

THE STATUS OF ECONOMIC, SOCIAL & CULTURAL RIGHTS IN SOUTH AFRICA'S MARGINALISED COMMUNITIES

Community Dialogue Report



AMNESTY INTERNATIONAL SOUTH AFRICA

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LIST OF ACRONYMS

- AI:** Amnesty International
- AIDS:** Acquired Immune Deficiency Syndrome
- AISA:** Amnesty International South Africa
- AU:** African Union
- CEDAW:** The Convention on the Elimination of all Forms of Discrimination Against Women
- CFSR:** Charter of Fundamental Social Rights
- COPAC:** Co-operative and Policy Alternative Centre
- CSOs:** Civil Society Organisations
- DTI:** Department of Trade and Industry
- DVD:** Digital Versatile Disc
- EPWP:** Extended Public Works Programme
- ESCR:** Economic, Social and Cultural Rights
- GDP:** Gross Domestic Product
- HIV:** Human Immunodeficiency Virus
- ICESCR:** International Covenant on Economic, Social and Cultural Rights
- LED:** Local Economic Development
- MACUA:** Mining Affected Communities United in Action
- NAFCOC:** National African Federated Chamber of Commerce
- NGOs:** Non-Governmental Organisations
- RDP:** Reconstruction and Development Programme
- SADC:** Southern African Development Community
- TB:** Tuberculosis
- UDHR:** Universal Declaration on Human Rights
- UN:** United Nations



Executive Summary

Following a decision to strengthen its campaigning work on economic, social and cultural rights, Amnesty International South Africa (AISA) embarked on a process of consulting communities in all nine provinces in South Africa. These consultations were intended to achieve a deeper understanding of the nature and extent of community vulnerability with regard to economic, social and cultural rights (ESCR).

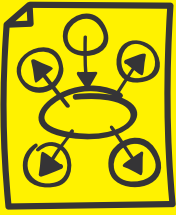
The expected outcome of this engagement was to inform AISA's human rights campaign strategy, help rights holders and communities reclaim their freedoms and ensure that any such campaigns lead to securing rights for all. (Strategic Goal 1 and 2).

The underlying rationale for this undertaking is that affected communities should be consulted for any organisation to serve their needs effectively and consistently. Essentially, an ear-to-the-ground approach is key to building and consolidating a human rights movement.

The dialogues fall under AISA's Economic, Social and Cultural Rights Programme, an initiative pursuant to Amnesty International's Strategic Goal 2, of ensuring that more people can enjoy their economic, social and cultural rights¹. The process objective was to conduct a systemic record of ESCR rights affecting all people in South Africa in order to inform the organisation's work on ESCR in 2016/17.

This process allowed communities to engage in dialogue about prevailing human rights challenges in general and ESCR in particular. The various platforms served to enlighten AISA about *the state of delivery of and access to ESCR*. Although the myriad of challenges South Africa faces in accessing and realising ESCR is public knowledge, our community consulting process was necessary to validate the assumptions AISA might have held about rights holders, barriers and factors driving exclusion from access as well as identify possible intervention.

¹ Amnesty International. Strategic Goals 2016-19. file:///C:/Users/BoitumeloM/Downloads/POL1031372016ENGLISH.PDF



METHODOLOGY

A total of 19 community dialogues were conducted throughout South Africa's nine provinces, from March until May 2016. An average of 60 people participated in each dialogue at locations in both urban and rural settlements. This sampling allowed for a range of expressions reflecting a broad spectrum of socio-economic and cultural experiences. Participants expressed themselves in 8 out of 11 official languages, allowing for cross-cultural reflections on the prevailing conditions that shape the experience of the poor.

Limitations: It is important to note that the scope of the dialogue had its own limitations. There was insufficient time to obtain in-depth information on some of the issues raised. Moreover, dialogues were open-structured and functioned largely as occasions to speak out rather than as forums to present coherent testimonies. As a result, it was not possible to compile case studies. Under ideal circumstances, more time would be needed to extract information on ESCR so that specific cases can be thoroughly compiled in order to build a campaign and possibly explore a litigation strategy. The amount of content generated by the dialogues necessitates a follow-up process to verify specific details so as to adequately record community submissions. In the context of advocating and mobilising, details of serious ESCR violations remain vague: more time would be needed to concretise such submissions and take such issues forward.



KEY FINDINGS

One of the dialogues' salient characteristics is the low level of community awareness of human rights in general and ESCR in particular. This chiefly stems from lack of understanding of the laws in place to facilitate access to ESCR and protect against violations. At times, participants did not realise that failure on the part of the state or any authority to enhance access to ESCR amounts to a human rights violation.

At the same time, the dialogues were marked by spirited descriptions of experiences of not accessing rights. Across all provinces, the high rate of unemployment was strongly emphasised. Detailed accounts of the problematic manner in which employment opportunities are made public and the subsequent allocation of jobs were expressed in all dialogues. The management of avenues to access employment and other economic opportunities is littered with unjust practices that extend as far as nepotism and the selling of jobs for sex. Another key issue that emerged across all provinces was the sophisticated level of fraud within the social assistance system.

Participants acknowledged that some minimal advances in the provision of basic services have been made. Lack of access to critical services like housing, water, electricity and sanitation also painted a picture of communities still awaiting the material advent of democracy in their lives.

In some areas, the bucket system and pit toilets are still in place. In some instances, the bucket system is implemented by the state through a highly questionable tender system. The poor response to crime and medical emergencies was sharply raised.

Community trust in the police has completely broken down in the majority of communities that participated in the dialogues. Among the problems expressed was the alleged collusion between police and criminals, particularly drug dealers. Drug and alcohol abuse is viewed as one of the major contributors to the levels of crime in poor communities. The dialogues also revealed some difficulties in relating to community members who are immigrants and active in the local economy.

An area of ESCR that received less expression was that of cultural rights. This is an aspect of our discourse on culture that has not been broadly and openly debated at community level, despite its contentious nature. Equally, the constitution and resultant legislation does not provide the level of detail that can generate a series of localised discussions on the subject. The dialogues did, however, reveal views and experiences related to cultural rights, albeit that such perspectives are, to a significant extent, based on stereotypes and unconscious denial of the dynamism of culture in the human rights context. Legal recognition of languages and traditional customs is viewed as a positive step, but it is acknowledged that the law does not go far enough in empowering cultural practitioners to mediate the diversity of preferences and historical inequalities. Consensus, however, did emerge on the marginalisation of indigenous knowledge in the systems and processes of governance and service provision. This issue revealed the strong sentiment that access alone does not satisfy the need for redress. There was a strong view that the quality of the service provided is of equal importance.

The level of organisation varies from community to community and is mainly determined by the strength of community structures operating in each context. This is an important aspect to consider when planning to support activism at the level of communities seeking to reclaim ESCR. The presence in communities of support organisations like NGOs and social movements determines the level at which interventions can be pitched, how they can be monitored and the ongoing coordination such activities require. Clearly, a flexible approach that takes such nuances into account is required to enable interventions to respond effectively to emerging dynamics and

level of organisation. Another important aspect to consider is the historical working relationship of the communities in question with NGOs and other civil society organisations. Elements of this reality emerged during the process of organising the dialogues and also arose from the inputs during sessions. These inputs pointed to the mistrust that has developed as a result of previous interactions with CSOs.



RECOMMENDATIONS

This report will foreground a series of recommendations that relate to several organisational matters and strategies that can possibly be explored in order to support localised activism based on ESCR.

First, AI needs to consider a review or modification of the membership model. A thorough assessment of how AISA is represented in such communities, taking community expectations into account, should be seriously considered for the sustainability of any intervention programme. Given that quite a long list of challenges was expressed in the dialogues, a careful selection of intervention areas is a necessity. Second, the lessons from this exercise indicate that dialogues should be an integral part of AISA's activities at community level, as such spaces can effectively raise awareness about the content and realisation of rights and assist the organisation in designing relevant campaigns.



Introduction

This report captures AISA's 'ear to the ground' process. The process entailed consultation with communities throughout the Republic of South Africa's nine provinces. The consultations dealt with economic, social and cultural rights. As a proven defender of human rights across the globe, AISA has been advocating for human rights at global, regional and national level through a plethora of strategies that respond to the multi-faceted nature of the conditions of the marginalised in South Africa.

Even though the report acknowledges geo-political, economic and historical relations at global level, it will focus on how and to what extent local communities access basic rights that governments at various levels have committed to protecting. In the case of South Africa, one of Africa's strongest economies, the report covers the daily experience of communities where access to basic infrastructure and services is still a major challenge.

The process took the form of community dialogues where a platform was provided for ordinary residents to reflect on their socio-economic conditions and also have a frank discussion on how these link to their cultural practice. Even though socio-economic and cultural rights are linked, discourse on the latter enjoys less attention in public engagements. As the report will indicate, dialogues of this nature have been effective in highlighting linkages between economic, social and cultural rights.



The dialogues were characterised by a diversity of voices drawn from varied locations, cultural backgrounds, generations and levels of political activism, with 19 dialogues conducted in 9 provinces and 8 languages used. Participants raised a number of issues pointing to the complexity of the living conditions of economically and socially marginalised communities. It also became very clear that campaigning on ESCR necessitates innovative strategies and alternative approaches. Despite the different emphases placed by different communities on varying issues, the underlying determinants of the conditions of poverty are by no means dissimilar. The report will therefore outline different sets of challenges presented during these dialogues and what is expected in terms of interventions from AISA. It will also interrogate the current AISA membership model, its mobilisation strategies and the focus areas of its existing programmes so as to assess the prospects of more consistent, stronger ESCR campaigning.

