.



## **SOCIAL RELIEF OF DISTRESS GRANT**



# THE WAR ON WOMEN'S BODIES PERPETUATED BY THE EFFECTS OF LOCKDOWN REGULATIONS AMID COVID-19

LEHLOHONOLO KEKANA



The spread of Covid-19 brought the country to a halt. While lockdown regulations were implemented to help control the spread of Covid-19, they exposed many of the country's issues, one of these being the deep-seated culture of violence that continues to act as a cancer that pervades every part of our society. As a country we experienced an emergence of violence from military forces, police forces on the streets and a recurring attack of gender-based violence within individual households. As such, the lock down regulations that were intended for controlling the community-wide infections through limiting face-to-face contacts worsened and perpetuated this climate of violence in and around our country. Gender-based violence was of considerable concern in the wake

of this violence. In so many ways, the gender-based violence that transpired during this difficult time represented a pandemic within a pandemic with femicide, sexual and psychological violence becoming a habitual theme amid this new way of living imposed by lockdown regulations.

With regulations confining people into their homes with no escape, minister of Police, Bheki Cele noted on the 2nd of April 2020 that within the first 21 days of the lockdown an estimated 87 000 phone calls were being made to the police reporting gender-based violence<sup>1</sup>. It has been suggested in society that alcohol makes men violent, and that alcohol is one of the leading causes of gender-based violence. However, the figures that were recorded within the first 21 days of lockdown narrated a different story because while alcohol consumption was hindered by the alcohol ban imposed by lockdown regulations women were still being brutalized. Such conditions conjure up thoughts that question the measures put

in place by government to help women out of this war against their bodies.

In response to the rising rates of gender-based violence amid the pandemic in South Africa, the government initiated a Special Rapporteur on violence against women on November 2020<sup>2</sup>. The aim of this initiative is to prevent femicide and violence against women through gathering data on the rates of gender-based violence from a regional and national level, and analysing this data from a human rights perspective. In essence, this data is scrutinized as a way of determining the various shortcomings within laws and policies to guide future prevention measures. However, the problem with this initiative is that it only focused on reported cases and neglected unreported ones. So in gathering this information, the government needs to acknowledge and include in their analysis that there are unreported cases that go unnoticed and figure out a way on how to account for this cases

in order to make a more informed policy decision.

The reality is that there are a number of gender-based violence cases that go unnoticed and there are a number of reasons why most of these cases may not have been reported to the police. Some of these reasons may be linked to economic dependence. As more women lost their jobs due to lockdown regulations, especially in the informal sector, they became economically dependent on their husbands and boyfriends. As a result, reporting a case of domestic violence could mean losing a breadwinner in a time where getting a job is almost impossible. This necessitates the dire need for social grants directed at empowering women and unshackling them from the chains of economic dependence. I believe these grants can pave the way to breaking the silence and decrease the social tolerance of gender-based violence by individuals who are afraid to report cases of gender-based violence.

What was more ironic about gender-based violence amid the pandemic in South Africa is that the government-supported lockdown regulations were seen

as the main driver behind the reduced crime rates<sup>3</sup>. However, there was an alarming number of gender-based violence cases highlighted on social media platforms, newspapers, television and various other platforms, that narrated a different story of how women were being victims of crime. Thus, this statement that lockdown regulations reduced crime rates, to a certain extent, insinuates that the government does not recognise gender-based violence as a crime because there were femicides that brought the country to a halt sparking discussions about the war on women's bodies and how women still find themselves in a daily reality of living in fear. If anything, this increased violence towards women points to how lockdown regulations disconnected women from their support networks and prevented them from getting the help they required.

It is quite evident that while lockdown regulations as a result of the Covid-19 pandemic have proven to be an effective strategy in minimizing the spread of infections, they have also given birth to a myriad of problems for women, in particular, to grapple with. Such problems also draw

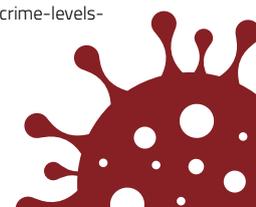
attention to the consequences of gender inequality prevalent in our communities. As such, these regressive effects of gender inequality on women, further perpetuated by the Covid-19 pandemic, are an indication of how women are still prey to the callous nature of men, society and the economy at large. Because while women were losing more jobs than men and having to carry the burden of unpaid care work they still had to come to grips with violence exerted on their bodies.

