



**+ SECTION 27**  
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2021 COVID-19 ECONOMICS AND HUMAN RIGHTS FACTSHEET #3

# SOCIAL PROTECTION DURING COVID-19

The Rights To Social Security and an Adequate Standard of Living



# INTRODUCTION

Many South Africans suffer from a poor quality of life. The COVID-19 pandemic has worsened this crisis, exacerbated by the weak – and poorly implemented – protections offered by government. In January 2021, President Ramaphosa extended the “Adjusted Level 3” lockdown, limiting travel and shutting down activity in certain industries. Despite this, no additional social protection measures were announced. While the President did announce some additional social protection in the February 2021 State of the Nation Address, these remained partial and temporary.

Social protection refers to policies and programmes which are designed to ensure a dignified standard of living for all, especially during times of crisis, either personal (for example, unemployment, poverty, sickness, disability, old age and loss of a breadwinner) or systemic (for example, the COVID-19 pandemic). Here, under the banner of social protection we deal with both the right to social security and the right to an adequate standard of living. In this way, social protection should be conceptualised broadly to include income support, subsidies, and access to services that fulfil our basic needs, like housing and healthcare. Social protection systems are critical to COVID-19 response mechanisms but they can also serve other important aims. As CESR notes, they “can improve social stability, compensate workers affected by economic transitions (for example, to greener economies) and play a crucial role in redistributing economic resources and power”.<sup>1</sup> In this sense, developing strong social protection systems is also critical to building resilience for future crises.

In 2018, South Africa was reviewed by the United Nations Committee on Social, Economic and Cultural Rights (“the Committee”) on its human rights obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which it ratified in 2015. The Committee’s assessment of how South Africa is implementing its commitments are even more important in light of the social and economic crisis caused by the COVID-19 pandemic. While South Africa attempts to mitigate the public health impact of the crisis, the government cannot ignore these commitments. They provide a powerful and compelling legal and normative framework for us to hold the government to account.

This factsheet focuses on two important aspects of the ICESCR: Articles 9 and 11. Together these cover various aspects of social protection. Article 9 covers the right to social security, including social insurance. Article 11 covers various aspects of the right to an adequate standard of living, including housing, food and the continuous improvement of living conditions. In a country like South Africa, with

extreme levels of unemployment and poverty, these rights are extremely important given the limited ability of people to ensure access to goods and services through income. The COVID-19 pandemic has exacerbated this with major job losses.<sup>2</sup> In addition, lockdowns and limited funding to non-profit and community-based organisations (which often subsidise things like food provision or temporary housing) means these rights have come under greater threat. Despite this, the South African government has instituted major budget cuts which are likely to further threaten the realisation of the right to social protection and the right to an adequate standard of living.<sup>3</sup>

This factsheet highlights the Committee’s concerns with regards to these rights, and how they may be exacerbated by the COVID-19 crisis. It also details the recommendations of the Committee regarding social security and the realisation of adequate standards of living, and sets out proposed actions for addressing them. Social security and public goods are even more essential during a pandemic. As the Committee wrote in its statement on the impact of the coronavirus:

*“Inadequate public goods and social services also deepen global income and wealth inequalities. Those living in poverty cannot afford to purchase essential goods and social services in the private market, and they bear the disproportionate burden of the economic consequences of quarantines, lockdowns and the adverse national and international economic situation.”<sup>4</sup>*

## CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, BILL OF RIGHTS, SECTION 27

Everyone has the right to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.

1. CESR. 2020. Income Support to Protect Rights. COVID-19 Recovering Rights series. Available: [https://www.cesr.org/sites/default/files/Brief%207%20-%20Income%20Support%20Online\\_0.pdf](https://www.cesr.org/sites/default/files/Brief%207%20-%20Income%20Support%20Online_0.pdf)
2. This fact sheet deals primarily with aspects of social security not linked to employment. For information regarding the Right to Work and the Right to Just and Favourable Conditions of Work during COVID-19, please see our fact sheet on “Unemployment and Precarity during COVID-19”. Available: <https://iej.org.za/unemployment-and-precarity-during-covid-19/>
3. IEJ. October 2020. “MTBPS- Mboweni moves us backwards”, IEJ Press Statement Available: <https://iej.org.za/press-statement-mtbps-mboweni-moves-us-backwards/>
4. UN Committee on Economic, Social and Cultural Rights (UNCESCR). 2020, April 17. Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights. Retrieved from: <https://undocs.org/E/C.12/2020/1>