Amnesty International (AI) has a long record of activism on civil and political rights in many parts of the world. In South Africa, AI has been vocal on an array of issues relating to justice for refugees, displaced communities, the torturing of detainees and similar human rights violations. Following the xenophobic attacks of 2015, AI and 12 other civil society organisations called on the African Union to stand by its commitment to promote and advance human rights and to end the impunity of member states by publicly urging the Government of South Africa to provide a long-term security guarantee for refugees, migrants and asylum seekers living in the country².

AI has also functioned as a site for building international solidarity around human rights by providing a platform for the broad and joint condemnation of unjust practices perpetrated by governments and other powerful entities across the globe. Every December, as part of the “Write for Rights” global letter-writing marathon, AI supporters across the globe write millions of letters for people whose basic human rights are being violated. As a membership-based organisation, AI relies on the input of its members to direct its campaigning energies.

Under its ESCR programme, AISA embarked on a broad consultation with marginalised communities across the country, to deepen its understanding of the challenges in accessing and realising ESCR. It provided a platform for activists and other community members to give voice to their experience in relation to these rights. The biggest aim of the undertaking was to strengthen the organisation’s campaigning on ESCR. The report will therefore make key proposals around certain programmatic areas and also provide lessons from the community dialogues. Taking into account that political and civil rights are not disconnected from economic, social and cultural rights, it is important to note that all proposed interventions, strategies and tactics will be extensions of the various forms of activism that AISA is already conducting.

² Amnesty International. 2016. *Amnesty International Report 2015/16: The state of the world’s human rights*, Amnesty International Ltd, London.

CONTEXT

According to data provided by the South African Police Service (SAPS), crowd-related incidents in South Africa occur at an average rate of 30 per day, mostly protests demanding basic services such as water, health care, sanitation, and housing. Municipal IQ's latest data showed that at least 70 protests took place in the first four months of 2016.³

Most of these protests are driven by demands for access to basic services: socio-economic rights codified in the Bill of Rights of the Constitution of the Republic of South Africa Act 108 of 1996. In 2015, the Government of South Africa ratified the International Covenant on Economic, Social and Cultural Rights of 1976, strengthening the alignment between local programmes and global protocols, at least in theory. In addition, South Africa is a signatory to several other international human rights conventions as well as regional ones such as the Charter of Fundamental Social Rights in SADC, signed by the members of the Southern African Development Community. Apart from the binding provisions of various international conventions that the country has ratified, as a member of the United Nations, South Africa is guided by the seminal Universal Declaration on Human Rights. These international instruments have not only been important in guiding the actions of countries on human rights, but have also provided non-state actors with mechanisms that can be used to monitor progress on the protection of ESCR and hold governments accountable.

There is a long historical tradition of campaigning and advocating for human rights in South Africa. In viewing the phases of resistance and political liberation on the African continent, spanning several centuries, the prominence of political and civil rights is clear. Economic and cultural rights have received less expression because the liberation movements have largely focused on issues of political power and civil liberties, a central question of contemporary political activism.



The recognition of political rights was central to the anti-apartheid struggle. The success of the liberation movement was supported by many nations in the world when the democratic government assumed power in 1994. Frontline states, that include countries such as Mozambique, Zimbabwe and Botswana, played an even more critical role in South Africa's liberation movement.

Adopted in 1996, the South African Constitution is lauded as one of the most progressive in the world for its manner of transcending the divisions of apartheid and laying the basis for a liberated and equal nation. It is upheld for the important status it accords to socio-economic rights in the pursuit of dignity and substantive equality. Heyns and Brand (1998) go as far as saying that “the new South African Constitution provides arguably the most sophisticated and comprehensive system for the protection of socio-economic rights of all the constitutions in the world today” (1998, 153)⁴. However, after 22 years of democracy, the international community is increasingly focusing on the challenges South Africa faces rather than the proud advances it has achieved in deepening constitutional democracy. Protests,

³ Are there 30 service delivery protests a day in South Africa? Africa Check, <https://africacheck.org/reports/are-there-30-service-delivery-protests-a-day-in-south-africa-2/>

⁴ Heyns, C. and Brand, H. 1998. 'Introduction to socio-economic rights in the South African Constitution,' *Centre for Human Rights, University of Pretoria*, http://www.idd.org.za/images/stories/Ready_for_publication/V2-2_Introduction_socio-economic_rights.pdf

poverty and police repression of protestors have brought the dissatisfaction of socio-economically marginalised communities to the fore.

It is widely known that South Africans protest in numbers and with regularity because of prevailing poor conditions in their communities and the country. Municipal IQ recorded 191 service-delivery-related protests in 2014 and 164 in 2015⁵. At the local level, the user pay system arrived prematurely for many; households had no sources of income to pay for access to basic needs like water and electricity. The commodification of public goods has been the policy path followed in the interest of economic growth since the 2000s. In partial recognition of this fact, all provinces are required to have an indigent policy where qualifying households are provided with basic minimum services for free. The 2013 Statistics South Africa non-financial census of municipalities, found that all 9 provinces have an indigent support policy in place. In 2011, a total of 2 630 197 households were registered as indigent, while in 2012 the number increased to 3 473 179. The Eastern Cape recorded the highest number of indigent households.⁶

The discourse of campaigning for economic, social and cultural rights is necessarily different from that of championing political rights. This is attributable chiefly to the content of the rights and also the practicality of their application. At the level of expression, ESCR calls for a higher level of clarity and detail in the language of mobilisation and advocacy. The reasons are also contextual. The history of mobilisation for change is saturated with the language of political freedom: over the years, political freedom has been perceived as encompassing economic, social and cultural rights. The persistence of economic, social and cultural marginalisation in a politically stable environment brings to the surface a new set of questions that necessitate an enquiry on ESCR. How we understand economic, social and cultural rights determines the manner in which we frame interventions to assist activism, and the extent to which that level of work is woven into the existing streams of activism on human rights.

DEFINING ECONOMIC SOCIAL AND CULTURAL RIGHTS

Socio-economic rights occupy a critical space in the South African Constitution. These rights oblige the South African Government to progressively secure a basic set of social goods for all members of a society. Advocates for the inclusion of socio-economic rights in the Constitution believed the recognition of civil and political liberties would signify little for a population still suffering from social exploitation, homelessness and starvation. Currie and de Waal (2005) hold that the very recognition of the fundamental connection between human rights and basic social conditions has encouraged the inclusion of socio-economic rights in modern constitutions. This connection is most pronounced in a country that was characterised by apartheid spatial planning, dispossession and deliberate underspending in areas occupied by African, Indian and Coloured groups. The legitimacy of safeguarding socio-economic rights in South Africa is also founded in international law: for example, the International Covenant on Economic, Social and Cultural Rights,⁷ to which South Africa is a signatory.

⁵ Service delivery protests, Municipal IQ: Municipal Data and Intelligence, http://www.municipaliq.co.za/index.php?site_page=article.php

⁶ Non-financial census of municipalities for the year ended, Statistical Release, P9115 <http://www.statssa.gov.za/publications/P9115/P9115June2012.pdf>

⁷ Heyns, C. and Brand, D. 2009.. 'Introduction to socio-economic rights in the South African Constitution,' *Centre for Human Rights, University of Pretoria*, <http://www.idd.org.za/images/stories/Ready_for_publication/V2-2_Introduction_socio-economic_rights.pdf>

In the past 10 years, civil society organisations have used socio-economic rights to argue for greater access to basic services by low-income communities. The instructive Grootboom case, *Government of the Republic of South Africa and Others v Grootboom and Others*, involving the Legal Resource Centre as an *amicus curiae*, was one of the earliest cases to obligate the state to fulfil the right to adequate housing.⁸ In 2002, the Treatment Action Campaign litigated against the state on the basis of section 27 (1)(a) of the SA Constitution to obligate it to provide, “Nevirapine to pregnant women with HIV who give birth in the public health sector, and to their babies”, in *Minister of Health and Others v Treatment Action Campaign and Others*.⁹ In 2010, the Centre for Applied Legal Studies brought a case against the City of Johannesburg’s introduction of pre-paid water meters on the basis of section 27 (1) (b), in *Mazibuko and Others v City of Johannesburg and Others*.¹⁰

Recently, in *Allpay Consolidated Investment Holdings (Pty) Ltd and Others v Chief Executive Officer of the South African Social Security Agency and Others*, the Black Sash was instrumental in litigation that resulted in the South African Constitutional Court compelling the South African Security Agency to terminate its contract with AllPay Consolidated Investment Holdings (Pty) Ltd.¹¹ The company had been deducting from social grants of many recipients without authorisation. The submission by the Black Sash rested on section 27 of the Constitution, which provides for access to social security.

Most recently, in *South African Informal Traders Forum and Others v City of Johannesburg and Others*, the Socio-Economic Rights Institute brought a case against the forceful removal of informal traders from their trading sites in Johannesburg’s central business district. The legal arguments drew from the constitutional right to dignity (section 10), the right to freedom of trade (section 22) and the right against arbitrary deprivation of property (section 25).¹² The abovementioned cases outline some of the jurisprudence that has developed as a result of the inclusion of socio-economic rights in the South African Constitution. In the South African context, ESCR includes the following:

Economic Rights: These relate to structures and processes of generating and distributing wealth or income. Though it is very difficult, if not impossible, to clarify where the meaning of economic rights begins to apply and where it ends, it is safe to mention that these relate to issues of productivity and conditions whereby such productivity is enabled or disabled. There is quite a lot of debate about what they include and what they do not. In the context of the communities where the AISA dialogues were conducted, economic rights entail the following: right to work (not contained in the South African Constitution); right to open a business and trade in the open market; right to fair labour practices; right to access support services for economic development; right to access natural resources for economic development.¹³

⁸ *Government of the Republic of South Africa and Others v Grootboom and Others* (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169 (4 October 2000), <http://www.saflii.org/za/cases/ZACC/2000/19.html>

⁹ *Minister of Health and Others v Treatment Action Campaign and Others* (No 1) (CCT9/02) [2002] ZACC 16; 2002 (5) SA 703; 2002 (10) BCLR 107, <http://www.saflii.org/za/cases/ZACC/2002/15.html>

¹⁰ *Mazibuko and Others v City of Johannesburg and Others* (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC); 2010 (4) SA 1 (CC) (8 October 2009), <http://www.saflii.org/za/cases/ZACC/2009/28.html>

¹¹ *AllPay Consolidated Investment Holdings (Pty) Ltd and Others v Chief Executive Officer of the South African Social Security Agency and Others* CCT 48/13, Media Summary, <http://www.saflii.org/za/cases/ZACC/2015/7media.pdf>

¹² Heads of Argument in *South African Informal Traders Forum and others v The City of the Johannesburg and others*, Case No: 43427 / 2013, http://www.seri-sa.org/images/SAITF_Heads_final.pdf

¹³ Section 22 and 23 of The Constitution of the Republic of South Africa, 1996.