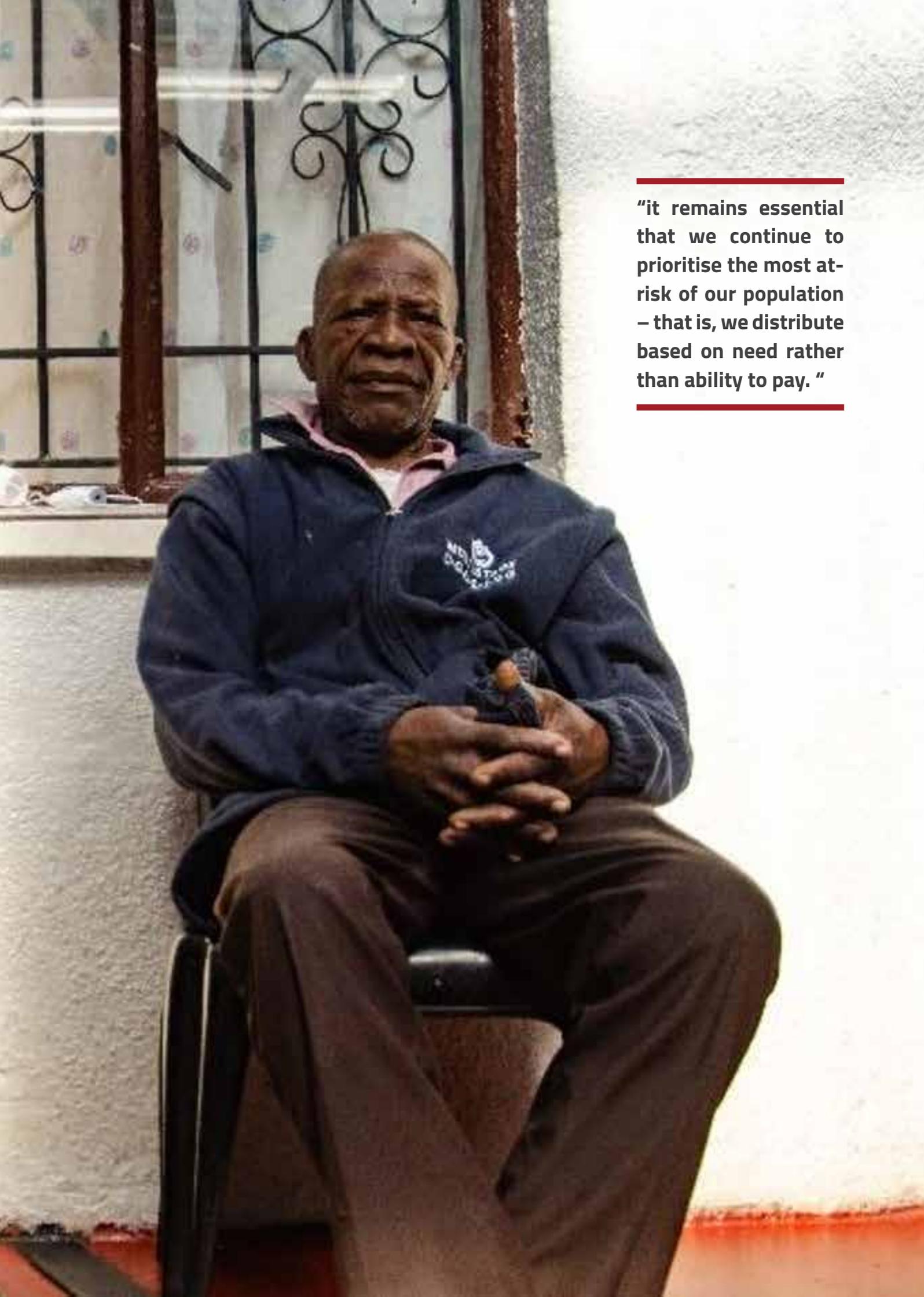
These are the issues that continue to be overlooked by the government, and in order to tackle them, the government needs to reimagine policies and the structure of support networks in a way that they become more accessible to women especially amid a pandemic. There is a dire need for policies that focus on empowering women and ensuring that they have all the tools they need to be perceived equally in society. It is evident that Gender based violence and femicide are a reality for a lot of women in the country, and the efforts being made by the government seem to be doing very little to help remedy this situation.

<sup>1</sup>Grobler, Riaan, Police minister thrilled about decrease in violent crimes during lockdown, News24. April 2020. Available at <https://www.news24.com/news24/SouthAfrica/News/police-minister-thrilled-about-decrease-in-violent-crimes-during-lockdown-20200405> . Accessed on 18 March 2021.

<sup>2</sup>The Department of Women, Youth and Persons with Disabilities. SOUTH AFRICA'S RESPONSE TO THE REQUEST BY THE SPECIAL RAPPOORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES ON THE COLLECTION OF INFORMATION ON PREVENTION ACTIVITIES, INCLUDING THROUGH THE COLLECTION OF DATA ON FEMICIDE OR GENDER RELATED KILLINGS OF WOMEN. 2020. Available at <https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/2020/States/submission-south-africa.pdf>. Accessed on 17 March 2021.