# THE COMMITTEE'S CONCERNS EXACERBATED BY COVID-19



## COMMITTEE'S CONCERN



## IMPACT OF COVID-19

### The current social grants system does not provide an adequate standard of living for all

- The levels of all non-contributory social assistance benefits are too low to ensure an adequate standard of living for recipients and their families.
- Those with no or little income, who are between the ages of 18 and 59 and are capable of working, are not covered by existing schemes.
- There is no composite index on the cost of living that provides the State party with a benchmark to adequately set the levels of social benefits consistent with the requirement to ensure an adequate standard of living for all.
- Data and bank accounts belonging to social grant recipients have been misused and a large number of unauthorised deductions from social benefits have been recorded.
- During the Budget speech in February 2021, Finance Minister Tito Mboweni announced that *the real value of all social grants would fall*. That is, the rand increase is lower than expected inflation. This was confirmed in a post-budget-speech press briefing with the Minister and other Treasury officials.<sup>5</sup>
- Currently, approximately 70% of adults (18-64 years) live below the upper bound poverty line (UBPL) of R1265 per person per month, with approximately 40% living below the World Bank's \$1.90 a day (R436 per month) measure.<sup>6</sup>
- The government-enforced lockdown resulted in millions of South Africans losing their jobs or having their incomes reduced. Statistics South Africa finds 1.4 million job losses in 2020.<sup>7</sup> While it is uncertain how many of these may be regained in 2021, this potentially wipes out nearly a decade of job growth. This increases the scale and severity of poverty as job losses threaten people's ability to provide for an adequate standard of living for them and their families. The NIDS-CRAM survey indicated the heavy mental health burden that this situation has created. It found that twice as many people screened positive for depressive symptoms in June 2020 (24%) compared to 2017 (12%).<sup>8</sup>

5. See the relevant video clip here: <https://twitter.com/NeilColemanSA/status/1364672899769135112?s=20>

6. Jain, Bassier, Budlender, Zizzamia. 2020. *The labour market and poverty impacts of COVID-19 in South Africa: An update with NIDS-CRAM Wave 2*.

7. Stats SA. 2021. *Quarterly Labour Force Survey: Quarter 4: 2020*.

8. Oyenubi, A. and Kollamparambil, U. 2020. COVID-19 and Depressive symptoms in South Africa. NIDS-CRAM Working Paper. Available: <https://cramsurvey.org/wp-content/uploads/2020/09/12.-Oyenubi-A.-.-Kollamparambil-U.-2020-COVID-19-and-depressive-symptoms-in-South-Africa.pdf>





## COMMITTEE'S CONCERN



## IMPACT OF COVID-19

### There is a high incidence of food insecurity and malnutrition

- Despite the high levels of food insecurity and malnutrition especially among children, the child support grant is set below the food poverty line and an estimated 18% of eligible children do not receive the grant because of a lack of documentation.
- There is no adequate framework to ensure the right to food.

- The COVID-19 pandemic and associated lockdowns led to a dramatic increase in hunger in South Africa. Survey data showed that much of the gains since the introduction of the Child Support Grant (CSG) in 2000 had been reversed.<sup>9</sup> In the May/June period, up to 47% of households reported having no money for food. Reports from the Eastern Cape were particularly bad with NGOs reporting levels of hunger typical of war zones.<sup>10</sup>
- While government promised the increased rollout of food parcels, these were inadequate. There were also reports of government officials stealing food parcels or reserving them for family members, friends or political allies.<sup>11</sup>
- NIDS-CRAM studies looking at the mental health impact of COVID-19 found that alongside the increased incidence of depressive symptoms, those experiencing hunger every day or almost everyday had the highest rates of depressive symptoms (44%).<sup>12</sup>

#### Households reporting some type of food insecurity over the lockdown period:

	WAVE 1	WAVE 2	WAVE 3
<b>Child Hunger</b>	15%	12%	16%
<b>Adult hunger</b>	23%	16%	18%
<b>No Money for food</b>	47%	38%	41%

Data from NIDS-CRAM waves 1, 2 and 3. For the first two rows, Wave 1 data corresponds to May/June, Wave 2 to July/August, Wave 3 to November/December as respondents were asked about the previous week. The last column refers to April, June and October respectively as survey respondents were asked about the month prior to the survey.<sup>13</sup>

9. Bridgman, G, van der Berg, S and Patel, L. 2020. Hunger in South Africa during 2020: Results from Wave 2 of NIDS-CRAM. Retrieved: <https://cramsury.org/wp-content/uploads/2020/09/3.-Bridgman-G.-Van-der-Berg-S.-Patel-L.-2020-Hunger-in-South-Africa-during-2020-Results-from-Wave-2-of-NIDS-CRAM.pdf>