Social Rights: This set of rights can be categorised into those that need government assistance and those that require community vigilance. In essence, social rights concern the everyday needs of the community, at both individual and communal level. They are key determinants for a life of dignity. These include rights to (access) the following: water and sanitation, food, education, housing, health, social security, and safety.¹⁴

Cultural Rights: These rights pertain to the freedom to conduct one's life in line with the customs and traditions of one's choosing. Relatively speaking, this area of ESCR has been given less attention; the discourse of cultural freedoms is a sensitive one due to the history of oppression and legislated inequalities. In South Africa, this area remains highly contentious as there are unresolved differences at the level of customary and civil laws. This set of rights entails the following: land rights, language, worship, customs, family and inheritance.¹⁵

METHODOLOGY

The approach adopted in conducting the dialogues was conditioned by the objectives AISA developed for the process (see below). As a membership-based organisation, AISA worked together with its members to ensure that local knowledge formed a key part of the preparation for the dialogues. Aligning the process to AISA's movement-character, AISA's multipliers played a key role in extending invitations to organisations and activists in line with agreed criteria. The dialogues were meant to be open meetings for community members to participate. However, an exception had to be made with regard to political parties, members of government and also business.

Community meetings were chosen as a discussion format that would generate content that can serve as a basis for future interventions. This strategy was chosen to enable greater ownership of the space by the communities themselves. A team of multi-lingual facilitators was chosen to catalyse optimum participation by attendees and not restrict participants from expressing themselves freely. The key element of the methodology was to ensure that the dialogues were as participatory as possible. The following elements were therefore considered and integrated into the strategy:

- » Venue – a community hall in a village or location that the majority of participants can access with relative ease.
- » Sample – on average 60 participants were earmarked as the number to participate in a single dialogue.

¹⁴ Section 27 of The Constitution of the Republic of South Africa, 1996.

¹⁵ Section 30 and 31 of The Constitution of the Republic of South Africa, 1996

- » Participants – drawn from the local areas selected and usually individuals active in local initiatives on development. Particular focus was given to activists campaigning about different issues in the community.
- » Demography – the selection criteria for participants had to reflect the composition of the community. The criteria ensured that all dialogues included youth, the elderly, men, women, unemployed, local traders and the disabled. The selection extended to gay and lesbian rights activists, and immigrants.
- » Content – a brief presentation introducing ESCR was used as a catalyst for the discussion on the experiences of the communities around these rights. The community then worked in groups to develop consensus on their understanding of the rights in the context of their experiences. What followed was a plenary discussion on how the prevailing conditions highlight access to or lack of ESCR. This also included sharing information on the activism the participants are involved in and the nature of solidarity needed by such efforts.

THE FOLLOWING METHODS WERE CONSCIOUSLY DEEMED CUMBERSOME

- » Creating a dichotomy between AISA staff (including contracted facilitators) and the community by coming into the space as experts and thereby relegating participants to the status of less-informed attendants.
- » Using Microsoft PowerPoint or other technical presentations.
- » Turning dialogue into a workshop by having flipchart stands and other materials
- » Recording the dialogues with audio or video equipment. (There was however one instance where an aspirant filmmaker, who is an activist, took interest in recording the proceedings and after consultation subsequently agreed to erase the footage)
- » Contracting professional translators, as there was no need.
- » Hiring professional service providers for what community members could deliver (e.g. catering).

SCHEDULE OF DIALOGUE SITES

WEEK	PROVINCE	DATES
Week 1 (March)	Limpopo	Site 1 – 10 March 2016
		Site 2 – 11 March 2016
	Mpumalanga	Site 1 – 15 March 2016
		Site 2 – 16 March 2016
Week 2 (March)	North West	Site 1 – 17 March 2016
		Site 2 – 18 March 2016
	Gauteng	Site 1 – 18 March 2016
		Site 2 – 22 March 2016
Week 3 (April)	Kwa-Zulu Natal	Site 1 – 12 April 2016
		Site 2 – 13 April 2016
	Eastern Cape	Site 1 – 25 April 2016
		Site 2 – 26 April 2016
Week 4 (11-15 April)	Northern Cape	Site 1 – 19 April 2016
		Site 2 – 20 April 2016
	Free State	Site 1 – 04 May 2016
		Site 2 – 05 May 2016
Week 5 (18-22 April)	Western Cape	Site 1 – 07 May 2016
		Site 2 – 09 May 2016

Table 1: Amnesty International South Africa, ESCR Dialogue Plan.

PROFILE OF CONSULTED COMMUNITIES

PROVINCE	AREA AND MUNICIPALITY	DETAILS
Limpopo	Mokopane, Mokgalakwena Local Municipality	Mokopane is a mining town where mining activity is affecting other local forms of production like agriculture. Situated next to the Twickenham mine, which remains the source of employment for the inhabitants of the town, it is a locality with a population of 30 151 people. The spectrum of economic activities is narrow, largely restricted to mining and agriculture. There is no business infrastructure to speak of in the area. Many inhabitants are unemployed and social grants are one of the main sources of income for many households. Statistics South Africa reports unemployment in the Mokgalakwena Municipality to be at 49.2%, and youth unemployment accounts for 51.7% of that total. Most of the local struggles are around mining and the environment. One of the most active local organisations in these struggles is the Mining Affected Communities United in Action (MACUA). North Sotho is the main local language.
	Sekhukhune, Greater Tubatse Local Municipality	Morapaneng is a small village located in the Greater Tubatse Local Municipality, in the Sekhukhune Region, Limpopo province. Most land is owned communally and falls under traditional authorities, the municipality is predominantly rural with about 166 settlements, most of which are villages. The municipality has a population of 335 676 people. Rationalisation of the workforce has led to massive unemployment in the area. There is a relatively low level of agricultural production and other economic activities. The area is largely North Sotho-speaking and many of the youth are unemployed.
Mpumalanga	Emalahleni, Emalahleni Local Municipality	A coal-mining town formerly known as Witbank, it has a history of being one of the employment centres not only in the province but also in the country as many migrated to the areas to seek employment in the mines and in the steel plants. The Emalahleni municipality is one of the municipalities that form part of the Special Presidential Package for the revitalisation of mining districts. The package set aside R18 billion to improve the socio-economic conditions in these selected areas. In 2011, Emalahleni had a population of 395 466. The down-scaling of steel production led to massive unemployment. The rate of unemployment in 2011 was at 27.3%. There is a strong case of environmental pollution due to acid mine drainage and this affects the water supply in the area. It is a relatively developed town but with high levels of poverty where allegations of nepotism and corruption are being made about the government. Main languages spoken are IsiZulu and Siswati, even though many other vernacular languages are used due to the influx of workers from other provinces and countries.
	Amsterdam, Mkhondo Local Municipality	Situated next to the Swaziland border, the town is underdeveloped, lacking basic infrastructure such as roads. Public services are lacking and health centres are poorly resourced. There is a large-scale timber production in the area which still provides employment for locals. However, there are complaints about the timber company management overlooking local labour and preferring to hire those from outside the town. The main spoken language is Siswati.
North West	Ventersdorp, Ventersdorp Local Municipality	Agricultural production coexists alongside mining, and many of the locals eke out a living from employment on farms and in the mines. The area is a rural town. Services are not provided regularly and employment is rising due to mechanisation on farms and the down-sizing of the workforce at the mine due to the depreciating value of metals in the global market. The main languages spoken are SeTswana and Afrikaans.
	Rustenburg, Rustenburg Local Municipality	A town renowned for being one of the big producers of platinum and chrome. It is also a town that made headlines for the most lucrative land restitution settlement where the royal family of Bafokeng own a substantial share in the platinum production. The Rustenburg Municipality is one of the distressed municipalities that form part of the Special Presidential Package for the revitalisation of mining districts. The package set aside R18 billion to improve the socio-economic conditions in these selected areas. Like any mining town, it has serious environmental problems, with particular regard to the depreciation of the productive capacity of the land, causing agricultural output to dwindle with time. It is one of the main sites of campaigning for anti-mining struggles under the banner of MACUA. Setswana is the main language spoken by locals, even though the influx to the mines makes the use of other languages a common occurrence.