<sup>3</sup>South African Government News Agency, Crime levels decrease during lockdown, April 2020, Available at <https://www.sanews.gov.za/south-africa/crime-levels-decrease-during-lockdown> Accessed on 13 April 2021





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**“it remains essential that we continue to prioritise the most at-risk of our population – that is, we distribute based on need rather than ability to pay.”**

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# FAIR VACCINE ACCESS FOR ALL? PLACING THE MOST AT-RISK IN THE FRONT OF THE QUEUE



HANNAH ATKINS

Earlier this year, South Africa began the slow process of vaccinating our approximately 1,2 million healthcare workers. This is the first stage of our Covid-19 vaccination rollout, which has prioritised our frontline healthcare workers as the first recipients. And, on 31 March, President Cyril Ramaphosa announced a timeline to roll out Phase 2 and Phase 3, extending to the rest of the population. However, as the availability of vaccines increases, it remains essential that we continue to prioritise the most at-risk of our population – that is, we distribute based on need rather than ability to pay.

The right to vaccinations, which form a critical part of healthcare, is enshrined in several international, regional and national laws and treaties to which South Africa is

a signatory. These include Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 16 of the African Union Charter on Human and Peoples' Rights, the SADC Protocol on Health, and Section 27 of our own Bill of Rights.

With an immense demand and limited supply, a fair national vaccination process means that those with money do not get to jump ahead in the queue of the most vulnerable as determined by health authorities. This has the potential to conflict with our dual public-private healthcare system, where access to treatment is often dependent on one's ability to pay. The huge disparities that exist between the two have always been evident, but were truly driven to the fore during the Covid-19 pandemic. What does our dual system mean for the procurement and distribution of vaccines?

The desire for private access to vaccines has already been made clear by certain actors in South Africa. For example,

earlier this year, Solidarity and Afriforum brought a case against the Department of Health in an attempt to prevent the nationalization of the vaccine process. A responding government affidavit clarified that there were no restrictions preventing the private sector from purchasing vaccines.

Meanwhile, the Western Cape has indicated that while it supports the national rollout, it will also seek out additional pathways to secure vaccines. Will we replicate on a local level what has happened on a global scale – wealthier nations buying up vaccines to the detriment of those in the Global South?

While vaccine manufacturers are currently only selling in large quantities to governments, this may be subject to change in the future. And what happens if it does? Will we simply replicate the existing socio-inequalities that pervade the South African landscape, where middle class suburbanites are ensconced in their vaccinated bubble, while

those on lower income strata, who rely on often-crowded public transport and work jobs that cannot be done remotely, continue to bear the brunt of Covid-19?

In a just world, finances should not play a role when it comes to the provision of healthcare. And life-saving medicine sold at exorbitant profit is unethical. Famously, when the inventor of the polio vaccine, Jonas Salk, was asked who owned the patent to the vaccine, he replied "The people, I would say. There is no patent. Could you patent the sun?"<sup>4</sup>

The initial plan put forth by the government is that as the sole vaccine provider, they will set a single exit price (SEP) for the vaccines to be sold to medical schemes. The price will be high enough that each member of a private medical scheme will subsidize at least one, if not two other vaccinations. However, as of yet (13 April 2021) there do not appear to be any concrete plans outlining how this will all work, whether all the schemes will be on board, and what this single exit price will be.

Not only are there massive health inequalities between the private

and public sector, but between the rural-urban divide as well. Any vaccine rollout plan needs to be carefully "rural-proofed", that is, adequately addressing the rural context which has to account for poor infrastructure, longer distances to health centres over difficult terrain, lack of equipment and resources, as well as a shortage of healthcare personnel. Particularly relevant is the fact that these vaccines need to be stored and transported at a very specific temperature range in order to remain viable.

Ultimately we need to take into account the nature of this evolving virus. In order to achieve herd immunity and reduce transmission, we need to vaccinate at least 40 million people, or 67% of our population. Wherever the funds come from, we need to get as many people vaccinated as possible before another variant evolves that makes our existing vaccines less efficient. In other words, time is of the essence, and financial privilege offers little protection here.

Some of the stumbling blocks in just getting vaccines to South Africa include patents and manufacturing agreements, trade embargos and export restrictions, in addition to financing. Once

we are able to secure a steady supply for the country, issues such as socio-economic status and citizenship should not act as barriers to the ultimate goal: saving lives through mass vaccination efforts.

The lessons learnt during this pandemic are many, but one that is relevant here is the clear need for an accelerated implementation of our National Health Insurance (NHI), a health financing system that is designed to pool funds to provide access to quality affordable personal health services for all South Africans based on their health needs, irrespective of their socio-economic status. It has been in the works since 2012, and is only expected to be finalised in 2026<sup>5</sup>.

