



**SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)**

**NHRI SUBMISSION TO THE FOURTH CYCLE OF THE UNIVERSAL PERIODIC REVIEW  
OF THE SOUTH AFRICAN GOVERNMENT**

**March 2022**

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**South African Human Rights Commission**

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## 1. Introduction

- 1.1. The South African Human Rights Commission (SAHRC) derives its mandate from South Africa's 1996 Constitution and the South African Human Rights Commission Act 40 of 2013.<sup>1</sup> The SAHRC complies with the 'Paris Principles' and is accredited as an 'A-status' NHRI. It is within this mandate that the SAHRC submits its NHRI report under the Fourth Cycle of the Universal Period Review (UPR) of South Africa.<sup>2</sup>
- 1.2. At the outset, it should be noted that South Africa continues to grapple with the devastating impact of the COVID-19 pandemic, which has exacerbated human rights concerns relating to poverty, inequality, health, freedom and security of the person and a myriad of socio-economic matters.
- 1.3. Furthermore, in July 2021, the country was confronted with civil unrest in the provinces of Gauteng and Kwa-Zulu Natal. The unrest was unprecedented in South Africa's new democracy and resulted in the loss of life and civil disobedience conduct which included the targeting and looting of retail centres, shops, businesses, schools and damage to transport systems.<sup>3</sup> The impact of the unrest and its associated activities have been devastating for the country's economy, which has already been significantly affected by the COVID-19 pandemic.<sup>4</sup> The unrest was exacerbated by prevailing issues, such as, inequality, unemployment and poverty.
- 1.4. Subsequently, the SAHRC initiated a National Investigative Hearing into the July 2021 Unrest.<sup>5</sup> During the course of the hearing the SAHRC heard testimony of violations to the rights to equality, freedom of movement and systemic failures to protect the right to freedom and security of the person, on the part of the country's security forces. Some of the issues that have come to the fore include the socio-economic inequalities within South Africa, as well as a failure by State actors to provide basic service delivery for the realisation of these socio-economic rights.

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<sup>1</sup> The SAHRC's mandate is further supplemented by the Promotion of Access to Information Act 2000, the Promotion of Administrative Justice Act 2000 and the Promotion of Equality and Prevention of Unfair Discrimination Acts all dated 2000.

<sup>2</sup> Note that headings in the report are aligned to the 2017 UPR Matrix (27<sup>th</sup> session) relating to the thematic list of recommendations issued to the South African government.

<sup>3</sup> Such named entities were looted, severely damaged and/or set alight by groups of people who appropriated merchandise and stock that included amongst other items, food and consumable goods, medication, clothing, liquor, electronic equipment, and other appliances.

<sup>4</sup> And further attributed huge financial losses to businesses, resulting in wide-scale job losses.

<sup>5</sup> Which took place in December 2021 and March 2022. Additional hearing dates have been set for April 2022 to permit the President of South Africa to provide evidence to the SAHRC.

1.5. It should be noted that in March 2022, the SAHRC released its annual Trends Analysis Report (TAR) for the period 2019/2020 which revealed a 13% increase in the number of complaints received by the institution. The highest numbers of complaints are related to: i) equality issues, ii) just administrative action, and iii) socio-economic rights.<sup>6</sup>

## **2. Theme: A12- Acceptance of International Norms (status of South Africa's international human rights obligations)**

2.1. The SAHRC hereby informs the Council of the following:

- a. The reports under the following treaties remain overdue: ICCPR and CRC.
- b. In March 2019, the State ratified the OPCAT.
- c. International instruments which have not been ratified and remain outstanding, include, *inter alia*: the Conventions against Stateless Persons and Reduction of Statelessness; Enforced Disappearances; Optional Protocol to the Covenant on Social, Economic and Cultural Rights; the ILO Convention on Indigenous and Tribal Peoples; and the ILO Protocol to the Forced Labour Convention.

2.2 The SAHRC notes with concern that during the Third UPR cycle, the government reported that South Africa is currently not in a position to commit itself to the ratification of the outstanding instruments.<sup>7</sup>

2.3 **Recommendation:** It is recommended that the South African government expeditiously ratify these international instruments in order to strengthen the human rights framework in the country.