PROVINCE	AREA AND MUNICIPALITY	DETAILS
Gauteng	Winterveldt, Tshwane Metropolitan Municipality	Located at the Gauteng-North West boundary with a population of over 120 000 residents, 36 % of the households are headed by women. Only 30% of the households have piped water inside their yards while 30% of households have a flushing toilet. Identified by the provincial government as one of the nodal points for economic revitalisation, it has seen the building of a multi-million-rand Enterprise Hub as part of township economy revitalisation. Morula Sun casino is one of the main tourist attractions and the area has other industrial development infrastructure which fails to translate into job creation. Setswana is spoken widely, but isiZulu and other vernacular languages can also be found.
	Orange Farm, Johannesburg Metropolitan Municipality	A township 45 km south east of Johannesburg, it has a population of over 77 000 residents. Female-headed households make up 38% of the community while households with flushing toilets amount to 70%. Only 40% of the residents fetch water from within their yards. The area had mining activity in the past and currently mine dumps are the only testimony of such activity. The rate of unemployment is also very high, while the community faces high crime and drug abuse challenges. It is a multi-lingual community where no language seems to be clearly in the majority.
	KwaThema, Ekurhuleni Metropolitan Municipality	Situated about 40km east of Johannesburg with a population of over 103 000 residents. Mining and manufacturing are the key economic activities that provide jobs to the locals. About 38% of the households are female-headed while 91% of the whole settlement has access to a flushed toilet. Only 53% of the households fetch water from within their premises. Unemployment, crime and drug abuse are the main challenges where young people are worst affected. IsiZulu is the most widely spoken language but many other languages are spoken in the area.
Northern Cape	Kimberley, Sol Plaatjie Local Municipality	The capital of the Northern Cape with a population of over 210 000, the majority resides in a township called Galeshewe (residence to a population of 108 000). In Galeshewe 46% of the households are female-headed while 80-82% of households have flushing toilets and can access running water from within their yards. The decline in mining operations has meant that levels of unemployment have risen and challenges like crime and substance abuse are common. Setswana and Afrikaans are the main languages spoken in the area.
	Kuruman, Ga-Segonyana Local Municipality	Located along the border of Northern Cape and North West, this municipality has a population of over 13 000 residents. Mining and agriculture are the main economic activities in the area. 98% of households can access running from within the premises while 93% have a flushing toilet. Unemployment is rife and food security is one of the major problems as mining companies are down-sizing their labour and farmers prefer to hire immigrants from the region as their labour is less costly than South Africans. About 30% of the households are headed by women. Afrikaans and Setswana are mostly used in the area.
Free State	Botshabelo, Mangaung Local Municipality	Located 45 km east of Bloemfontein with a population of over 182 000 residents. Female-headed households amount to 46%. Only 31% of households have access to a flushing toilet while 27% have piped water inside their yards. Manufacturing has been the backbone of the economy in the area but now a lot of industrial development infrastructure is disused and in a state of disrepair. Unemployment stands at 32% and there is small-scale farming activity that provides some income for the poor. Sesotho and isiXhosa are languages spoken by the locals with the majority of residents speaking Sesotho.
	Senekal, Setsoto Local Municipality	Located in the eastern Free State in the Thabo Mofutsanyane District Municipality, this small town has a population of 3 500 residents. 39% of the households are female-headed. 73% of the households have water infrastructure installed while 75% have flushing toilets. Sources of employment are manufacturing and agriculture. Sesotho is the language spoken by most residents.

PROVINCE	AREA AND MUNICIPALITY	DETAILS
KwaZulu Natal	Eshowe, Umlalazi Local Municipality	Located about 150km north of Durban, with a population of over 15 000 residents, this town relies on agriculture and tourism for employment. It has 49% female-headed households. While sanitation and water infrastructure have been installed in over 70% of the households there are still challenges related to these needs. The municipality has a strong commercial farming community forming a formidable component of the business class. As a result, an overwhelming majority of businesses are white-owned. IsiZulu is the main language spoken in the area.
	Durban, eThekweni Local Municipality	This town has a population of 3,5 million residents and is the economic capital of the province whose contribution to the South Africa GDP is unmatched by other coastal towns in South Africa. It is in fact the busiest port in Africa and is in line for major infrastructural developments that will see the expansion of the port and piloting of ocean economy projects. Despite its relative infrastructural development there is massive unemployment and housing rates as one of the top development challenges facing the poor. IsiZulu is the main language spoken in poor communities.
Eastern Cape	Keiskammahoek, Amahlathi Local Municipality	Situated 40 km west of King Williams Town, this rural town has a population of over 5000 residents. Agriculture and timber are the main economic activities in the area. There is a key water resource, the Keiskammahoek River Catchment Area, which services the whole district. Interestingly, access to water is cited by locals as one of the challenges. The main language in the area is isiXhosa.
	Grahamstown, Makana Local Municipality	Located 130km from Port Elizabeth, this town's name is etched in history as the judicial capital of the Cape colonial government. Xhosa chiefs and many anti-colonial rebels were sentenced in Grahamstown and sent to Robben Island. It has a population of over 17 000 residents and it is the host of the annual National Arts Festival. Due to a long-standing record of mismanagement of public finances and lack of service delivery, the municipality has been placed under administration. 54% of the households in the area are headed by women and about 53% of the households have piped water inside the yard. Isi Xhosa is the main language spoken in the area but due to the university population, other languages are also spoken.
Western Cape	Khayalitsha, City of Cape Town Metropolitan Municipality	Located 30km east of the Cape Town Central Business District with a population of over 400 000 residents (different sources cite different figures). There is a vibrant small business and informal trading sector and unemployment stands at 73%. Despite substantial investment that has seen the mushrooming of shopping malls and development centres, poverty and high levels of crime are common features of daily life. IsiXhosa is the language used widely in the area.
	Robertson, Langeberg Municipality	Situated approximately 15km from Cape Town, this town produces wine and fruit. It is situated on the scenic R62 wine route and is a major attraction for tourists, both local and from abroad. Many locals find jobs in the farms where the number of farm-dwelling workers is dwindling as many are being displaced to make way for hospitality establishments. There is also a very strong processing industry, which is a source of jobs for many. It was affected by the 2012 farm worker strike which saw the hiking of wages from R65 to R105 per day. Small-scale farming is also another economic activity. Despite these establishments, unemployment remains rife and social ills like drug and alcohol abuse are rife. Afrikaans and isiXhosa are the main languages spoken in the area.

Table 2: All information was retrieved from Statistics South Africa, http://www.statssa.gov.za/?page_id=964 and supplemented with information taken from websites of the respective municipalities.



Community Inputs

Summary

Most participants were vocal and made full use of the platform to articulate their issues in their own languages. As expected, some issues were common to all dialogues, while others received stronger emphasis in particular contexts. Below is the summary of key ESCR issues and emphasis patterns per province.

ESCR COMMUNITY DIALOGUE REPORT

COMMON ISSUES*



UNEMPLOYMENT

The limited job opportunities available are awarded to friends, family, political party members and also on the basis of sexually exploiting young women. This factor came through so strongly in the dialogues that some participants felt that the South African Constitution should have a 'right to work' as a clear provision. The argument made was that the broad notion of 'economic rights' as presented in the dialogues concealed the most fundamental requirement, namely, to work/participate directly in economic activities.



CULTURAL

In more than one province, challenges with access to land were discussed. In some areas, residents expressed difficulties with securing land for subsistence farming and grazing. In another instance, a group of elders spoke of their protracted battle to get their land restored or to get fair compensation for the land their families lost as a result of apartheid land laws.

SOCIAL



Access to health care

Issues include lack of resources (staff, medication, ambulances), the fact that the high volumes of patients and emergencies cannot be accommodated during operating hours, the fact that medical staff are unprofessional and their attitudes are not guided by Batho-Pele principles and the stigmatisation of HIV positive patients. In some dialogues, residents testified as to how, at some health facilities, HIV+ patients are put into different queues and clinic areas to separate them from patients suffering from other chronic diseases. Given high volumes and few medical staff, health facilities are overstretched. The waiting time at clinics is long and people's conditions worsen while waiting. In one dialogue, one of the participants gave an account of how a patient died next to her while they waited to be attended to.



Drug and alcohol abuse

Issues included the selling of drugs to learners and the proliferation of liquor outlets (taverns) in townships and villages. Drug abuse is also one of the causes of increasing gangsterism in some provinces. The drugs are easily accessible, and there is a prevalent view that drug dealers bribe the police in exchange for immunity from prosecution. There is a scarcity of rehabilitation centres for drug addicts.



Gender-based violence

This includes physical and sexual assault of women, where rape victims are depicted as promiscuous women. In some dialogues, cases of women getting mugged and raped in open fields were voiced. Members of the police service who assault their partners are not brought to book. Police are also lenient to friends who abuse their partners. Young women are also forced to have sex with officials in order to access employment opportunities in government's local economic development programmes. There were also cases of physical assault on males not being taken seriously when reported to police.



Access to education

The no-fee norm is unevenly applied at schools. Some schools charge fees while others of the same standard do not. Post-matric empowerment programmes are lacking. In some provinces scholar transport remains a challenge. Pupils have difficulty traveling to school especially when roads are flooded. In instances where scholar transport is provided, its quality is deplorable and places the lives of school children in danger.



Access to water

Issues include water cut offs, poor water quality and the fact that notice is not given before infrastructure undergoes maintenance. Astronomical water bills are reported. Prepaid water meters are installed without the consent of the households concerned. In informal settlements, access to water is a major challenge.



Deductions of social grants

Many pensioners have resigned themselves to accepting these deductions as an unavoidable unfortunate occurrence that is not a result of a fraudulent practice by financial institutions.



Poor policing

Police are perceived to be colluding with criminals, particularly drug dealers. Response time to criminal incidents in marginalised communities is very poor. Police are susceptible to bribes, which leads to disappearing dockets and known criminals walking free. A complete breakdown of trust is reported. Nor is there any protection for whistle blowers or those who report crime. Therefore, there is growing reluctance to report crimes because of the threat that this can pose to one's life.



Access to housing

Problems include lack of transparency on the housing waiting list, misallocation of houses and the fact that some people have been on the waiting list for more than 20 years. The issue of the poor quality of the houses was also expressed in all dialogues. Houses are built with cheap materials and have various defects. The cultural appropriateness of the housing units also came into focus where participants felt that the model of public housing does not take into account the need for privacy, particularly by women. The discussions also highlighted unprocedural evictions resulting from illegal sales of family homes occupied by young people/children. There was a strong view that false housing agents collude with councillors to evict some of the most vulnerable families.