The refrain "No one is safe until everyone is safe" has become a popular catchphrase associated with Covid-19 vaccine development and rollout. And it's true – while the NHI system may still be years away, the ethos of healthcare for all regardless of means needs to inform our current actions. It is only through concerted, collaborative effort that we can safeguard the most vulnerable members of our society, and ultimately bring the Covid-19 pandemic under control.

<sup>4</sup>WNYC Studios. "Could you patent the sun? (12 December 2016) Available at: <https://www.wnycstudios.org/podcasts/takeaway/segments/retro-report-patenting-sun>. Accessed on 13 April 2021.

<sup>5</sup>Gov.za "National Health Insurance." Available at: <https://www.gov.za/about-government/government-programmes/national-health-insurance-0>. Accessed on 13 April 2021.



# FOOD INSECURITY IN COVID-19 AND THE POLITICS BEHIND FOOD AID PARCEL DISTRIBUTION.

People achieve food security when they have physical and socio-economic access to nutritious and safe food<sup>6</sup>. This food should meet citizen's dietary needs by providing the relevant vitamins and energy for people to lead a healthy and active life. Tenets such as accelerating global warming, industrialisation, and income growth determine whether cities will have enough food to feed the growing population. However, 1.7 million households across the country (accounting for 6.8 million people) have been struggling with meeting their daily food intake from the year 2017.



**KHABHONINA MASANGO**

This is due to lagging economic growth that has caused poverty and unemployment across the country, and the lack of effective urban planning for cities to reach sustainable development and meet the needs of citizens. When the Gross Domestic Product (GDP) of South Africa fell for

the 4th consecutive quarter in September 2020, South Africa saw the plethora of social injustices intensify<sup>7</sup>.

Food insecurity in South Africa rose by 5%<sup>8</sup> in 2020 during the stricter lockdown regulations, which affected 9.34 million people across South Africa. This left 806 people dying from hunger over the 35 days of the Alert Level 5 Covid-19 Lockdown restrictions in 2020 and rising food riots in the poorest of communities in cities such as Cape Town<sup>9</sup>. Since the lockdown measures saw South Africa's biggest economic

decline for 2020 resulting in a -51% annualised growth rate in the second quarter of 2020, where over 2.2 million citizens lost their jobs in 2020<sup>10</sup>. The loss of income resulted in the head of households lose their purchasing power. For primary caretakers who did not lose their jobs, had more mouths to feed now due to schools being closed due to the lockdown restrictions. The closing of schools resulted in children who rely on the National School Feeding Programme to getting their only meal for the day to now looking towards primary care givers to providing them with food. This is major concern, with rising food prices that limit care givers to purchasing enough food for everyone in the house especially in low – income or informal communities. Thus, rising food prices, food shortages and hunger has resulted in South Africans needing social relief in the form of a food aid parcel distribution campaign in both the urban and rural centres.

The food aid parcel distribution programme was implemented to distribute food aid parcels to the most vulnerable families across the country to combat hunger and food insecurity. South Africa's government national departments allocated R53 million from the Solidarity Fund to provide emergency food parcels to the value of R700 per household. In April 2020, about 58 000

households of the 17.16 million South African households had already received food aid parcels through the Community Nutrition Development Centres (CNDCs)<sup>11</sup> distributed by the provincial governments. According to public opinio<sup>12</sup>, many of the efforts made by government, civil society and ordinary citizens are have been reaching the necessary targets. However this is actually not the case, citizens' needs were not met and are still struggling to get food. This is because of the excessive corruption that the food aid parcel distribution network had fallen prey too in both the national and in local scale<sup>13</sup>.

In the Kwa Zulu Natal province, R25 million was spent on food parcels, however in October 2021, 5 months into the national lockdown, it was found that food parcels were lying in clusters within national department offices not delivered to local municipalities for distribution. The defence was that the government experienced complex delivery issues, challenges with suppliers and were waiting for the food to be analysed for their nutritional value by certified nutritionist<sup>14</sup>. However, it was the mismanagement of funds and corruption in the tender bidding processes that created the stalling of food aid parcels distributio<sup>15</sup>. This lack of urgency and carelessness by the national and provincial departments caused millions of citizens to go to

bed starving during those months. There is a national consensus in local communities that incidents of food looting and corruption was carried out by those in charge, being ward councillors and heads of block committee<sup>16</sup>. Councillors conducted home visits within communities and added names on the food aid parcel distribution database lists.

