

ESR

REVIEW

Economic and Social Rights in South Africa

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Ensuring rights make real change

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Editorial

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ESR Review

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This is the first issue of the *ESR Review* in 2015. For the realisation of socio-economic rights, 2015 began on a high note with South Africa's long-awaited ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR is important for enforcing the rights of those living in poverty; it has particular relevance to the majority of communities in South Africa, who do not have access to some of the most basic human rights.

Equally, in February 2015, Statistics South Africa (Stats SA) released an overview of the implications of the new national poverty lines on estimates of the incidence and depth of poverty in South Africa. Although Stats SA releases poverty reports on a regular basis, this report is unique, because it reveals provincial poverty lines and poverty lines for rural and urban areas by providing the pilot lines for the nine provinces, which has never been done before. Poverty lines are important tools that allow for statistical reporting of poverty levels and patterns, as well as planning for poverty reduction in any population. A poverty line ascertains a minimum socially acceptable standard for a predetermined welfare indicator to separate the poor from the non-poor.

This issue of the *ESR Review* includes an article by Usang Maria Assim that summarises South Africa's initial report to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), reviewing South Africa's progress towards the realisation of children's socio-economic rights. Gladys Mirugi-Mukundi examines the recent decision of the Supreme Court of Appeal in *City of Johannesburg Metropolitan Municipality v Hlophe*, which found that the fundamental constitutional value of accountability requires municipal officials to see to it that municipalities under their control obey court orders.

Updates of events at national, regional and international levels are also included in this issue.

We acknowledge and thank all the guest contributors to this issue. We trust that readers will find it stimulating and useful in the advancement of socio-economic rights, especially the rights of the poorest and most vulnerable groups of society.

Gladys Mirugi-Mukundi
Co-editor



Review of South Africa's progress towards the realisation of children's socio-economic rights

Summary of South Africa's initial report to the African Committee of Experts on the Rights and Welfare of the Child

Usang Maria Assim

Introduction

State reporting is an integral part of the obligation to respect, protect, promote and fulfil children's rights as set out in global and African human rights instruments.

South Africa is thus under obligation to report on the measures it has taken towards realising children's rights. As a member of the United Nations (UN) and the African Union (AU), South Africa is required to report on its progress (and challenges) to the Committee on the Rights of the Child (CRC Committee) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC Committee) respectively.

Under article 44 of the UN Convention on the Rights of the Child (CRC), States Parties are required to submit an initial report within two years of ratification of the Convention and thereafter to submit periodic reports every five years. South Africa ratified the CRC on 16 June 1995, and in line with article 44, it submitted its initial report to the CRC Committee on 4 December 1997. The second, third and fourth periodic reports were therefore due in 2000, 2005 and 2010 respectively, but they were only recently submitted (2014) to the CRC Committee, as a combined report spanning 1998 to 2014.

Similarly, under the African Charter on the Rights and Welfare of the Child (ACRWC), article 43 requires a State Party to submit its initial report within two years of ratification and thereafter every three years. South Africa ratified the ACRWC on 1 July 2000 but did not submit a report to the ACERWC until 2013. An initial Country Report covering the period January 2000 to April 2013 was prepared by the now disbanded Department of Women, Children and Persons with Disabilities (DWCPD) and submitted to the ACERWC in 2013. On 9 October 2014, the government formally presented this report on the implementation of the ACRWC to the ACERWC in Addis Ababa, Ethiopia.

The state reporting process is a participatory process, which refers to a mutual exchange encompassing discussion, cooperation and collaboration in good faith. Thus it is not intended to be an adversarial or accusatory process; rather, it is a process of 'constructive dialogue'. Constructive dialogue presents an opportunity for States Parties to receive expert advice and opinions on their compliance

with their child-rights commitments to further assist them in the implementation of the African Charter at the national level.

The role of civil society in the state reporting process

Civil society plays a key role in the state reporting process by providing an alternative medium for assessing the State's progress. This is chiefly done through the preparation of alternative, complementary or 'shadow' reports. Shadow reports provide the relevant treaty bodies with additional information or alternative perspectives on the issues covered in State Party reports. The importance of this is that the State can be held accountable for its obligations in a wide-ranging and holistic manner, because the shadow reports enable the monitoring bodies to better assess the State's performance.