10. Pienaar, E. 18 September 2020. "Hunger in Eastern Cape at 'war zone levels.'" *Daily Dispatch* Retrieved: <https://www.dispatchlive.co.za/news/2020-09-18-hunger-in-eastern-cape-at-war-zone-levels/>

11. See for example: <https://www.news24.com/citypress/News/councillors-accused-of-looting-food-parcels-meant-for-the-poor-20200419>

12. Oyenubi and Kollamparambil. P. 14.

13. Van der Berg, S, Patel, L, Bridgman, G. 17 February 2021. Hunger in South African during 2020: Results from Wave 3 of NIDS-CRAM. Available: <https://cramsury.org/wp-content/uploads/2021/02/10.-Van-der-Berg-S.-Patel-L.-Bridgman-G.-2021-Hunger-in-South-Africa-during-2020-Results-from-Wave-3-of-NIDS-CRAM-1.pdf>





## COMMITTEE'S CONCERN



## IMPACT OF COVID-19

### A large proportion of people live in inadequate housing without access to basic services

- There are a large number of people living in inadequate housing, including those in informal settlements, without access to basic services. There is a growing number of informal settlements in urban areas due to rapid urbanisation. South Africa has seen a decrease in the number of social housing units provided by the State party.
- There are a number of reports regarding illegal evictions and the excessive use of force during evictions, as well as evictions taking place without municipalities offering suitable alternative accommodation.
- Many farm dwellers live in dire housing and living conditions. This may be exacerbated by the potentially negative consequences of the Extension of Security of Tenure Act No. 62 (1997).
- Despite government issuing a moratorium on evictions during various stages of the lockdown, there were numerous reports of evictions, both of individuals and of communities.<sup>14</sup> For example, in Cape Town in June 2020, during a winter storm, demolitions were carried out in an informal settlement in Hout Bay.<sup>15</sup>
- In addition to evictions and demolitions of structures, a number of individuals and communities were subjected to disconnections of basic services by landlords and municipalities during the lockdown.<sup>16</sup>
- In many municipalities, homeless people were given temporary shelter during the lockdown. However, multiple reports indicated that these were overcrowded with poor services, conditions highly conducive to the spread of the virus.<sup>17</sup>

While most public health experts affirmed the necessity of the lockdown to “flatten the curve” of the coronavirus pandemic, without adequate government interventions, the social and economic impacts have been devastating. This has been especially evident in South Africa which is beset by a number of ‘social comorbidities’ (inequality, unemployment, poverty).<sup>18</sup>

While South Africa’s social grant system has done a great deal to reduce poverty in the country, in its current form it is not sufficient to adequately secure the right to social security or to an adequate standard of living. The latter is particularly insecure given the poor provision of housing, water, and sanitation in the country.

14. For a list of evictions as well as details of government regulations on this and civil society responses see: Socio-Economic Rights Institute (SERI). July 2020. Submission to OHCHR on The impact of the COVID-19 Crisis on Housing Rights.

15. See: Stent, J. 11 June 2020. Conflict in Hout Bay as City demolishes structures. *GroundUp*. Available: <https://www.groundup.org.za/article/conflict-hangberg-city-demolishes-structures/>

16. Ibid. See also for example: Shoba, S. 26 March 2020. ‘The City has condemned us to death,’ says Khayelitsha resident after water turned off. *Daily Maverick*. Available: <https://www.dailymaverick.co.za/article/2020-03-26-the-city-has-condemned-us-to-death-says-khayelitsha-resident-after-water-turned-off/>

17. Ibid.

18. For a greater explication of this argument, see: IEJ. 23 July 2020. Towards a safer, more equitable opening of the economy. COVID-19 Response Policy Brief #2. Available: <https://iej.org.za/towards-a-safer-more-equitable-opening-of-the-economy/>





# WHAT ARE SOUTH AFRICA'S OBLIGATIONS UNDER INTERNATIONAL LAW?

ICESCR Articles 9 and 11 lay out South Africa's obligations to ensure social security and an adequate standard of living:

## ARTICLE 9

The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.

## ARTICLE 11

1. The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognising the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
  - a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources;
  - b. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

These articles impose obligations on the government to design and implement comprehensive social protection programmes. Ideally these should be universal as well as unconditional. They should also provide adequate support and be guaranteed for the duration needed. Human rights

law only allows for the rolling back of support in very limited circumstances.<sup>19</sup> The following recommendations for South Africa by the Committee are reflective of these general principles.