However, food aid parcels were not given to families that were in need. According to Mlaba from IOL, food aid parcels were diverted to patronage networks close to them using community members Identity numbers, where some food aid parcels went on to be sold off for profit. In parts of Gauteng and Kwa-Zulu natal, there were instances where ward councillors demanded food aid parcel donations from businesses that never reached the intended recipients<sup>17</sup>. This has since created distrust between local businesses and public servants causing a rift between the government and the people. The distribution of the parcels also ended up being a political game where ANC and DA councillors were accused of distributing food parcels to their own constituencies. Ultimately leaving out vulnerable citizens who were in dire need that resided in wards controlled by the political opposition groups<sup>18</sup>.

Food insecurity speaks to country's general poverty and

inequality concerns, specifically in low – income and informal communities within cities of South Africa. The covid-19 pandemic exacerbated poverty and inequality and the national governments inadequate implementation strategies to provide social relief. The excessive alleged corruption left millions of citizens starving during the Alert Level 5 national Lockdown restrictions, whilst creating food riots across South African cities such as Cape Town.

The food aid parcel distribution programme is not a plausible strategy to combat hunger and starvation in South Africa, especially during a global pandemic. This has been apparent as less than 60 000 households have received food aid parcels out of 17.6 million households that South Africa has. The lack of proper distribution channels South African municipalities possess will need a better project design strategy to reconstruct them. Thus, the municipalities are incapable of reaching all households in South Africa in dire need of social relief from the food aid parcels. An alternative would be to implement a cash transfer relief for food shortages such as that Covid-19 Social relief grant. Currently, under the Solidarity Fund, each food aid parcel is worth R700, thus the national Department of Social Development of the South African government can convert food aid parcels to cash transfers to citizens of the same amount. This cash transfer strategy can be implemented through SASSA, the same way all South African grants are distributed. This will ensure that more households receive social relief from food shortages and solve the current hunger and starvation concern in South Africa.

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during a global pandemic.**

<sup>6</sup>FAO., 2002. Anti Hunger Programme (AHP): reducing hunger through agriculture and rural development and wider access to food. FAO, Rome.

<sup>7</sup>This resulted in a – 51% annual growth rate by September 2020. The lowest it has ever been since 2012. Mlaba, K., 2020. 3 things that have increased food insecurity in South Africa this year, Global Citizen, Johannesburg, 27 October. INTERNET: <https://www.globalcitizen.org/en/content/issues-increase-food-insecurity-south-africa-covid/> last accessed 16 March 2021.

<sup>8</sup>Food insecurity rose by 16% in 2020. The consequences were seen mostly in September / October when the country was in the state of recovery. Mkhabela, T., 2021. Food security and socio – economic development: revisiting investment in agricultural research and development. IOL, Johannesburg, 9 March. INTERNET: <https://www.iol.co.za/business-report/opinion/food-security-and-socio-economic-development-revisiting-investment-in-agricultural-research-and-development-a325b728-5428-4dd5-b4b9-7cdaa6dbcf3c> Last accessed 17 March 2021.

<sup>9</sup>Fisher, S., 2021. Pandemic lockdowns expose CT's worsening food insecurity crisis, Eye Witness News, Cape Town, 25 March. INTERNET: <https://ewn.co.za/2021/03/24/pandemic-lockdowns-expose-ct-s-worsening-food-insecurity-crisis> Last accessed 29 March 2021.

<sup>10</sup>Integrated Food Security Phase Classification (IPC), 2020. South Africa: Impact of Covid-19 on food security. IPC, Johannesburg.

<sup>11</sup>And the knock and drop campaign instituted by the department of social development.

<sup>12</sup>Corruption Watch., 2020. Lockdown Life: Food parcel distribution falls prey to corruption. Corruption Watch, Johannesburg, 04 May. INTERNET: <https://www.corruptionwatch.org.za/corruption-steals-from-people/> Last accessed 13 April 2021.

<sup>13</sup>Integrated Food Security Phase Classification (IPC), 2020. South Africa: Impact of Covid-19 on food security. IPC, Johannesburg.

<sup>14</sup>Corruption Watch., 2020. Lockdown Life: Food parcel distribution falls prey to corruption. Corruption Watch, Johannesburg, 04 May. INTERNET: <https://www.corruptionwatch.org.za/corruption-steals-from-people/> Last accessed 17 March 2021.

<sup>15</sup>Corruption Watch., 2020. Lockdown Life: Food parcel distribution falls prey to corruption. Corruption Watch, Johannesburg, 04 May. INTERNET: <https://www.corruptionwatch.org.za/corruption-steals-from-people/> Last accessed 17 March 2021.

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<sup>18</sup>Corruption Watch., 2020. Lockdown Life: Food parcel distribution falls prey to corruption. Corruption Watch, Johannesburg, 04 May. INTERNET: <https://www.corruptionwatch.org.za/corruption-steals-from-people/> Last accessed 17 March 2021.