Thus, early in 2013, the Children's Institute at the University of Cape Town and the Parliamentary Programme of the Community Law Centre began a process of drawing together a wide range of activists and researchers from the children's rights sector, to draft an alternative report to the government's reports for both the CRC Committee and the ACERWC. The process for preparing a shadow report for the CRC Committee will commence in 2015 since the State report has just been submitted. However, as soon as the government report to the ACERWC was submitted late in 2013, civil society swung into action to prepare a shadow report; it was finalised and submitted by the end of February 2014. The report was prepared by about 35 different authors representing 27 different organisations and was endorsed by a further 18 organisations. A civil society delegation comprising seven experts on different aspects of children's rights and two children met with the ACERWC thereafter, in April 2014, for a constructive dialogue based on the shadow report. Civil society shadow reports, which are prepared in relation to the content of the government report, are usually considered prior to the session where the State Party report is considered. Based on the additional information obtained from engaging with civil society, the treaty monitoring body prepares a list of questions or issues, which is sent to the State Party for responses ahead of the meeting with the state party delegation.

The complementary report prepared by the South Af-

The ACERWC raised concerns about the high levels of food and nutrition insecurity for children in South Africa

rican civil society delegation covered a wide range of issues, with emphasis on three areas of priority in relation to children's socio-economic rights: the poor quality of education or educational performance; the high rates of malnutrition; and weak service delivery to particularly marginalised or excluded children, including children living in extreme poverty, in rural areas, very young children, children with disabilities as well as migrant and refugee children. Some of the informed responses provided by the civil society representatives aided the Committee in the formulation of questions for engaging with the government in October 2014.

Highlights from the state reporting process between the government and the ACERWC

A delegation from the government met with the ACERWC on 9 October 2014. It was an impressive delegation, led by Deputy Minister of Social Development Henrietta Bogopane-Zulu and Deputy Minister of Police Makhotso Maggie Sotyu, together with the Deputy Head of Mission of the South African Embassy in Ethiopia, Nolufefe Dwabayo. Also forming part of the delegation were senior officials from the departments of social development, health, basic education, justice and constitutional development, and the South African Police Services (SAPS). This high-powered delegation signified the seriousness with which government views the members and work of the ACERWC. Moreover, child representation on the team was noteworthy, as the delegation included three children, one in Grade 7, and two in Grade 11. The participation of the children is particularly commendable, because it was not tokenistic and their contribution and response to questions was articulate. Altogether, there were about 20 people in the delegation.

After the presentation of the country report by the head of the delegation, the ACERWC asked trenchant questions on a wide range of issues to kick-start a process of constructive dialogue with the government. Some of the issues around children's socio-economic rights in South Africa are highlighted below.

Ratification of the International Covenant on Economic, Social and Cultural Rights

Apart from questioning the extreme lateness of the government's report to the Committee, the Committee raised questions regarding South Africa's failure to ratify the ICESCR and sought information on the current status of that initiative.

The government apologised for the delay in reporting, which was attributed to, among other reasons, the establishment of a new focal point for children and the micro-rearrangement of the governing structures through several elections. Similarly, the delay in the ratification of the ICESCR was attributed to elections and the establishment of a new Parliament.

It should be noted that the government eventually ratified the ICESCR on 12 January 2015; it will enter into operation in April 2015.

Poverty and inequality

The ACERWC noted the progress made by government in poverty reduction, but expressed concerns about the persistent levels of inequality, especially in the context of a relatively strong economy. It raised concerns about the impact of inequality on the lives of particularly vulnerable children, such as those living in rural areas or townships in urban areas. The negative consequences of high levels of poverty and inequality are also evidenced by the large numbers of children infected or affected by HIV and in the high malnutrition rates among children in South Africa. Reports indicating that over 60% of South African children live in poverty, many in households without an employed adult, reveal factors that compromise the health, safety and development of children, as well as their ability to access services.