## **3. Theme: A45- National Human Rights Institution (NHRI)**

3.1. The SAHRC notes that during the Third UPR cycle, the South African government supported recommendations which seek to further strengthen the institution to fulfil its constitutional mandate impartially and independently.<sup>8</sup> Further, that adequate financial resources are allocated to the institution in order to effectively exercise its

<sup>6</sup> Specifically relating to rights to healthcare, water, food and social grants. The Trends Analysis Report 2019/20 is available at, [https://www.sahrc.org.za/home/21/files/SAHRC%20TAR%202019-2020\\_FINAL.pdf](https://www.sahrc.org.za/home/21/files/SAHRC%20TAR%202019-2020_FINAL.pdf)

<sup>7</sup> The Republic of South Africa, Addendum to the Report of the Working Group on the Universal Periodic Review: 3rd cycle, 2017, p.3

<sup>8</sup> Recommendations 139.36 and 139.7 in the UPR 2017 Matrix on South Africa (27th session).

duties.<sup>9</sup>

- 3.2. Upon ratification of the OPCAT in 2019, the SAHRC was designated to lead the National Preventive Mechanism (NPM) where, working with several oversight institutions, it plays both a coordinating and functional role.
- 3.3. In 2020, the South African government designated the SAHRC as the Independent Monitoring Mechanism (IMM), under Article 33(2) of the Convention on the Rights of Persons with Disabilities.<sup>10</sup>
- 3.4. While the SAHRC received additional financial resources from the State since the last UPR review, the budget remains inadequate to fully effectuate the institution's mandate.<sup>11</sup>
- 3.5. The institution notes with concern that there were delays in the filling of vacancies of SAHRC Commissioners.<sup>12</sup> These delays affect both the operations of the SAHRC and the full execution of the institution's mandate.

3.6. **Recommendation:**

- 3.6.1. The Council should recommend that the South African government unconditionally increase the SAHRC's budget in order to maintain its institutional independence and fully execute its mandate- particularly noting the increase in the number of complaints received and the additional roles bestowed on the institution as the NPM and IMM.
- 3.6.2. The State (through Parliament), should plan accordingly and timeously commence the relevant processes to fill any vacancies of SAHRC Commissioners which may arise.

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<sup>9</sup> In pursuit of its constitutional mandate, the Commission has adopted the following priority human rights focus areas for the planning period 2020 – 2025: Pro-Human Rights Budgeting; Governance, anti-corruption and human rights; Health; Education; Human Settlements, Water and Sanitation; Land and Food Security; Environment and Food Security; Civil and Political Rights, with specific emphasis on the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Within these identified priority focus areas, the SAHRC would also give particular attention to transversal or cross-cutting issues of: Inequality; Children; Gender; Disability; Older Persons; Migrants; and, Business and Human Rights.

<sup>10</sup> Thus the South African government is under an obligation to designate or establish an independent framework which includes one or more mechanisms with competence to promote, protect and monitor the implementation of the Convention. Similarly, Article 34(2) of the African Protocol on the Rights of Persons with Disabilities states that: 'State Parties shall establish or designate a national mechanism, including independent institutions to monitor the implementation of the rights of persons with disabilities.'

<sup>11</sup> See, <https://www.news24.com/news24/southafrica/news/sahrc-says-financial-constraints-are-hampering-its-work-20220316>

<sup>12</sup> The vacancies arose after the death of the SAHRC's Deputy Chairperson in October 2020 as well as the end of term of a Commissioner in July 2021. Note that in November 2021, the Parliament called for nominations to fill the vacant posts of the two Commissioners. It was only in June 2021, that the two new Commissioners were appointed.

#### 4. Theme: A47- Good Governance

- 4.1. Corruption in South Africa remains pervasive and has exacerbated under the COVID-19 pandemic. The allegations of widespread fraud and corruption in the procurement of COVID-19 related goods and services, together with the report of the Judicial Commission of Inquiry into Allegations of State Capture,<sup>13</sup> continue to uncover the rampant extent of state capture and corruption in the country.
- 4.2. The impact of corruption on particularly marginalised communities have been witnessed by the SAHRC as it carries out its work in promoting, protecting, monitoring and advancing the observance of human rights. Subsequently, in March 2021, the institution hosted a conference on a 'Human Rights-Based Approach to Preventing and Combating Corruption'. During the conference, the issue of whistleblower protection was repeatedly raised as an area of concern and one which required urgent attention, particularly noting the victimisation and alleged assassination attempts on whistleblowers / human rights defenders. Subsequently, in March 2022, the SAHRC convened an 'International Summit on the Protection of Whistleblowers in South Africa' which further demonstrated the need for dedicated legislation protecting whistleblowers.
- 4.3. **Recommendation:** The South African government should urgently review the legislative framework relating to the protection of whistleblowers / human rights defenders and where relevant, expedite the adoption of new legislation in this regard.