# NARROW NATIONALISM IN SA'S COVID-19 RESPONSE VIOLATES THE CONSTITUTION AND INTERNATIONAL LAW



ZIMBALI MNCUBE

There have been contradictory statements by government officials on the inclusion of migrants and refugees in the distribution vaccination roll out. This is worrying, especially considering existing challenges of access to healthcare for foreign nationals due to institutionalized xenophobia and regressive changes in policies related to refugees and migrants. The exclusion of foreign nationals in the roll out will undermine efforts to combat the pandemic. This is especially important as Covid-19 is a communicable disease and 'no one is safe until we are all safe.'

There are an estimated 4.2 million migrants, asylum-seekers, and refugees in South Africa<sup>19</sup>. A

majority (84%) of them are from Sub-Saharan Africa and have fled to the country due to war, poverty, and political violence.<sup>20</sup>Migrants face challenges in the documentation process due to administrative backlogs, inefficient systems and corruption in the determination process and renewal of special permits.<sup>21</sup>This leaves most migrants undocumented and it makes it difficult to secure employment and access services.

There are several measures that the government has introduced to support people who have lost income and jobs during the pandemic. Among these were the distribution of food parcels to communities, the Social Relief Grant of Distress (SRD) and support to small businesses and spaza shops. One of the requirements to access these support measures included citizenship or a 13-digit form of ID. This effectively excluded undocumented foreign migrants. Without income due to the lockdown and closure of informal

trading and spaza shops, most of them were left in limbo. It was only through pressure from activists and NGOs such as the Scalabrini Centre that the government eventually allowed asylum-seekers to access the SRD grant and food parcels<sup>22</sup>.

The exclusionary approach influenced remarks by the Minister of Health, Dr Zweli Mkhize when he stated that "vaccines would be limited to SA citizens as the country cannot assist undocumented foreign nationals".<sup>23</sup>Although he later changed this position after the President stated that the vaccine will be available to everyone living in South Africa, Dr Mkhize's statement needs to be put in context. A context in which his predecessor, Dr Motsoaledi, has also argued that foreign nationals overburden the healthcare system to score political points.<sup>24</sup>Whilst there are challenges in accessing healthcare even for SA citizens, such arguments are rooted in xenophobia and are not supported by evidence. The lack of communication and contradictory

information by government officials influence the negative treatment of foreign nationals in public healthcare facilities. They perpetuate the exclusion of migrants in the healthcare system which undermines the Constitution and International Law.

A recent study about 'Social exclusion and the perspectives of health care providers on migrants in Gauteng public health facilities'<sup>25</sup> found that there was discrimination and differential treatment towards migrants. As figure 01 shows, a total of 19.2 % Healthcare Workers (HCWs) reported that they witnessed discrimination, and 20% witnessed differential treatment against migrants in public hospitals. In both cases, medical doctors witnessed discrimination and differential treatment more than their colleagues.

The extent to which discrimination has been institutionalised negatively affects migrants' ability to access healthcare and thereby limits their human rights. South Africa has ratified the International Covenant on Economic, Social and Cultural Rights. As a party to this Covenant, it has duties towards refugees and migrants. According to the New York Declaration for Refugees and Migrants adopted on the 19th of December 2016,

***All people under the jurisdiction of the State concerned should enjoy Covenant rights. That includes asylum seekers and refugees, as well as other migrants, even when their situation in the country concerned is irregular.***

Moreover, Section 27 of the Constitution states that "everyone has the right to access to healthcare" whilst Chapter 1 of the National Health Act, states that clinics and community health centres funded by the state must provide "all persons [...] with free primary health care services." In this sense, it is unconstitutional and amounts to a violation of human rights to exclude foreign nationals from the vaccination roll-out.

The vaccination roll out began in February and it will be implemented in three phases, with phase 01 targeted at 1.2 million frontline HCWs<sup>26</sup>. An initial investigation of the Electronic Vaccination Data System (EVDS) shows that one needs an ID or passport number to register for vaccination. This means that undocumented migrants and asylum-seekers will not be able to register.

Vaccination distribution globally has regrettably been nationalised. Activists and the WHO have condemned this practice as it leads to unequal distribution of vaccines globally, leaving out developing countries. The SA government seems to have adopted its own narrow nationalist response by excluding foreign-born nationals in roll out plans of the vaccine. This approach is myopic and unconstitutional. An inclusive approach that includes a detailed strategy on how refugees and migrants will be vaccinated should be drawn up and clearly communicated.

<sup>19</sup>Migration data portal, available at <https://migrationdataportal.org/regional-data-overview/southern-africa#:~:text=An%20estimated%204.2%20million%20migrants,of%20education%20and%20better%20opportunities>.