In response to these issues, the government delegation stated that budget decisions are generally based on knowledge of the population size, but that there are a lot more people residing in South Africa besides South African nationals and this has an impact on the levels of poverty and inequality. Nonetheless, the government has put in place various schemes such as social security grants, feeding schemes and financial/technical support for small- to medium-scale businesses to help cushion the effects of poverty and inequality.

Food and nutrition

The ACERWC raised concerns about the high levels of food and nutrition insecurity for children in South Africa and asked what actions the government is taking to address this problem. In response, government noted that measures had been put in place since 1995 to improve nutrition, especially for pregnant women and children under the age of five. The challenge of malnutrition, however, still exists and more recent steps being taken include the implementation of regulations concerning food requirements for infants, young children and other children. These include measures to increase the rate of breastfeeding, regulation of the manufacturing and marketing of breastfeeding substitutes; implementation of regulations on food fortification with several vitamins and minerals; and the implementation of WHO's 10 steps in the management of severe malnutrition. A Food and Nutrition Security Policy for South Africa was also approved in 2013, aimed at providing guidance to various government departments on their roles in improving food and nutrition security in South Africa.

Social security

The Committee commended the role of the social grants system, particularly the Child Support Grant (CSG), but raised concerns about the fact that many children were still not accessing it and questioned whether school enrolment is a requirement for eligibility. The ACERWC also asked whether there are plans to interrogate the values of the CSG in the face of inflation and rising food costs.

The delegation commented that the CSG has indeed contributed towards the reduction of child poverty, as 11.9 million of South Africa's 18 million children are receiving the grant. School enrolment is not a requirement for eligibility and measures are in place to ensure that qualified children are registered for the CSG right from birth. This will further contribute towards a reduction in child poverty.

While the cost of food has indeed been on the rise in recent years, the government pointed out that the growth in the value of the CSG has been higher than the inflation rate. Further, the annual systematic increase in the value of the CSG has managed to keep beneficiaries' purchasing power stable.

Education

On education, the Committee raised several pertinent issues starting with concerns about the quality of education/educational performance; the availability of learner transport, particularly in rural areas; efforts to reduce drop-out rates and continuing education programmes for learners who fall pregnant; the provision of home language education in the foundation stage; the high levels of violence in schools, including corporal punishment; and what is being done to deal with teachers who abuse children.

Government responded first by noting the significant improvement in the quality of South Africa's education and the impact of the introduction of annual assessments in several subject areas with a focus on maths, science, literacy and numeracy. A curriculum review has also been undertaken with a view to making further improvements where necessary. In addition, in 2013, sign language was rolled out as an official language and teaching assistants have been introduced to assist teachers with sign language tuition.

On corporal punishment, government pointed out that it remains outlawed in schools and teachers who are found guilty are dealt with, as are those found guilty of sexually abusing children/learners. School-based social workers are also available, especially in special schools. These measures contribute towards identifying poor and sexually abused children, among others, for appropriate action to be taken.

On the high levels of violence in schools, the South African National Crime Prevention Strategy incorporates school safety issues, and a wide range of departments and stakeholders are constituted into Safety Committees at schools. These include the police, parents, teachers, NGOs, churches, local businesses and even ex-offenders committed to being positive role models. The Department of Basic Education generally deals with safety concerns at

schools in collaboration with the South African Police Services (SAPS).

Health, welfare and health services

The ACERWC raised concerns about a wide range of health issues including maternal and infant mortality, malnutrition, HIV and TB prevalence rates, and inadequate budgeting for early childhood development (ECD) services, poor quality of care, the situation of children with disabilities and a host of others. Specifically, concerns were raised about the number of children who die from preventable diseases, the high rate of TB prevalence (third highest in the world), the availability of post-exposure prophylaxis (PEP) for child victims of rape, HIV prevention (following recent research by the Human Sciences Research Council which seems to indicate that young people's knowledge about HIV and its transmission is declining), medicine stock-outs and the rate of breast-feeding.