19. CESR. 2020. Income Support to Protect Rights. COVID-19 Recovering Rights series. Available: [https://www.cesr.org/sites/default/files/Brief%207%20-%20Income%20Support%20Online\\_0.pdf](https://www.cesr.org/sites/default/files/Brief%207%20-%20Income%20Support%20Online_0.pdf)





# WHAT DID THE COMMITTEE RECOMMEND?<sup>20</sup>

## GRANT SYSTEM

Regarding the inadequacies in the current grant system, the Committee recommended that South Africa:

- Design and regularly update a composite index on the cost of living;
- Raise the levels of non-contributory social assistance benefits to a level that ensures an adequate standard of living for recipients and their families;
- Ensure that those between the ages of 18 and 59 with little or no income have access to social assistance;
- Establish a social protection floor in line with the rights-based definition provided in the ILO Social Protection Floors Recommendation, 2012 (No. 202);
- Expand the coverage of the Unemployment Insurance Fund benefits to all workers, regardless of their status;
- Consider the possibility of introducing a universal basic income grant; and
- Rectify the situation brought about by the outsourcing of the social grants payment system and ensure that all the payments are made in a timely manner during the transition period.

## FOOD INSECURITY

Regarding the high incidence of food insecurity, the Committee made a number of important recommendations:

- Increase the child support grant up to, at least, the level of the food poverty line;
- Ensure that all eligible children receive the grant;
- Expedite the adoption of the Social Assistance

Amendment Bill of 2018 to increase the level of child support grants for orphaned and abandoned children living with relatives, for which it has already earmarked funds; and

- Adopt framework legislation protecting the right to adequate food and nutrition, and develop a national food and nutrition security strategy, taking into account the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security of 2004 and the Committee's general comment No. 12 (1999) on the right to adequate food.

## RIGHT TO HOUSING

Regarding the limitations on the right to housing, the Committee also made a number of recommendations for actions the state should take:

- Intensify its efforts to improve housing conditions and to meet increasing demand, including by continuing to provide adequate social housing in urban areas and to upgrade housing conditions in informal settlements;
- Ensure that evictions are carried out only as a last resort, without the use of force and in compliance with international standards;
- Encourage farmers to improve the housing and living conditions of farm dwellers, and ensure that the Extension of Security of Tenure Amendment Act (2018) is implemented in full compliance with the Covenant and other international human rights standards, especially as regards the requirement that evicted occupiers can acquire suitable alternative accommodation.

20. All recommendations taken from: Committee on Economic, Social and Cultural Rights. 29 November 2018. Concluding observations on the initial report of South Africa. Available: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/ZAF/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/ZAF/CO/1&Lang=En)





# WHAT HAS THE SOUTH AFRICAN GOVERNMENT DONE?

As it stands, few of the recommended protections have been put in place. It is clear that the pandemic does not absolve South Africa of the responsibility to implement the Committee’s recommendations. Rather, South Africa must take special action to ensure social protections.

In their statement on the pandemic, the Committee reiterated this, noting:

*“COVID-19 has highlighted the critical role of adequate investments in public health systems, comprehensive social protection programmes, decent work, housing, food, water and sanitations systems, and institutions to advance gender equality. Such investments are crucial in responding effectively to global health pandemics and in counteracting multiple, intersecting forms of inequality,*

*including deep inequalities in income and wealth both within and among countries.”<sup>21</sup>*

The South African government was praised for swift action in instituting a country-wide lockdown before cases of the coronavirus were widespread in the country. But accompanying socio-economic measures have been limited and were delayed. In short, they are far from sufficient to guarantee the right to social security and an adequate standard of living, especially in the context of such a devastating crisis.