<sup>20</sup>S Masuku, How South Africa is denying refugees their rights: what needs to change, The Conversation (12 May, 2020) available at <https://theconversation.com/how-south-africa-is-denying-refugees-their-rights-what-needs-to-change-135692>

<sup>21</sup>Project Lokisa: Asylum at a Price, Corruption Watch (22 November 2016), available at <https://www.corruptionwatch.org.za/cw-exposes-widespread-corruption-at-home-affairs/>

<sup>22</sup>Scalabrini Centre of Cape Town, Victory in Covid-19 Social Relief Grant Court Case (19 June 2021), available at <https://www.scalabrini.org.za/news/victory-in-covid19-social-relief-grant-court-case/>

<sup>23</sup>L, Mehlwana for Spotlight, Foreign Nationals speak about unfair health treatment (09 March 2021) available at <https://www.dailymaverick.co.za/article/2021-03-09-foreign-nationals-speak-out-on-unfair-health-treatment/>

<sup>24</sup>E, Mabuza, Deputy public protector lashes out at Motsoaledi over foreigners comment (16 November 2018) available at <https://www.timeslive.co.za/news/south-africa/2018-11-16-deputy-public-protector-lashes-at-motsoaledi-over-foreigners-comment/>

<sup>25</sup>J, A, White, D Blaauw, L, C, Rispel, Social exclusion and the perspectives of health care providers on migrants in Gauteng public health facilities (28 December 2018) available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0244080>

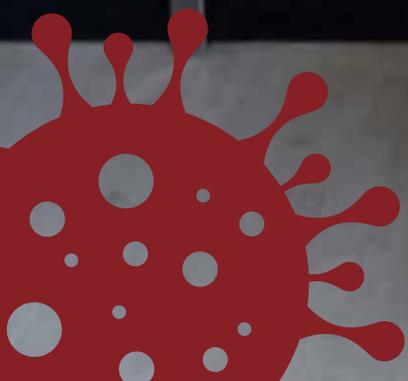
<sup>26</sup>National Institute for Communicable Disease, Covid-19 Roll Out Strategy FAQ (2 February 2021) available at <https://www.nicd.ac.za/covid-19-vaccine-rollout-strategy-faq/>

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**the Covid19 induced schools lockdown has put into stark reality the inequality of educational access now being cemented by the digital divide.**

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# THE COVID-19 INDUCED SCHOOLS LOCKDOWN HAS CEMENTED NOT ONLY THE DIGITAL DIVIDE BUT ALSO THE EDUCATIONAL INEQUALITY.

Many an argument has been raised over improving the state of South Africa's education system with various academics, other stakeholders and media reports placing the country in the lower performance scales when it comes to international assessments. Past evidence from Progress in International Reading and Literacy Standards (PIRLS); Trends in International Mathematics and Science Study (TIMSS) and The Southern and East Africa Consortium for Monitoring Educational Quality (SACMEQ) have shown how low South Africa ranks in comparison to other developing countries. Nevertheless, within the education bouquet offering, there is the inequality of the two main systems of education on offer, mainly the private curriculum offered by independent schools and the CAPS curriculum offered by public schools. Yet even in the public schools, there is a parallel line demarcating an inequality divide whose legacies has seen schools categorised into quintiles. Quintile 1, 2,3 are the poorest schools in ascending order while the better resourced quintile 4 and



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5 are favoured in terms of teacher vs student ratios and material standards. "South Africa's public education system continues to suffer from high degrees of inequality and dysfunctionality and low levels of quality"<sup>27</sup> a dysfunctionality patterned along the quintile classification and what it entails. Such has not been helped by Covid19 induced effects.

As a measure to contain the Covid19 pandemic, the state decreed hard lockdown leading to school closures in efforts to reduce the spread of the virus among the population. The resultant effects of the shutdown impacted public and independent schools differently, leaving the former schools badly affected. Despite the DBE 2003

White Paper on E-education, acknowledging "the key role that educational technologies can play in supporting teaching, learning and administration in education"<sup>28</sup>, the cost of non-implementation was made more apparent during the lockdown. For a majority of the independent schools including some quintile four and five public schools, there was a near smooth transition to online learning that effectively minimised the negative impact of physical school closures. Part of that success can be attributed to home access to electricity, WiFi, computers and a quiet place to study for a high majority of the pupils attending these schools.

On the other hand, the case of public schools revealed a widening of the educational inequality reflected by this disparate access to resources. For most township dwellers, the high cost of data would be a prohibitive cost that ranks low in the socially perceived needs of the household while the lack of equipment and technical knowhow by the educators teaching at these schools accounts for another negative

factor. Added to that, a widespread lack of internet connectivity and infrastructure in most public schools intensifies the inequality of access. Thus even if the department of education ramps up online learning as suggested by some educational experts, failure to address the prohibitory factors raised earlier will result in system wide white elephant expenditure of much needed resources.