Government responded that the TB prevalence is linked to HIV and medicine stock-outs are related to demand exceeding supply, partly due to transport logistics and the fact that some other African countries also order their supplies through South Africa. Government is however spending substantially on HIV prevention and the budget for condom distribution has also been increased. The situation with breast-feeding was also said to have improved and more up-to-date statistics would be forwarded to the ACERWC. PEP is said to be available through the Thuthuzela and Thusong Centres and can be accessed even before reporting an incident of rape.

Regarding school health services, all children are required to consent but the consent of parents is required for children under the age of 12. Also, the roll out of the vaccine against the human papilloma virus has been expanded to include girls in special schools. Generally, all clinics and hospitals are accessible to people with disabilities and there is a new initiative on the development and establishment of 'the ideal clinic' as a model for all health-care institutions to ensure that the needs of all individuals can be met.

Regarding the right to basic nutrition and the ECD subsidy, it was stated that 50% of the government subsidy for ECD goes to food while the rest covers administrative and other costs. This is to promote the optimal development of children during infancy.

Concluding observations

At the end of the presentation of South Africa's report, the head of the delegation expressed government's commitment to engage with the Concluding Observations when they are finalised. On 28 January 2015, government received the Concluding Observations from the ACERWC. The Committee made wide-ranging recommendations on a number of areas. With regards to survival and development, it urged government to, among others, 'put in place all the necessary measures in all settings to protect children from violence that affects their right to life, survival and development'; and 'to reduce child mortality and

malnutrition among others through effective de-worming campaigns and supply of nutritional supplements’.

On health and welfare, the Committee called on government to, among others, ‘secure access to medical care to all children without any discrimination on the basis of, among others, the rural and urban divide and race’; to ‘strengthen and expand its frameworks, budgetary allocations, training, and quality and accessibility of related services with a view to addressing among others child mortality, morbidity and still births’; ‘to extend the reach of the National Committee [on Confidential Enquiries into Maternal Deaths (CEMD)] to all provinces and settings, and effectively implement the recommendations of the Committee’; and to ‘strengthen its efforts to realize the rights of children with disabilities in full, in line with the provisions of the Charter and the Convention on the Rights of Persons with Disabilities’.

On violence, sexual exploitation, sexual abuse and other harmful practices, the ACERWC urged government to ‘undertake evidence-based planning to tackle the high rate of violence and to mitigate its long term effect of children’; and ‘to address the issue of death and mutilation of boys as a result of botched circumcision. In addition the Committee recommends that the State Party undertake measures with a view to banning virginity testing of children’.

Concluding remarks

Concluding Observations represent the final stage of a State reporting cycle by bringing together the Committee’s general overview of the situation of children’s rights in the State Party, based on the contents of the reports received and the constructive dialogue between the Committee and the government (as well as between the Committee and civil society). Concluding Observations also highlight major areas of concern and provide suggestions and recommendations on how to improve the overall implementation of the Charter by the State Party. Thereafter the State Party is expected to engage with the Concluding Observations and cooperate with the ACERWC by taking the suggested steps towards improving the situation. It is hoped that, as promised by the head of the South African Government’s delegation to ACERWC, the contents of the Concluding Observations will spur government to further action towards securing the protection of children’s socio-economic rights in all areas.

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Case review

Fundamental constitutional value of accountability requires municipal officials to obey court orders

City of Johannesburg Metropolitan Municipality v Hlophe (1035/2013) [2015] ZASCA 16 (18 March 2015)

Gladys Mirugi-Mukundi

Introduction

This is a summary of a recent Supreme Court of Appeal (SCA) decision that elaborated on the fundamental Constitutional value of accountability of public officials.

The Chung Hua Mansions are situated on Jeppe Street in the centre of Johannesburg. Changing Tides Properties Ltd. as the registered owner of the Chung Hua Mansions obtained an eviction order for the occupiers of the property. The property, which was previously used as an office block, had become a shelter for poor and homeless people. After acquiring the property Changing Tide intended to renovate and upgrade it. It sought an eviction order from the South Gauteng High Court on 26 May 2011.