#### 5. Theme B.31- Equality and non-discrimination

- 5.1. Through the SAHRC's Trends Analysis Report 2019-2020 (TAR),<sup>14</sup> it was reported that equality related complaints remained high and at the top five human rights violations received by the institution over the preceding six years. More specifically, that violations of the right to equality on the grounds of race continue to be the highest reported reason of unfair discrimination. In addition, a significant number of these complaints are the result of race-based hate speech. Overall, the SAHRC reports that race, disability and sexual orientation represent the highest number of

<sup>13</sup> Also known as the 'Zondo Commission'.

<sup>14</sup> Available for download at, [https://www.sahrc.org.za/home/21/files/SAHRC%20TAR%202019-2020\\_FINAL.pdf](https://www.sahrc.org.za/home/21/files/SAHRC%20TAR%202019-2020_FINAL.pdf)

equality complaints received by the institution. Furthermore, the number of complaints concerning unfair discrimination on the basis of sexual orientation have consistently increased over the past three financial years, replacing ethnic or social origin as the third highest equality complaint.<sup>15</sup>

5.2. In June 2021, the SAHRC hosted its second national conference on racism, entitled 'Towards social cohesion, non-racialism and the eradication of racial polarisation and tension'.<sup>16</sup> During the conference it was noted that South Africa's inequality and limited access to socio-economic resources often contribute to elevated levels of racism and racial polarisation.<sup>17</sup> The use of social media to promote racist material and messages was also highlighted as an area that needed to be addressed. It should be noted that the increase in prejudicial expression communicated *via* social media platforms has prompted the SAHRC to pursue the development of a Social Media Charter. It is envisaged that the Social Media Charter will constitute a form of self-regulation that will seek to address online expression that does not result in hate speech.<sup>18</sup>

5.3. **Recommendation:** The South African government should expedite the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill and encourage the public to respect human rights when interacting online, cognisant of the principles contained in the SAHRC's Social Media Charter.

5.5 The SAHRC notes that the South African government accepted several recommendations during the Third UPR cycle which pertain to the treatment of migrants, refugees and asylum seekers in South Africa. Notwithstanding, the SAHRC remains concerned at the culture of prejudice against non-nationals and the continued levels of xenophobia in the country. More recent examples, include the violence against non-nationals in the long-distance trucking industry. Subsequently, in March 2020, the SAHRC convened an inquiry into violence directed at non-

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<sup>15</sup> Overall, the SAHRC received 827 complaints based on the violation of the right to Equality for the 2019-2020 financial year. See, <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3019-media-advisory-sahrc-releases-its-2019-2020-trends-analysis-report>

<sup>16</sup> The first conference took place in 2000.

<sup>17</sup> Engagements were held with various stakeholders to discuss possible interventions by the SAHRC to address the challenge of racism at schools, and including codes of conduct for schools. The interactions strengthened stakeholder relations with respect to addressing this challenge. Notably, a joint multi-stakeholder platform is envisaged to develop Tools for discussion and confronting racism at schools. SAHRC Annual Report 2020 to 2021

<sup>18</sup> Targeted prejudicial online speech includes xenophobic expression and orchestrated online xenophobia campaigns

nationals, with a focus on the long-distance freight industry.<sup>19</sup> During 2022, the SAHRC observed a resurgence of xenophobic protest action, particularly within informal settlements in parts of the country.<sup>20</sup>

5.6 The SAHRC appreciates that South Africa's National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances ("NAP") was finally approved by Cabinet and deposited with the United Nations in 2019.<sup>21</sup> Furthermore, that the NAP contains an 'indicative five-year implementation plan' (2019/20 to 2023/24)<sup>22</sup> which seeks to promote, *inter alia*, i) awareness-raising, ii) access to justice, iii) victim support, and iv) anti-discrimination measures to achieve greater equality and justice.

5.7 It should be noted that the NAP envisages the establishment of an early warning system linked to a 'Rapid Response Mechanism' (RRM) which aims to respond promptly to acts of xenophobia.<sup>23</sup> However, the SAHRC is concerned that despite the NAP being finalised in 2019, the RRM has not been operationalised as yet.

#### 5.8 Recommendation:

5.8.1 The SAHRC remains concerned that negative attitudes toward foreign nationals, violence and xenophobia continue to remain a significant challenge in the country and accordingly calls on the Human Rights Council to recommend that the South African government redouble its efforts to combat the scourge of xenophobia.