Participation in development process

There is very poor, if any, consultation with regard to key development programmes. There is a lack of participation in governance programmes by the state.

**ESCR Dialogue common issues, March – May 2016.*

PROVINCIAL BREAKDOWN*

Limpopo



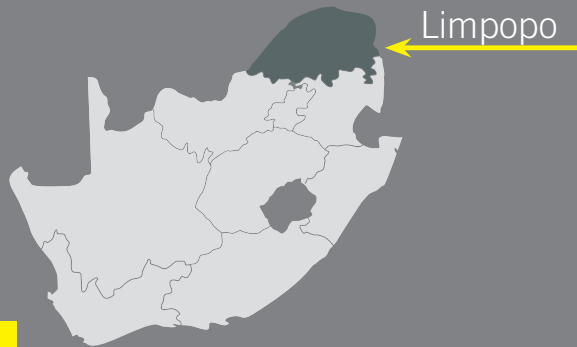
ECONOMIC

- » Unemployment is rife.
- » Levels of poverty are extremely high.
- » The community does not benefit from mining taking place in the area.
- » Licences are awarded to mining companies with no consultation with the community that will be affected.
- » Mines are closing down and leaving people unemployed.
- » Conditions of women working underground in the mines are dangerous and deplorable.
- » There is a range of contraventions associated with mining – a case for litigation (Blasting radius is by law 100 m from the settlements but the mining company is blasting 60m from the village. There is no forewarning of scheduled blasting and communities are not broadly aware of the permitted radius for blasting.)
- » Mine workers are still not compensated by their companies.
- » London-based companies buy land from the chiefs.
- » Awarding of mining licences to foreign mining companies without any consultation with the community.
- » People have no faith in Department of Mineral Resources.
- » Mining of agricultural land without proper rezoning.
- » Farming is in decline due to unsuitability of the land.



SOCIAL

- » Traditional leadership's composition is not compliant with the law (The Traditional Leadership and Governance Framework Act) as the community does not have its chosen representatives.
- » Mining pollution and destruction- depletion of water resources due to mining pollution; houses are cracking and sinking due to mining in the area.
- » There is surveillance of activists who are organising at community level. The right to safety is compromised due to this incessant surveillance.
- » There is an alliance between the government and the mining companies (Marikana not an isolated case). People get arrested for protesting.
- » An Inyala, a 4X4 multi-purpose and mine-resistant police vehicle, is permanently stationed at the gates of the mine.



CULTURAL

- » Heritage site – acquisition of land by foreign entities led to the exhumation of graves as land was rezoned for the entity's operations. Violation of village cultural rights through land grabbing makes access to graves difficult.
- » Traditional leadership excludes the voices of women – even though the Bolobedu people have a queen, women still have no voice in traditional courts.



PROPOSED ACTION

Economic

- » Petition Department of Minerals and Resources to review licences.
- » Mobilise community to enforce compliance.
- » Build solidarity among community structures, households and activists to carry out the monitoring.

Social

- » Mining activity pollutes the water sources: test kits are needed for the community to test the water and ascertain its drinkability.

Cultural

- » Land issue: relocation of graves is done without consulting the affected family – lodge a complaint to relevant department on this matter.

Mpumalanga



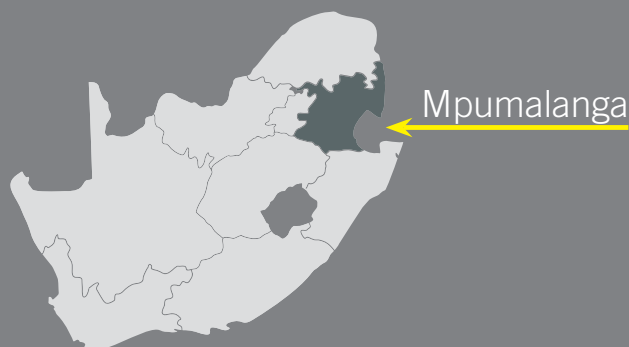
ECONOMIC

- » Hawkers are being intimidated and evicted from public amenities. Refusals and delays in issuing trading permits provide grounds for police harassment.
- » Unemployment – even college graduates cannot find jobs. There are scarce post-schooling options for young people who want to further their education or acquire vocational skills.
- » Favouritism in employment. Jobs allocation is not transparent. Opportunities are given to friends. Contracting of unqualified people stems from bribery in recruitment processes.
- » Mines run by private companies (monitoring compliance is a challenge).
- » Economic impacts of investment deals – look at the DTI deal with China and the resultant unemployment.
- » Municipal Local Economic Development Departments reject youth initiatives and later appropriate them as government projects without crediting the pioneers. Access to funding for development initiatives is lacking.
- » No inclusion of community in development planning and programmes such as EPWP.
- » Corruption in the municipalities is widespread.
- » Recruitment of labour from outside local communities by mining companies. Labour brokers use labour from outside the community.
- » There is no notification before electricity cut-offs.
- » Ownership of small business is predominantly by foreigners (Somalis, Pakistanis, etc.).
- » The DTI deal is unbalanced: only 30% of steel will be produced locally and 70% will be sourced from China.



SOCIAL

- » There is no consultation about mining operations – they go ahead without community consent as required by the law.
- » The municipality digs holes in people's yards and leaves them open. No permission is sought in doing this.
- » Poor water management (no refuse collection, littering is rife).
- » Environmental degradation is rife, with acid mine drainage and poor waste management systems.
- » Prostitution is rife around mines.
- » Informal settlements do not have electricity, sanitation, and are prone to fires. During flooding the sewerage overflows into people's shacks.
- » Housing is in short supply. Houses are allocated to non-locals while some locals have been on the list since 1996. Due to the corruption involved in the delivery of state-subsidised housing, there are people with more than one state-allocated house. The few houses provided are too small for big families and the construction of backrooms is not allowed. Up to 10 people live in 1 house and there is no housing provision for old people.
- » Evictions are increasing amidst lack of knowledge of what eviction procedures should be followed and how eviction orders are obtained.
- » Residents are forced to pay electricity and water rates even when they have successfully applied for social packages afforded to indigent households.
- » Poor policing: no response when police are called in a poor community and cases are not properly processed. Police are very slow to respond to crime in poor areas and are not responsive to cases of domestic violence. Police are poorly resourced – there is one van to patrol the whole of Amsterdam and farm areas.



[Social cont.]

- » Wide-spread drug and alcohol abuse. Availability of alcohol-trading places is high.
- » Precarious access to services: the municipal billing system leads to services being suspended due to high bills. Application process for the indigent not clear and usable. Municipal services are for sale – one must pay a municipal worker to do their job, such as fixing a burst pipe. Streetlights are not working and are not maintained. Road infrastructure is bad – potholes. Leakage of sewer pipes.
- » Education: Schools are far from homes: learners have to walk long distances and pass a bridge where several children have fallen to their deaths. There is no scholar transport. Lack of post-matric support.
- » Poor health services: There is a shortage of nurses at the clinic. Nurses don't treat people with respect, at tea time no one is served, including the critically ill. Nurses are rude to defaulters and HIV+ patients. Stigmatisation of HIV+ patients: they have a separate service point. Graduates are not employed to improve staff numbers. There is a shortage of medication – one medicine is prescribed for all ailments.
- » Ambulances do not respond on time and there are virtually no emergency services provided in informal settlements.
- » Access to ambulances – none are stationed and ready to respond to Amsterdam emergencies (when they arrive they often attend to different emergencies and end up being overloaded like taxis).
- » People wait for a long time before being attended to (waiting period is 3,5 hours).
- » Environment – it is common to dump disposable nappies, dead dogs into the water canal.



CULTURAL

- » Due to mining there is decreasing bio-diversity – varieties of herbs for traditional healers are disappearing. Due to pollution caused by mining, it is difficult to access water for traditional ceremonies.
- » Vacant land that could be used for cultural practices such as male circumcision is taken up by mining.



PROPOSED ACTION

Economic and social

- » Petition Department of Minerals and Resources to review licences.
- » Mobilise community to enforce compliance

Gauteng



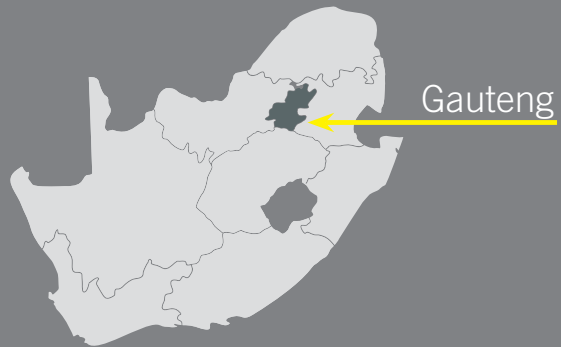
ECONOMIC

- » Productive land is lying fallow – absentee owners.
- » No transparency about recruitment processes. Women must have sex with officials to gain access to job opportunities in government programmes such as the extended public works programme; recruitment is based on ethnicity; nepotism is widespread.
- » Youth unemployment – employers insist on hiring based on experience but the youth have qualifications and no experience.
- » Job applicants are required to prove political party membership in order to be employed.
- » There is no access to bursaries for young people who want to get tertiary educations.
- » Cost of data – youth initiatives like internet cafes do not survive because of lack of information technology infrastructure and high costs of data.
- » Youth-driven empowerment initiatives are frustrated by the municipality.
- » Local shop owners are not getting support from locals – they prefer to buy from foreign-owned shops.