An order was made by agreement between Changing Tides, the occupiers and the City of Johannesburg Metropolitan Municipality (the City). The order directed the City:

- (i) to consider the eligibility of the occupiers for the provision of alternative accommodation in terms of its temporary/emergency housing programme; and
- (ii) to file a report by no later than 30 April 2012 inter alia setting out which of the occupiers were eligible for temporary/emergency accommodation; what accommodation would be provided to the occupiers who qualified; and when such accommodation would be provided.

The City repeatedly failed to comply with any of these provisions of the order, nor did it explain its failure to do so.

The issue to be determined by the Supreme Court of Appeal

The essential question to be determined by the SCA was whether an order obliging the functionaries to ensure compliance by the City was justified.

The background

Changing Tides re-enrolled the eviction application for 14 June 2012, when it came before Judge Claassen. After hearing counsel for Changing Tides, the occupiers and the

City, Judge Claassen issued an eviction order that required the occupiers to vacate the property by 15 February 2013, failing which the sheriff was authorised to evict them. Further the City was directed to

1. provide the occupiers with temporary shelter by no later than 30 January 2013, if they were still resident on the property; and
2. file a report by no later than 31 October 2012, setting out the nature and location of the temporary shelter to be provided to the occupiers.

The order was no doubt informed by the decision of the Constitutional Court in *Blue Moonlight Properties* handed down on 1 December 2011.

By 20 November 2012, the City had not complied with the obligation to provide temporary shelter to the occupiers, and it stated in its report that this was due to 'the lack of availability of buildings and financial and other resources' (para 6).

With the threat of eviction imminent, the occupiers launched an enforcement application on 19 December 2012 claiming that

the City and the functionaries are obliged to take all the steps necessary to ensure that the City complies with the order of Claassen J, by providing the occupiers with temporary shelter and a mandatory order obliging the functionaries to give effect to the contents of the declarator (para 7, 8).

On 3 May 2013 Judge Satchwell granted the relief claimed in the enforcement application. She further declared that the City and its functionaries (that is, the Executive Mayor, Municipal Manager and Director of Housing of the City of Johannesburg Metropolitan Municipality) were 'constitutionally and statutorily obliged to take all the necessary steps to ensure that the City complies with the court order' as granted in case no. 2011/20127 (by Judge Claassen on 14 June 2012 ("the June 2012 court order") and the court order granted by Judge Lamont J on 6 February 2013,

obliging the City to provide the applicants with temporary shelter where they may live secure against eviction, in a location as near as feasibly possible to 191 Jeppe Street, Johannesburg.

Constitutional and statutory obligation of City functionaries

The SCA affirmed that City functionaries are statutorily obliged to see to the implementation of the orders made against the City. As such the decisions of Judge Claassen and Judge Lamont recognized that the functionaries as the officials of the City were responsible for implementation of the court orders. Section 56 of the Local Govern-

ment: Municipal Structures Act 117 of 1998 (the Structures Act) elaborates on the functions and powers of an executive mayor of a municipality, as being responsible for the overall planning and oversight of the service delivery of the municipality. Section 55 of the Local Government: Municipal Systems Act 32 of 2000 (the Systems Act) provides that the municipal manager is the head of administration and the accounting officer of a municipality. In terms of section 59 of the Systems Act, the director of housing of the City has the specific responsibility for implementing the housing programmes and projects in the City's area of jurisdiction.

The SCA in this occasion (para 17) relied on MEC for the *Department of Welfare v Kate* where Acting Judge Nugent clearly stated (para 30) that 'It goes without saying that a public functionary who fails to fulfil an obligation that is imposed upon him or her by law is open to proceedings for a mandamus compelling him or her to do so. That remedy lies against the functionary upon whom the statute imposes the obligation, and not against the provincial government.'

The principle of public accountability

In deciding this matter, the SCA relied on the principle of public accountability (para 25). It is acknowledged that it is a founding value of the Constitution and central to our constitutional culture. In terms of s 152(1)(a) of the Constitution the objects of local government include to provide an accountable government for local communities. Section 195(1)(f) of the Constitution specifically states that public administration must be accountable. In terms of s 6(2)(b) of the Systems Act the administration of a municipality must facilitate a culture of public service and accountability among its staff. Further, section 6(1) of the Systems Act provides that the municipality's administration is governed by the democratic values and principles embodied in s 195(1) of the Constitution.