Granted that the state invoked shutdown, though seen as a temporary measure to a desperate situation, was unexpected and therefore caught everyone flatfooted. Yet again, the state did not have any long term plan for supporting the educational needs of the public schools. The state's failure to use the public broadcaster to carry daily curriculum classes is an indictment of national education system dysfunction. This is despite the recognition of basic education as a fundamental socio-economic right that if harnessed properly and efficiently in terms of its impact, can positively alter the poverty and inequality of which some members of the population are condemned to, by

the structural violence of an unequal society. Thus the ad hoc announcements by the state to manage the situation like attempts to sanitise schools and the staggering of classes worsened an already desperate situation. Instead of 'building better'; the resultant effects were a widening of the educational inequalities while worsening an access issue<sup>29</sup> that has steadily been retrogressive instead of being a progressive improvement of access to quality education for all. The 2020 matric results<sup>30</sup> as an outcome of the Covid19 period reflect how access to online education, revision and support for the year's grade 12s revealed the perpetuation of an already unfair education system. The future of the 2020 matrices and the next generation has been seriously compromised in a Covid19 atmosphere where online access has become a determining factor of the 'new normal' that has cemented the inequalities inherent in South African society. Seventeen years after the 2003 white paper, the Covid19 induced schools lockdown has put into stark reality the inequality of educational access now being cemented by the digital divide.

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<sup>27</sup>Franklin, S. & McLaren, D Realising the Right to a Basic Education in South Africa, Working Paper 10, SPII

<sup>28</sup>The Covid-19 pandemic highlights the need for the department of education to ramp up online education, eLearning Special Reports, 5 Feb 2021 in <https://mg.co.za/article/2021-02-05-elearning/>

<sup>29</sup>Statistics gleaned from the DBE indicate that the impact rate of digital learning during the Covid-19 pandemic only reached 30% of learners throughout the country.

<sup>30</sup>This infographic showing the 2020 pass rate can be used to point to this system wide flaw) The 2020 matric results had a pass rate of 76.2%, a drop of 5.1 percentage points compared to the 2019 matric pass rate (81.3%). Source: Department of Basic Education (DBE) .

Please join in to listen to either or both of our

## SADC BASIC INCOME GRANT REPORT LAUNCH

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## COVID-19 STIMULUS REVIEW, & MAXIMUM AVAILABLE RESOURCES

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## COVID-19 STIMULUS REVIEW, & MAXIMUM AVAILABLE RESOURCES

22 April, 2021, 2.30 – 4pm SAST | Online

Panelists | Duma Gqubule, Isobel Frye, Prof. Sandy Liebenberg, Dr. Shanelle van Der Berg, Busi Sibeko and Prof. Philip Alston

**How effective in fact was SA recovery stimulus? How should activists use maximum available resources to build back better?**

Join as our high-level panel share their innovative analysis that probes the design and execution of the SA Covid Rescue Stimulus against a framing of the human rights obligations on the state to broaden resources for rights realisation, emerging jurisprudence on Retrogressivity, CSO activism in the time of austerity and a critical thinking of radical US departures in fiscal and monetary policies.

RSVP by 16 April to receive the ZOOM panel log in details: [rsvp@buz.co.za](mailto:rsvp@buz.co.za) or Bridget from BUZ PR on 083 263 6991

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## SADC BASIC INCOME GRANT REPORT LAUNCH WEBINAR

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14H00 (SAST)

If interested, please email [tshiamod@osisa.org](mailto:tshiamod@osisa.org) by 12h00 on Fri 16 April for the link and log in details OR watch on **Open Society Initiative For Southern Africa** facebook page via Facebook Live.

Zoom #BIGreportSADC



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# SPII *Matters*

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SPII is interested in ensuring that all staff and stakeholders receive objective, verified information on the pandemic and will endeavour to circulate such information from reliable sources.

SPII is committed to implementing policies which mitigate against the transmission of COVID-19, both

within the workplace and beyond. We have therefore implemented the following measures:

- All staff will work from home.
- Where staff do need to go in to the office due to unavoidable reasons, they will be supported in order not to have to take public transportation in and out.

A repository of COVID-19 resources that we have recently developed and continually update, see here: <https://spii.org.za/covid-19-resources/>

For further information on SPII's recent work in relation to a Basic Income Grant (BIG), see here: <https://spii.org.za/big/>

To see statements that SPII has recently endorsed and support, see here: <https://spii.org.za/submissions-and-endorsements/>

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Please contact Isobel Frye at SPII should you wish to have any information about any of the pieces - Email: [isobel@spii.org.za](mailto:isobel@spii.org.za)



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