SOCIAL

- » No community hall or public facilities are available for recreational activities.
- » Lack of youth development facilities – sport; ill-resourced libraries; the youth are marginalised by government programmes and not consulted in the design of these programmes; at a national level there is no dedicated office for young people.
- » Nyaope (a street drug) is a scourge – there is no programme or facilities to deal with the drug (like naming and shaming the dealers); drug dealers cite unemployment as a major motivation to engage in drug trade; police are corrupt and treat dealers leniently because they bribe them.
- » Housing – houses are built open plan; parents have no privacy. Rate of infection of TB is higher due to the design of the house.
- » Houses are auctioned off upon the death of the elders, leaving grandchildren homeless.
- » Houses are sold illegally; there are allegations of corruption in housing allocation.
- » Leratong Hospital is servicing too many communities and will not admit anyone without a referral paper from the clinic.
- » There is a shortage of medical staff and the service is too slow – waiting hours are getting longer in health facilities; elders are abused by nursing staff.
- » Social workers are needed to assist with children orphaned by HIV/AIDS.
- » Corrective rape is increasing in parts of Kwa-Thema.
- » Basic services such as water and electricity are cut off without notification; there is no consultation before



[Social cont.]

- installing water meters; prepaid meters are installed without consulting the community.
- » Companies emit dangerous fumes which cause respiratory problems; dams are used by residents as dumping sites for waste and even dead bodies.
- » Littering: with the Pickup strike dragging on, people dump rubbish in front of other people's yards and that causes tensions in the community.
- » Financial abuse of pensioners – children are taking state grant money and using it for their own individual needs.
- » Bullying at school: Those who have undergone initiation bully those who haven't undergone this process.
- » Corruption in the distribution of food parcels: Officials are distributing these parcels to their own private networks.

CULTURAL

- » Burial sites are expensive – it costs R2500 per burial site or bodies are buried on top of other bodies.
- » Rights of Traditional healers – Christians vilify them in church yet seek their help in secret. The state needs to regulate the presentation of traditional healing on public media platforms.
- » Traditional healing practitioners are not recognised by religious councils. There are bogus traditional healers who trade in body parts. Local government should have knowledge/databases of traditional healers. There needs to be greater regulation of the practice.
- » Discrimination is based on language/ethnicity.

Kwa-Zulu Natal



ECONOMIC

- » Entrepreneurs struggle to access funding.
- » Access to capacity-building programmes and services is a major challenge.
- » Harassment of informal traders takes place.
- » Information on career choices is absent.
- » Water resources – Farmers monopolise access to water and there is water for their agricultural use but no water for household use by communities.



SOCIAL

- » No water services exist in Nkanini and provision of water in other settlements is very irregular.
- » Racism – in the Sunnydale case.
- » 48 humps in the city centre constructed after a 'white' child was knocked by a car.
- » Gender-based violence cases – access to justice is still a challenge. Rape of under-aged children occurs.
- » Health care – Stock-outs at the dispensary are frequent. High levels of defaulting on treatment are prevalent. Nursing staff do not respect confidentiality, under-age girls are not getting proper family planning assistance. Stigmatisation of HIV+ members of the community occurs. Lack of support for gender-based violence victims is prevalent.
- » Drugs and alcohol abuse – youth development facilities are lacking, and there are too many taverns.
- » Police are not effective against drug dealers and rapists – loss of dockets is a common occurrence.
- » Poor nutrition at schools – junk food is more accessible to learners.
- » Food traders are not adequately informed about nutrition.
- » Lack of security of tenure for flat dwellers and also small-scale farmers.



CULTURAL

- » There is clearly a clash between constitutional provisions and some long-standing cultural beliefs and practices.
- » Native cultures are frowned upon and considered backward. Native languages are still not treated as equal to English. Tensions between patriarchal roles and gender equality exist. Women's voices on cultural matters are lacking.
- » Traditional customs are opposed to constitutional provisions (traditional leadership).

North West



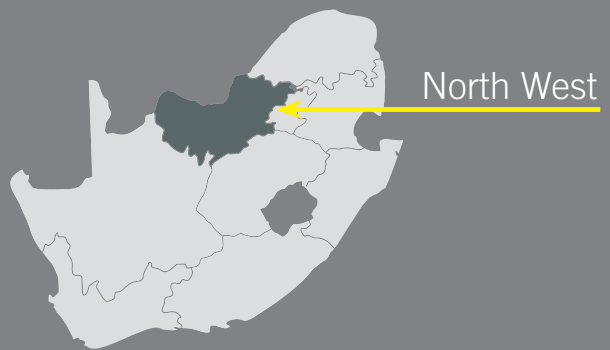
ECONOMIC

- » Women who want to engage in business have little to no access to land.
- » Women are excluded from getting jobs in the RDP project.
- » Fields are lying fallow as there is no support for farmers.
- » The unemployment rate is very high.
- » No compensation for farm workers exists.
- » Employers prefer to employ immigrants and not register them with the Department of Labour, in order to exploit them.
- » Harassment of informal traders is experienced.



SOCIAL

- » Health – it is difficult to access health facilities. Ill-treatment of the elderly in clinics is rife. Clinics close at 5pm and there is no help for medical emergencies after hours.
- » Crime – police are in the pockets of drug dealers and respond poorly to crime reported in poor communities.
- » Housing – many people have been on the waiting list for more than 10 years and houses are given to people from outside the area. Poor quality of housing.
- » No scholar transport.
- » Many households are still using pit toilets.
- » Harassment of women on the basis of their dress code. No empathy for victims of abuse as some women hold the view that women victims invite abuse.
- » Paypoints for social grant beneficiaries are not accessible and elderly are abused by children and grandchildren over grant money.



CULTURAL

- » Traditional leaders are the only ones who can call community meetings. Other members of the community are denied the standing to call meetings.
- » Contested versions of customary law on land.

Northern Cape



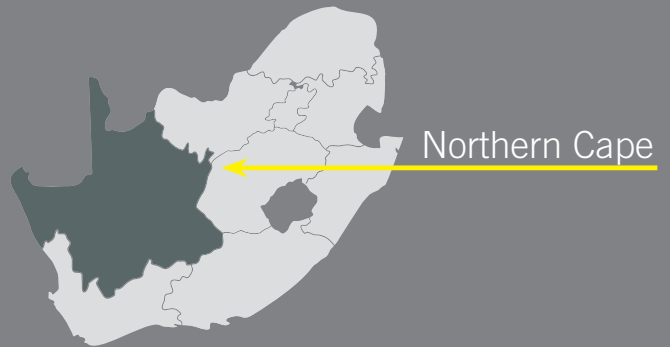
ECONOMIC

- » Mines are closing down and retrenched workers resorting to artisanal mining which is dangerous and illegal.
- » Communities are not benefitting from mining operations.
- » Casualisation of labour – labour is sourced from outside communities, including on farms in the public service
- » Mining companies are escaping accountability by selling off the mines to their own subsidiaries.
- » Rich companies have no social responsibility programmes.
- » No support for youth-run businesses.
- » Cost of electricity.



SOCIAL

- » Drug and alcohol abuse.
- » The prevalence of gangsterism.
- » Teenage pregnancy is impacting on education prospects of girl learners.
- » Graduates are unemployed.
- » No post-matric education facilities exist for towns outside metros.
- » Lack of recreational facilities for children and youth – parks are used as venues for drinking parties.
- » Housing – allocation is slow and not transparent. Illegal evictions, where unscrupulous business people collude with councillors, are prevalent.
- » Decaying infrastructure.
- » Quality of water is poor– dirty.
- » Shortage of clinics and poorly resourced medical facilities – there is no capacity to serve big communities (150 patients served by one clinic per day).
- » Scholar transport is in bad condition – vehicles are not roadworthy, bad driving and overloading are rife.
- » Police lack patrol vehicles and response to crimes is very slow. Police are in the pockets of criminals, especially drug dealers.
- » Billing of municipal services is astronomical.
- » Hygiene standards of food outlets are very low – no inspectors to enforce standards.
- » No education on the dangers of littering and environmental degradation – many people litter and communities are dirty.



CULTURAL

- » Change of cultural identity for acceptance and assimilation – Xhosa speakers assume coloured identity.
- » Religious intolerance.
- » Traditional leaders are using custom to violate people's rights of association and assembly. People are not allowed to convene meetings that are not called by the traditional leaders.



PROPOSED ACTION

- » Monitoring the South African Police Service; empowering communities with a tool that can enable them to carry out this activity.

Free State



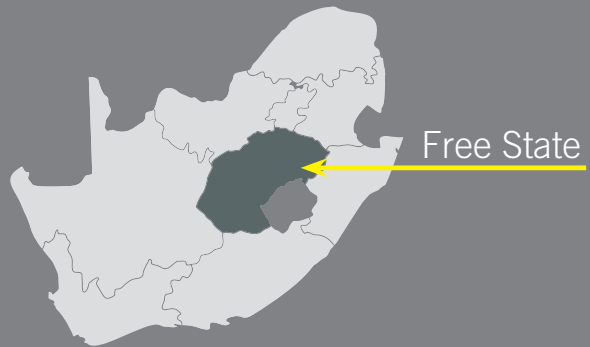
ECONOMIC

- » Unemployment has risen due to closure of local industries.
- » Jobs in the public service are given to members of the ruling party.
- » Women are expected to offer sex to secure employment.
- » Tenders are allocated along party political lines – many local entrepreneurs are not getting any government contracts if they are not members of the ruling party.
- » Lack of transparency on Local Economic Development budget and expenditure.
- » Graduates are not accessing employment.
- » Access to land for food production – the municipality provides short leases which makes it difficult to access government support.
- » Changing of cultural identity – Xhosa people identify themselves as coloured in order to access better jobs and services.



SOCIAL

- » Drug and alcohol abuse are widespread.
- » Safety – police are under-resourced and untrustworthy. Police are colluding with criminals and susceptible to bribes.
- » Housing – the waiting list is getting longer while houses are allocated to friends and relatives of those in power.
- » The clinic is understaffed and stocked out; clinic closes at 5pm and the nearest medical help is 50 kilometres away in the Bloemfontein Central Business District.
- » No scholar transport.
- » Social grants beneficiaries receive deducted amounts – some even get as low as R300 per month due to unexplainable deductions.
- » Water is cut off without any notice – communities can go for days without water.
- » Poor delivery of basic services – incompetent service providers are contracted at high premium while their workmanship is sub-standard.
- » No community participation in budgetary processes, after the public Integrated Development Plans meetings, no community participation in subsequent processes.
- » No support for youth-led empowerment initiatives.
- » Difficulties in getting compensation in the land restitution process.