The SCA further reaffirmed that Constitutional accountability may be appropriately secured through the variety of orders that the courts are capable of making, including a *mandamus* (para 25).

The reporting order

Before Judge Satchwell, the nature and location of the temporary shelter to be provided to the occupiers remained at issue between the City, the occupiers and Changing Tides. Although the City had at all times accepted that it was obliged to provide the occupiers with temporary shelter, it had consistently failed to do so. The reporting order was intended to give directions to the City in respect of what it is required to do to comply with its constitutional obligations to provide temporary accommodation to homeless persons in general (para 28).

Conclusion

The appeal succeeded and the SCA found that the fundamental constitutional value of accountability requires municipal officials to see to it that the municipalities they control obey court orders. This implies that Municipal office-bearers are obliged to give effect to court orders and constitutional obligations placed on municipalities.

Gladys Mirugi-Mukundi is a researcher with the Socio-economic Rights Project at the Community Law Centre, University of the Western Cape.

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South Africa ratifies the ICESCR

On 12 January 2015, South Africa ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The civil society Campaign advocating the South African Government's ratification of the ICESCR and the OP-ICESCR welcomes this development. This Campaign has followed with keen interest events that have unfolded since Cabinet's announcement in October 2012 that the ICESCR would be ratified, and the National Assembly's approval of ratification in November 2013.

The Campaign was organised in response to government's failure to ratify the ICESCR, despite having signed it on 3 October 1994.

The Campaign believes that the ICESCR will help advance social and economic rights like housing, water, health and education – rights that the South African people have consistently demanded from the government. The ICESCR is important for enforcing the rights of those living in poverty; it has particular relevance to the majority of communities in South Africa, who do not have access to some of the most basic human rights.

The ICESCR, which was adopted 1966 and came into force 1976, forms the cornerstone of international human rights law and has been ratified by over 160 states. Until 12 January 2015, South Africa was one of only a handful of countries that had not ratified it. The ICESCR sets an internationally agreed framework to assess the commitments of countries towards fulfilling the realisation of rights guaranteed under the treaty.

The Covenant will enter into force for South Africa on 12 April 2015, which is three months after the deposit of the instruments of ratification in accordance with Article 27(2). Nevertheless, South Africa has entered the following declaration:

The Government of the Republic of South Africa will give progressive effect to the right to education, as provided for in Article 13(2)(a) and Article 14, within the framework of its National Education Policy and available resources.

By entering this declaration, the government indicates that it is unable to immediately implement the right to free primary education for all, but has instead agreed only to the progressive realisation of this right 'as provided for within the framework of its National Education Policy and available resources'.

This is disappointing to the Campaign. Declarations should not limit the scope of the right to education and related obligations, nor limit access to education, particularly in relation to free and compulsory primary education. Accordingly, South Africa's Constitution does not subject the right to basic education to progressive realisation.

The United Nations Committee on Economic, Social and Cultural Rights in its General Comment No. 11 has noted that the obligation to provide free primary education is unequivocal and that imposition of fees by government for primary school education not only acts as a disincentive to the enjoyment of the right, but may also jeopardise its realisation.

Primary school education is the foundation of any educational system. Therefore, no investment is too great to build a solid foundation for the future leaders of this country. South Africa remains one of the wealthiest countries in Africa with the potential to become an economic powerhouse on the world stage.

However, according to a World Economic Forum Report of 2013, South Africa's mathematics and science education was ranked second last in the world, just ahead of Yemen.

Considering that South Africa's education system has continued to grapple with numerous challenges, including poor infrastructure, a dearth of qualified teachers, low enrolment rates in some provinces and an erratic supply of books and other equipment, the government needs to adopt a series of interventions, including the allocation of more resources to the sector and the removal of all barriers to school enrolment.

A declaration that absolves the government from doing this, or restricts its obligations in this regard, would be contrary to the spirit and purposes of the Constitution.