5.8.2 It is recommended that the Rapid Response Mechanism, established under the NAP, be operationalised as a matter of urgency.

<sup>19</sup> <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2309-many-foreign-truck-drivers-fail-to-report-attacks-inquiry-is-told> as well as, <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2294-south-africa-foreign-truck-drivers-sought-out-for-not-speaking-isizulu-attacked-sahrc-hears>

<sup>20</sup> See, <https://www.dailymaverick.co.za/article/2022-03-08-violence-breaks-out-as-alexandra-dudula-movement-members-target-foreign-informal-traders/> as well as, <https://ewn.co.za/2022/03/26/police-on-alert-over-fears-of-escalating-tension-between-operation-dudula-and-kopanang-africa> and, <https://www.timeslive.co.za/politics/2022-03-22-mps-slam-operation-dudula-immigrants-have-rights-too/>

<sup>21</sup> The NAP arose from the Durban Declaration and Programme of Action (Durban Declaration) following the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The NAP aims to raise awareness among all sectors of society – both public and private – regarding the values of equality and dignity, non-discrimination and tolerance. Also see, <https://www.justice.gov.za/nap/index.html>

<sup>22</sup> Available at, <https://www.justice.gov.za/nap/docs/NAP-20190313-ImplementationPlan.pdf>

<sup>23</sup> And ensure that, *inter alia*, accurate statistics are collected and published on the number of racist and xenophobic offences that are reported to the police, the number of cases prosecuted and the outcome thereof.

## 6. Theme: E26 Human rights and drinking water and sanitation

- 6.1. The SAHRC reports that socio-economic rights related complaints (which comprise health care, food, water and social security), have consistently remained in the top five human rights violations reported to the institution, over the period 2019 to 2020. Among these, the rights of access to health care and water, respectively, remain the top two complaints within the category of socio-economic rights.<sup>24</sup>
- 6.2. Despite the strides taken by South Africa to promote access to sufficient water, inequalities with respect to access, availability, and the quality of water persist in the country. The inequality is gendered in nature, with women and girl-children being the 'bearers of water', tasked with fetching water under precarious conditions, thereby risking their safety and health, particularly in light of the COVID-19 pandemic.<sup>25</sup> The SAHRC further notes that disaggregated data reveal disproportionate access, with historically disadvantaged communities bearing the brunt of lack of access to water. The lack of access to water also affects education outcomes, and poses a serious danger to the health and safety of learners at schools.<sup>26</sup>
- 6.3. Despite the South African government reporting under the Third UPR cycle that there have been increases in the number of households with access to water and flush toilets, the SAHRC's trends statistics reveal the dysfunctionality of water and sanitation infrastructure. These include, *inter alia*, failing wastewater treatment plants, which lead to continuing socio-economic disparities and fissures in South African society. As a result, the majority of complaints relating to water service provision include a lack of access to sufficient potable water, water interruptions and/or shortages, and poor water quality.<sup>27</sup> Furthermore, informal settlements in South Africa, which are overcrowded and poorly serviced, have inadequate access to water and sanitation.<sup>28</sup>

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<sup>24</sup> <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3019-media-advisory-sahrc-releases-its-2019-2020-trends-analysis-report>

<sup>25</sup> SAHRC Annual Report, 2020/21, p.25.

<sup>26</sup> Ibid

<sup>27</sup> <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3019-media-advisory-sahrc-releases-its-2019-2020-trends-analysis-report>

The SAHRC is further concerned with the state of water infrastructure, which is ageing, and has resulted in the full or partial collapse of water, and waste-water treatment plants across the country, with few exceptions. The SAHRC, in its Inquiry Report into the sewage problem of the Vaal River in Gauteng, which represents a microcosm of South African water systems, noted that most municipalities were failing to effectively maintain water and sanitation infrastructure. Since the call by the SAHRC in 2014, for the urgent upgrade of water, and waste-water treatment plants that are dysfunctional or in disrepair, the State has failed to address these concerns, resulting in compounding infrastructure failures, and impacts on human health and rights. See Annual Report SAHRC 2020/21 p. 26.