CULTURAL

- » Treatment of women and the elderly shows the need for education on issues of culture.
- » Native cultures are not recognised even by people who are meant to be practising them.
- » There is marginalisation of native languages in official processes – one needs to master English or Afrikaans to be considered for access to a job, any process of empowerment and at government offices.



PROPOSED ACTION

- » AISA members to be part of the Black Sash Campaign against illegal deductions on social grants

Eastern Cape



ECONOMIC

- » No assistance with land leases for small-scale farmers and business people; planning permit requirements inhibit local initiatives to generate income.
- » Land management by municipality leads to conflict among small-holder farmers instead of cooperation.
- » Access to land for food production and business is nearly impossible.
- » Registering a business is a taxing exercise that invites harassment by SARS (one participant pointed out that it is better not to register for business because all your profit will be demanded by the revenue service).
- » Partnerships with the municipality for community development are tainted by the fraudulent practices of authorities.
- » Extraction of community resources occurs without any consultation or awarding of benefits to the community – sand mining case in Kieskammahoek.
- » Volunteer teachers are not being paid, affecting their performance and ultimately forcing them to withdraw from the system while their services are still needed.
- » Farmers pay exorbitant rates to irrigate their crops.
- » Bad roads discourage any business development as delivery of goods is difficult, especially in rainy weather.
- » EPWP projects – workers work only 2 days a week and the wages are low.
- » Imposition of industrial farming methods – they deplete soil quality and are costly to run.
- » Nearby dams and water reservoirs service distant communities while closer ones go for days without any water.
- » Disabled people are marginalised in local economic development programmes.
- » National African Federated Chamber of Commerce (NAFOC) structures are not working in good faith in how they deal with local small-business people.



SOCIAL

- » Housing model does not provide for the needed privacy, especially for the elderly and women.
- » Clinic – poor treatment of patients.
- » Rape of the elderly – elders do not report cases when raped.
- » Victimization of pensioners by criminals, especially when they get their grants.
- » Police take a long time to respond to crime in villages; crime is high.
- » Disabled children are living confined lives; no information on services for the disabled.
- » Education – closure of schools due to dwindling numbers of learners; no scholar transport for distant schools.
- » Lack of recreational programmes for the youth.
- » Bucket system still in place in some settlements.



CULTURAL

- » Key policies impacting on development are in English and not in indigenous languages.
- » Traditional leadership is not representative of the interests of the community.
- » There are embedded elements of jealousy in communities – any progress is frowned upon and sabotaged.
- » Discrimination of women occurs in traditional courts.

Western Cape



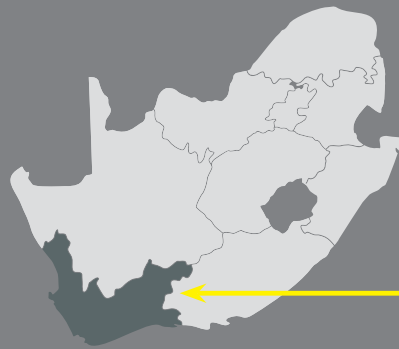
ECONOMIC

- » Women farm workers earn less than men for the same work and equal hours.
- » Migrant workers on farms are exploited at work and hated in the community.
- » Unauthorised deductions from wages.
- » for those living on farms, owners have begun to deduct electricity and other services, something they never did before the farm workers' strike.
- » Working conditions are not safe – working with pesticides with no protective gear.
- » Loan sharks – lending money to social grant beneficiaries.
- » Disabled people who are educated are not employed due to their condition.
- » Big tax-base but poor servicing of the marginalised areas (Cape Town).



SOCIAL

- » Insecurity of tenure – for both farm dwellers and residents of informal settlements.
- » Dirty water on farms – any complaint will lead to eviction.
- » Sanitation – it is dangerous to use communal toilets because they are not located closer to shelters. Women risk getting raped on their way to and from these toilets. Others opt to use public spaces to relieve themselves.
- » No toilets on some farms and dwellers have to use the bush.
- » Drug and alcohol abuse widespread – lack of facilities and programmes to treat addicts.
- » Safety – no streetlights and policing is poor.
- » Exposure of women to sexual assault when using toilets in informal settlements.
- » Police are corrupt.
- » Social grants – unauthorised deductions are common.
- » Disabled residents are not provided for in community facilities – no wheelchair ramp at the clinic.
- » Health – young women are mistreated by nurses when they seek termination of pregnancy services, so they opt for illegal abortions for fear of going to the clinic.



Western Cape



CULTURAL


- » Unavailability of open land where the cultural practice of male circumcision can be carried out with integrity.



Key Lessons from the Dialogues

Understanding of Human Rights

The level of activism is low in these areas, owing partly to uneven, but broadly low levels of awareness about human rights. Because a significant number of activists are veterans of the anti-apartheid campaign, there is largely a liberation movement background to existing forms of activism centred on civil and political rights. This foregrounds the difficulties involved in dissociating community activism about human rights from political party politics.



Given the nature of mobilisation, in the context of achieving some breakthroughs and suffering setbacks, it would be useful to have a reflection meeting every six months. This will help to take stock of the campaign, bring contextual insights up to date and respond to emerging developments. This is a standard activity applicable to any programme coordination process involving activists and their organisations.

The levels of unemployment in socially and economically marginalised communities continue to breed hopelessness and deeper levels of despair. The 1998 *Speak Out on Poverty: The People's Voices* hearings documented the layered nature of poverty around the country and highlighted unemployment as a key theme¹⁶. In 2016, high unemployment rates persist. The rate of unemployment increased from 22% in 1994 to 25% in 2014 and currently sits at 26.7%. This means 5.7 million out of South Africa's 36.4 million people of working age in the country were unemployed during the first four months of 2016¹⁷. This challenge has a bearing on the opportunities and limitations for human rights activism.

¹⁶ Budlender, D. 1998. "The people's voices: national speak out on poverty hearings". SANGOGO: Braamfontein.

¹⁷ Statistics South Africa. Undated. Employment, Unemployment, Skills and Economic Growth: An exploration of household survey evidence on skills development and unemployment between 1994 and 2014, http://www.statssa.gov.za/presentation/Stats%20SA%20presentation%20on%20skills%20and%20unemployment_16%20September.pdf.

Statistics South Africa. 2016. Quarterly Labour Force Survey: P0211. <http://www.statssa.gov.za/publications/P0211/P02111stQuarter2016.pdf>

Involvement in a human rights movement becomes more challenging as families of activists tend to view activism in a similar fashion to salaried work or at least an undertaking that should reap instant rewards such as a stipend or similar forms of remuneration. There is also quite an array of projects being rolled out in communities, and any movement where activists are required to give their time and effort is often viewed as an activity that should offer some financial rewards. The issue of unemployment featured strongly in the dialogues, and some activists expressed a need for AISA to include them in subsequent processes as volunteers who can expect something in return for their time. On a few occasions, some enquired about the prospects of being employed by AISA. There is therefore an expectation that in some instances, AISA must provide livelihood opportunities in its work on ESCR. Although the contrary was honestly and clearly communicated, the hope that AISA might solve problems that government fails to attend to, with particular regard to economic rights, still lingers.

FRAGMENTATION IN CIVIL SOCIETY AND MOBILISATION PROCESSES

Many organisations are actively involved in important issues of community development, but interaction among them for purposes of raising awareness on human rights is quite low. An understanding of the economic, social and cultural rights nexus is a critical area that requires attention. Organisations that work on health issues rarely interact with organisations who work on food rights, while those that deal with housing do not demonstrate strong activism on water and sanitation issues. This compartmentalisation exists not only between different organisations but among similar organisations who work in different geographic areas. For example, mining-affected communities also have low levels of interaction – there is simply no dialogue between activists who come from the platinum belt and those who campaign against the destructive trail of gold mining. As a result, organisations tend to see their respective human rights campaign issues as separate and unrelated to others, even though in their daily experience the connections are very clear.

In creating conditions for stronger activism on ESCR, AISA should be mindful of the need to address this fragmentation by providing avenues for further dialogue at local and other levels. This could require regular meetings of selected organisations that can conceptualise and jointly coordinate a popular education campaign around ESCR at community level.

SERVICING MEMBERSHIP AND HUMAN RIGHTS DEFENDERS

AISA members confront various challenges in raising awareness of human rights and the work of AI. Members based in peri-urban and other marginalised locations need assistance to provide stronger leadership in mobilising support/participation in AISA's campaigns. The dialogues raised basic questions about AI and its work that local members lacked clarity on. Unexpectedly, basic questions like the organisational character of AI, something that members should be well versed on, were not confidently answered by local AISA members/supporters. There are however areas like Durban, Johannesburg and other cities, where the members of AISA had platforms to meet and plan their campaigning in line with AI principles and programmes.

This points to the need for mechanisms to be put in place to improve interaction between AISA and its members. This may take the form of regularised capacity-building processes, where members take part, share experiences and lessons from their struggles, and acquire knowledge of innovative ways of campaigning and mobilising. An intervention is therefore needed to foster greater connection between members of AISA and the organisation, and to clarify linkages between the content of local activism by members and AISA programmes.

THE CONTESTED TERRAIN OF CULTURAL RIGHTS

There is a substantial body of knowledge on how inequality manifests itself in the cultural context. The nexus between constitutional provisions on equality and the embedded perceptions of culture remains a subject to be carefully untangled. The existing mobilisation around gender equality has brought an important dimension of the debate on cultural rights to the surface. The issue of traditional leadership and its influence on issues relating to land allocation and the administration of justice through traditional courts, is one of the thorny issues requiring strategic interventions.