OBLIGATION	GOVERNMENT RESPONSE	LIMITATION IN RESPONSE	PROPOSED ACTION
<b>Provide greater protections for all living in South Africa</b>	<ul style="list-style-type: none"> <li>Increased the CSG by R300 per beneficiary for May 2020 and then R500 p/m per caregiver for five months thereafter.</li> <li>Increased all other grants by R250 p/m for six months from May 2020.</li> <li>Introduced a special COVID-19 Social Relief of Distress (SRD) grant of R350 p/m for six months from May 2020 for people who are currently unemployed and do not receive any other form of social grant or UIF payment. This was then extended for an additional 3 months until the end of January 2021 and then extended for further for 3 months until the end of April 2021.</li> </ul>	<ul style="list-style-type: none"> <li>The CSG coverage amounts to far less than what was initially advanced because it is paid out per caregiver and not per beneficiary (child).</li> <li>There were extensive delays in the payment of the special COVID-19 SRD grant. Two months after the lockdown was initiated only 10 people had been paid. While that number has increased subsequently large numbers of eligible recipients have struggled to access the grant.</li> <li>While the government extended the SRD, it did not extend the increases to the other grants. This has a disproportionate negative impact on women who are the overwhelming recipients of the CSG (in their role as primary caregivers) and are therefore excluded from the SRD.</li> <li>The SRD grant is only currently in place until the end of April 2021 despite lockdown restrictions remaining.</li> </ul>	<ul style="list-style-type: none"> <li><b>Raise the level of social grants to at least the food poverty line</b> to ensure an adequate standard of living for recipients and their families.</li> <li><b>Introduce a universal basic income guarantee</b> at least at the level of the food poverty line.<sup>22</sup></li> <li>In the short-term, extend the SRD grant for the rest of the year, remove the conditionalities for it and increase to the food poverty line of R585 pm.<sup>23</sup></li> </ul>
<b>Ensure an adequate standard of living for all living in South Africa</b>	<ul style="list-style-type: none"> <li>Increased rollout of food parcels.</li> <li>Moratoriums on evictions and temporary housing facilities for homeless people.</li> </ul>	<ul style="list-style-type: none"> <li>As described above, food parcels have been inadequate to curb hunger.</li> <li>The SRD grant is currently below the food poverty line and so is not an adequate support measure to ensure an adequate standard of living.</li> <li>Despite the moratorium on evictions, there were widespread reports that these continued during the pandemic including in the winter months when people are most vulnerable.</li> </ul>	<ul style="list-style-type: none"> <li>As above, raise the level of grants to at least the food poverty line and work towards the introduction of a universal basic income.</li> <li>Use the recovery from COVID-19 to expand and improve public housing facilities in line with climate justice imperatives.<sup>24</sup></li> </ul>

21. UN Committee on Economic, Social and Cultural Rights (UNCESCR). (2020, April 17). Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights. Retrieved from: <https://undocs.org/E/C.12/2020/1>

22. For more details on this see the IEJ’s UBIG policy brief (unpublished-input details when available)

23. See here the IEJ’s joint statement with Black Sash and the #PayTheGrants campaign on the extension of the grant and why it is not enough: <https://www.iej.org.za/joint-statement-response-to-state-of-the-nation-address-extension-of-the-covid-19-srd/>

24. See for example: Osborne, C., Phalatse, S and Isaacs, G. 2020. No Going Back to Normal: Towards a Just Recovery for South Africa. Available: <https://350africa.org/just-recovery-report/>







## CONCLUSION

In a post-budget-speech press conference, following a question regarding the erosion of the value of the social grants over time, a National Treasury official noted that this was a result of the need for “fiscal consolidation” and expressed that this may be rectified once the debt situation had stabilised.<sup>25</sup> However, this was followed by Minister Mboweni instructing the Treasury official “not to apologise” with a further statement that “there is no social contract” to guarantee that grants rise every year.

This fact sheet has shown that this is not the case; the South African government must fulfil its rights obligations by providing adequate social security and an adequate standard of living including through improving the current grants system. These obligations demand that government expands the provision of services and public goods and develops a macroeconomic policy framework that can tackle South Africa’s poverty crisis. This in turn requires that the indivisibility and interdependence of all human rights is recognised at this time. Unfortunately, the current fiscal framework, which requires massive cuts to government expenditure, threatens to undermine this possibility.

Rather than embark on austerity, the South African government must mobilise the maximum available resources to protect rights during the crisis, but must also ensure such protections remain beyond it.

In the words of the Committee:

*“[We call] upon all States parties to ensure that the extraordinary mobilization of resources to deal with the COVID-19 pandemic provides the impetus for long-term resource mobilization towards the full and equal enjoyment of the economic, social and cultural rights enshrined in the Covenant. In so doing, they will lay the foundation for achieving the ideal enshrined in the Universal Declaration of Human Rights of achieving a world of free human beings enjoying “freedom from fear and want”. Mechanisms to facilitate national and international cooperation and solidarity, as well as substantial investments in the institutions and programmes necessary for the realization of economic, social and cultural rights, will ensure that the world is better prepared for future pandemics and disasters.”<sup>26</sup>*

25. See: <https://twitter.com/NeilColemanSA/status/1364672899769135112?s=20>

26. UNCESCR. (2020, April 17).