<sup>28</sup> <https://www.sahrc.org.za/home/21/files/The%20Right%20to%20Water%20&%20Sanitation%20-%20Monitoring%20the%20Implementation%20of%20the%20SAHRCs%202014%20Recommendations%202011-2018.pdf>



- 6.4. The SAHRC is concerned that several mining companies continue to conduct operations that frequently draw water directly from natural sources meant to simultaneously provide for communities and/or operate without the requisite water-use licence. This phenomenon was also echoed by the CDESCR in its concluding observations on South Africa, where it expressed concern over the impact of mines on water resources, the lack of access to services for communities surrounding mines, and the lack of water and sanitation provision in schools.<sup>29</sup>
- 6.5. In addition, the SAHRC notes with concern that more than 3,000 schools have pit latrines for learners to use and inadequate levels of sanitation. The SAHRC has announced its intent to take legal action against several provincial education departments over unsafe and unhygienic toilets in schools.<sup>30</sup>
- 6.6. The SAHRC continues to motivate for the government to improve water availability, water quality, and universal equitable access to safe, and affordable drinking water as underscored by the Sustainable Development Goals.
- 6.7. **Recommendation:** It is recommended that the South African government expeditiously adopt progressive and human rights based measures to address the disproportionate access to water, the poor management of water and waste-water treatment plants, abuse of water resources by mining companies. Furthermore, that the South African government expeditiously eradicate pit latrines at schools.

## 7. Theme E.41: Right to Health

- 7.1. During the Third UPR cycle, the government alluded to its 'plan to revitalise and restructure the South African healthcare system which includes the fast-tracking of the implementation of a National Health Insurance (NHI) scheme, which will eventually cover all South Africans and strengthening the fight against HIV and tuberculosis, non-communicable diseases, as well as injury and violence.'<sup>31</sup> However, the SAHRC remains concerned at the vast disparity between public and private-health care systems, as well as the disproportionate access to healthcare

<sup>29</sup> SAHRC Annual Report 2020/21, p.26

<sup>30</sup> <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/2915-media-statement-water-and-sanitation-litigation>

<sup>31</sup> The Republic of South Africa, Addendum to the Report of the Working Group on the Universal Periodic Review: 3rd cycle, 2017, p.15

services between rural and urban areas.

- 7.2. The COVID-19 pandemic has further demonstrated the fault-lines in South Africa's health care system, highlighting that the current public healthcare system is beset with systemic issues, including socio-economic injustice, imbalance and inequality. Through its monitoring activities and *in loco* inspections of healthcare facilities throughout the country, the SAHRC has observed that the requisite standards and that poor infrastructure, staff shortages, limited access to medicine made it difficult for people to have access to healthcare.<sup>32</sup>
- 7.3. The SAHRC is of the view that an accessible, effective, efficient, appropriate and adaptable healthcare system that provides quality healthcare services to its users has the potential to significantly reduce poverty and inequality in the country and reduce the wastage of invaluable resources and capacity, which is desperately required in the public sector.<sup>33</sup>
- 7.4. While the SAHRC supports universal health coverage, it is concerned at the slow pace of healthcare reform in the country. It notes that the NHI draft Bill has been before Parliament since August 2019, noting that more than 64000 written submissions were received on the draft version of the legislation. The SAHRC is also concerned that if the systemic issues of poor management and spending in public healthcare facilities continue, the transition to a NHI will not be successful.
- 7.5. **Recommendation:** It is recommended that the State enhance and upgrade the existing infrastructure at healthcare facilities, particularly in rural areas, amend policies to ensure the speedy procurement of medical equipment and medication in poorly-resourced facilities, and expedite the passage of the proposed NHI legislation.

<sup>32</sup> For example, there are healthcare facilities with poor infrastructure that when it rained, patients were affected. See, <https://pmg.org.za/committee-meeting/32952/> ; <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2887-sahrc-laments-lack-of-improvement-in-areas-of-ec-health-care> ; <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2887-sahrc-laments-lack-of-improvement-in-areas-of-ec-health-care>; <https://www.news24.com/news24/southafrica/news/sahrc-probes-3-mpumalanga-hospitals-for-alleged-lack-of-medical-services-water-shortages-20210924#:~:text=The%20SAHRC%20is%20probing%20two,was%20unaware%20of%20the%20investigation.>

<sup>33</sup> Some of the challenges experienced in respect of access to health care services are recorded in the reports by the SAHRC arising from its investigations into Access to Healthcare Services and into Access to Emergency Medical Services in the Eastern Cape respectively. The SAHRC found that public health care services are largely under-resourced in terms of personnel, availability of suitable medication and infrastructure; conditions which are adversely impacting the ability to deliver adequate care to poor people, especially to those in rural areas. The reports noted serious shortages of emergency transport, long waiting times, and over-crowding, compromised cleanliness, out-dated technology, under-staffing and discriminatory attitudes towards vulnerable groups as major concerns. Refer to, <https://www.sahrc.org.za/home/21/files/FINAL%20Access%20to%20Health%20Care%20Educational%20Booklet.pdf> p.3