The dialogues reflected a general sentiment that even though the Constitution provides for equal status of cultures, native cultural practices are still frowned upon by communities and those in power. Section 30 of the South African Constitution provides for the enjoyment of cultural life, similar to the International Covenant on Economic Social and Cultural Rights Article 5.¹⁸ Notwithstanding the advances made in recognising different cultures in law, many participants expressed their concern that very little is being done to educate young people about their own culture. One case in point is the vilification of traditional healers by churches and other influential community organisations, who project them as practitioners of witchcraft and traders of human body parts. Equally, issues of female circumcision emerged as a very sensitive topic during the dialogues: women who had undergone the practice defended it, while others held the view that it is a violation of women's rights. The lack of human rights education also meant a lack of knowledge of international law, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDWA), that explicitly considers practices such as female genital mutilation a violation of women's rights. Any programmatic response in this area of work will need to be premised on the principle of promoting education on the cultural practices of different language groups in the country. Focusing on raising awareness among youth on issues of culture in a constitutional democracy is an idea worth exploring so that a shift in mind-set, particularly on gender relations, can be pursued.

WORKING WITH INDIVIDUALS AND COLLECTIVES/ORGANISATIONS

The dialogue organisation process relied mostly on locally-based members of AISA, who coordinated preparations by securing logistical necessities and inviting participants. In most of the dialogues, participants complained that they had not been properly briefed on the content and purpose of the event, nor the expectations AISA had of them. In some cases, dialogues had to be postponed for a variety of reasons. In most instances, a local AISA member was occupied with other activities forming part of their local activism. In other instances, dialogues had to be cancelled due to lack of communication with the local organiser. These challenges made it clear that excessive reliance on individual members needs to be reviewed.

In instances where community-based organisations led the local organising, the mobilisation was relatively smooth and the dialogues ran with fewer difficulties. This points to the need to revisit how AISA works with its members on ESCR because the content of these rights requires more active membership and stronger collective involvement. This increases the chances of organisations aligning their campaigns with ESCR and thus enabling AISA to extend its reach and optimise the impact of its programmes.

¹⁸ International Covenant on Economic, Social and Cultural Rights: Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>



Recommendations

Considering the plethora of issues raised in the dialogues, the expectations that communities have and degrees of organisation at local level, the following should be considered in consolidating the ESCR programme:

CAMPAIGN AND DIALOGUES ON ESCR

A national phased campaign on select issues is necessary to scale up some of the gross violations of ESCR taking place at local level. A national campaign will serve to support local activism on select key themes and escalate the most urgent violations. Four key themes emerged strongly from this process. AISA could develop a campaign in line with one of these. They include:

- » Mining, land rights and environmental justice
- » Unemployment and public employment programmes – towards the right to work
- » Social assistance and the right to have access to social security
- » The right to access housing and state-subsidised programmes

The format of engaging communities through dialogue needs to be retained, but some modifications should be made, taking into account coordination capacity and available resources. This process can be kicked off by a round of report-backs where AISA announces its priority focus areas for its ESCR programme, and proposal for locally coordinated dialogues where members adopt the strategy as part of their own local mobilisation. This will lessen the need for AISA staff to assume a leadership role, allowing them to continue to support local leadership.

CROSS CUTTING THEMES IN CAMPAIGNING

Youth and Gender Equality

The inputs in the dialogues indicate that young activists, particularly young women, need more space to facilitate study circles on issues relating to gender equality. Gender is of strategic importance because it cuts across economic, social and cultural dimensions. There is a disturbing culture of gender-based violence, transactional sex, difficulties in accessing health care and concerning perceptions of gender equality. A programme that allows rights-based interaction amongst the youth will enhance AISA's footprint in the communities it serves. South Africa's population is largely young. Those under 35 years constitute approximately 66% per cent of the total population, 18.5% are between the ages 10-19, and 24% are aged 15-24.¹⁹

The campaign will need to find innovative ways to capture the interest of the youth. The basket of strategies and activities may include film screenings that are followed by a debate, poetry readings/spoken word, sessions on storytelling and workshops on multimedia (including social networking). A platform for youth to tell their stories on issues of gender and development is a factor worth consideration.

ACCESS TO INFORMATION

In the dialogues, participants pointed out the need for better access to information about the Constitution and the resultant laws that protect people's right to dignity. Participants stated that they wished to have more information and platforms to discuss human rights.

JOINT-CAMPAIGNING ON SOCIAL RIGHTS

An index of social justice organisations, prioritising those that current members of AISA associate with, will be the first tool to put in place for a mapping of activism on this set of rights. An alliance based on a clearly defined memorandum of understanding with other campaign organisations on social rights should be explored. Elements of solidarity may include supporting the participation of AISA members in actions undertaken by such organisations. For example, when the Food Sovereignty Campaign organises a march to protest the price of bread, AISA members advocating food security could be supported by the organisation to attend the march. Another case worth considering is working with Black Sash on extending the Hands-Off Our Grants Campaign to the margins of the country where there is a lack of basic information about illegal deductions on social grants. Narrowing the gap between AISA and organisations active in social rights should be the objective of this undertaking. This will reserve the capacity of the AISA office for specific campaigns that they take a lead on, while ensuring that its members are part of various spaces of activism on issues that are not priority areas for the organisation.

¹⁹ <https://www.statssa.gov.za/publications/P0302/P03022015.pdf>

POPULAR EDUCATION ON ESCR

In response to the need for more education on rights, an ESCR toolkit needs to be made available to local organisers and human rights defenders. A variety of publications, already in the public domain, that speak to ESCR, need to be packaged and provided to local organisers and human rights defenders so that participants in dialogues or similar platforms can access such information.

On another level, an AISA guide to ESCR needs to be developed and made available in all official languages. This may take the form of a pocket-size booklet, an audio file (podcast) that can be shared through cell phones, or a DVD series, where the ABCs of ESCR are communicated. A quarterly newsletter can be organised to serve as a platform where activists can submit stories of their struggles and AISA can disseminate important information about developments with ESCR, not only in South Africa but also in other parts of the world.

ACCESS TO INFORMATION ON ECONOMIC OPPORTUNITIES

Strengthening partnerships with organisations advocating transparency and anti-corruption can be the first step in responding to the request by youth and small-business owners for AISA to tackle the culture of secrecy around local economic development programmes in their municipalities. This is an area in which AISA will need civil society partners to champion the cause effectively. The current system of allocating opportunities to start and grow businesses breeds suspicion, positions immigrant shop-owners as targets of community frustration and renders them vulnerable to scapegoating.

This intervention may also entail bi-lateral meetings between immigrant and local small-business people where tensions can be ironed out through dialogue. Additionally, a workshop on cooperatives and solidarity-economics will strengthen this area of work. Organisations like the Co-operative and Policy Alternative Centre (COPAC) have experience in working with poor communities on these issues.

CULTURAL RIGHTS SEMINAR SERIES

Given the contestation and sensitivities on cultural rights issues, a centralised platform involving activists, researchers and scholars on cultural issues will be needed. Such a platform is central to opening a common space where participants from different cultural backgrounds challenge their own notions of culture by debating in a multicultural setting. This may take the form of a seminar series, where perspectives on cultural politics are presented and debated. The series will also allow AISA to deepen its understanding of the dynamics involved when acting on cultural rights, and engage international instruments such as ICESCR with local conceptions and experiences of culture in mind

MODIFICATION OF MEMBERSHIP

The report identifies the reliance on individual members to advance AISA human rights activism as a limitation, given the time and resource constraints associated with local mobilisation. A stronger focus on recruiting more organisations to AISA is critical. The strategy may include clustering organisations, based on the index developed, and information sessions where AISA invites such organisations to share information and propose avenues for joint campaigning on existing areas of work. With this approach, membership will be premised on action to be jointly taken, and there will be clarity on the boundaries of such association.

This does not, however, suggest that recruitment of individual members should not be strengthened. First, communication between AISA and its multipliers needs to improve. The process of conducting the dialogues revealed an absence of induction for members on ESCR and lack of clarity on where AISA wants to take the process. Second, individual members need to have information to share at community level so as to improve their profile at community level. Their basic contribution to layers of activism in their communities should be to serve as sources of information on human rights. This should also entail the provision of information requested by the community, based on an existing need and also some updates or developments in the human rights sector that can help strengthen their local advocacy.



Conclusion

Needless to say, it would be impossible to respond to all the issues raised. The prioritisation that will inevitably follow will result in certain organisations being disappointed by the decisions made regarding the ESCR programme priorities. Community dialogues represent an important method of ensuring that interventions are both relevant and inclusive at the level of conceptualisation and coordination. For such a programme to respond well to prevailing challenges without overextending its potential, it will need to be accompanied by other processes allowing other stakeholders, in this context other civil society organisations, to also contribute to protecting and promoting ESCR at local level. Occasional workshops, seminars and regular dialogues will need to be part of the broader campaign strategy.

The process of engaging communities provided rich content on a number of issues, some of which are beyond the scope of AISA's mandate. To be practical, AISA needs to focus mainly on empowering its members, through its human rights education, in order to ensure that self-organisation around ESCR is an ongoing independent process. The role of providing information is a practical need that AISA can effectively serve. The provision of copies of the Constitution, in languages spoken widely in those provinces, would be a good start to maintaining the momentum of the dialogues. AISA works in a political environment that requires the building of lasting relations with organisations of the marginalised and a regular evaluation of the context. Failure to do this will most likely lead to an organisational programme unable to respond to the needs of a constituency it aims to serve and would render the programme irrelevant. With this step, AISA is ensuring that it continues to be a resource for human rights activists and their organisations on issues where it is not leading the campaigns on ESCR.




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