## 8. Theme E.24: Right to Social Security

- 8.1. During 2020, the government introduced a temporary Social Relief of Distress Grant (SRDG) to provide support to persons who were particularly vulnerable to the impact of the COVID-19 pandemic.<sup>34</sup> Prior to the pandemic, the SAHRC supported the expansion of social assistance in South Africa, in line with the dictates of section 27(1)(c) of the Constitution, which accords the right to social assistance to ‘everyone’ without means to support themselves and their dependants. Furthermore, the Committee on Economic, Social and Cultural Rights recommended that the South African government ‘consider the possibility of introducing a universal basic income grant,’<sup>35</sup> and that the government ‘must ensure that those between the ages of 18 and 59 with little or no income have access to social assistance’.<sup>36</sup> It should also be noted that in 2018, the SAHRC published a policy brief detailing the absolute necessity and urgency of implementing a basic income grant (BIG) in line with the country’s international and national obligations in relation to social assistance.<sup>37</sup>
- 8.2. The COVID-19 pandemic and the subsequent provision of the SRDG further renewed calls for the government to strengthen its social assistance provision beyond the pandemic and introduce a universal BIG. While the SAHRC notes the government’s commitment in principle to the introduction of a BIG in an effort to alleviate poverty,<sup>38</sup> it is concerned that there are conflicting views within government around the feasibility of the grant.<sup>39</sup> Furthermore, that during the Third UPR cycle, the State indicated that it was unable to commit to recommendations relating to the

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<sup>34</sup> Prior to the COVID-19 pandemic, nearly half of the South African population lived in poverty. Poverty is skewed along race and gender lines, whereas more than 62% of children were in multidimensional poverty with black African children more likely to experience multidimensional poverty than other population groups. See, Stats SA ‘Five Facts about Poverty in South Africa’ (4 April 2019) *Stats SA* at, <http://www.statssa.gov.za/?p=12075>. It should be noted that this estimate by Stats SA is according to the Upper Bound Poverty Line prevalent in 2015, and that developments (including an increase in Value Added Tax) have occurred since that time. Also see, Stats SA Child Poverty in South Africa: A Multiple Overlapping Deprivation Analysis (June 2020), available at, <http://www.statssa.gov.za/publications/03-10-22/03-10-22June2020.pdf>. For a general analysis, refer to the SAHRC’s *Equality Research Brief- Left Behind: The impact of COVID-19 pandemic on vulnerable groups*, March 2021. Available at, [www.sahrc.org.za](http://www.sahrc.org.za)

<sup>35</sup> Committee on Economic, Social and Cultural Rights, *Concluding Observations*, E/C, 12/ZAT/CO/1 (12 October 2018), para 48(f).

<sup>36</sup> *Ibid*, para 47(c)

<sup>37</sup> South African Human Rights Commission *Basic Income Grant (2017-2018)* Available at, <https://www.sahrc.org.za/home/21/files/A%20Policy%20Brief%20on%20a%20Basic%20Income%20Grant%2017-2018.pdf>

<sup>38</sup> Business Tech ‘Government to look at basic income grant for South Africa: Ramaphosa’, refer to, <https://businesstech.co.za/news/finance/459738/government-to-look-at-basic-income-grant-for-south-africa-ramaphosa/>

<sup>39</sup> See, <https://www.news24.com/fin24/economy/exclusive-stern-warning-from-ramaphosas-own-advisors-basic-income-grant-is-way-too-risky-20220127> as well as, <https://www.businesslive.co.za/bd/national/2022-01-24-ramaphosa-right-to-insist-on-feasibility-of-basic-income-grant-say-economists/>

introduction of a universal basic income.<sup>40</sup>

8.3. **Recommendation:** Noting the temporary nature of the SRDG as well as the high levels of poverty and unemployment in the country, the government should provide clarity on its position around the BIG and what measures it intends to put in place to give effect to section 27(1)(c) of the Constitution and its international obligations.

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END

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<sup>40</sup> The Republic of South Africa, Addendum to the Report of the Working Group on the Universal Periodic Review: 3rd cycle, 2017, p. 23