The Campaign is further disappointed, especially in light of the many years it has taken for the government to agree to ratify the ICESCR, that the government has thus far refused to consider the dual ratification of the ICESCR and its Optional Protocol (OP-ICESCR), which came into force in May 2013 as a key international human rights law instrument.

The OP-ICESCR is an important accountability mechanism that will ensure that individuals or groups who have experienced violations of their socio-economic rights are able to seek redress at a supra-national level.

While the Campaign commends the ratification of the ICESCR by the South African government, it uses this op-

portunity to urge the government to ratify the Optional Protocol (OP-ICESCR.)

The Campaign for South Africa's Ratification of the ICESCR and its Optional Protocol OP-ICESCR comprises the Community Law Centre (CLC), Black Sash, People's Health Movement South Africa, Socio-Economic Rights Institute of South Africa (SERI) and the Studies in Poverty and Inequality Institute (SPII). For more information or interview requests, please contact:

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International Women's Day 2015

International Women's Day was celebrated on 8 March 2015. This year's theme was Empowering Women, Empowering Humanity: Picture it! This highlights the Beijing Declaration and Platform for Action, a historic roadmap signed by 189 governments 20 years ago. The Beijing Declaration set the agenda for realising women's rights. While there have been many achievements since then, many serious gaps remain.

During its 59th session (9–20 March 2015), the Commission on the Status of Women will review progress and remaining challenges in implementing the landmark Beijing Declaration and Platform for Action, 20 years on.

In her message, the UN Women Executive Director Mrs. Phumzile Mlambo-Ngcuka called on countries to 'step it up' for gender equality, with substantive progress by 2020. On this occasion, the UN Secretary-General Ban Ki-moon added his voice and noted that 'this is a vital year for advancing the cause of women's human rights'. He advised that development after 2015 must prioritise gender equality and women's empowerment especially as the international community convenes later this year to build on the Millennium Development Goals by establishing a new

sustainable development agenda to shape policies and social investments for the next generation. This is expected to be a truly transformative time. The Secretary-General had earlier (February 2015) called the Beijing Platform 'the international blueprint for gender equality and women's empowerment,' noting that two decades later, 'important progress has been made, but it has been slow and uneven'.

South Africa also celebrates National Women's Day on 9 August to commemorate the great women's march of 1956, when women marched to the Union Buildings to protest against the carrying of pass books.

References

Message from Phumzile Mlambo-Ngcuka, Executive Director of UN Women: We call on countries to "step it up" for gender equality. See more at <http://www.unwomen.org/en/news/stories/2015/3/executive-director-message-for-iwd-2015#sthash.XKzCJVZz.dpuf>

UN Secretary-General's Message for 2015: See more at <http://www.un.org/en/events/womensday/2015/sgmessage.shtml>

Roundtable meeting on state of maternal health in South Africa

On 18 and 19 November 2014, the Community Law Centre (CLC) and School of Public Health (both at the University of the Western Cape) and Amnesty International held a meeting on maternal health that brought together members of various civil society organisations. Its aim was to discuss research findings on maternal health conducted by these three institutions, as well as to identify recommendations and top issues on which to focus while embarking on advocacy with Government's representatives and policy makers.

The Socio-Economic Rights Project (SERP) at the CLC undertook research on sociocultural factors that contribute to maternal mortality in South Africa. The research reviewed trends in maternal deaths in South Africa. Given South Africa's obligation under international human rights law to respect, protect and fulfil women's rights to health in the context of maternal mortality, the research was compelled by differences in maternal deaths between provinces.

It was found that maternal death remains a great challenge in all provinces. Despite the fact that South Africa is one of the most industrialised and prosperous countries in Africa, the government has been unable to address high maternal and infant mortality rates. Furthermore, recent studies have shown that maternal deaths in the wealthier

provinces, such as Gauteng, are on the increase. Despite the large amount of resources committed by the government to address maternal mortality, the number of women dying from pregnancy-related complications has increased.

The November 2014 meeting follows focus group discussions in Gauteng, Eastern Cape and Limpopo earlier in 2014. Participants included civil society groups, health-care providers, women and health-care managers and government officials. The purpose of these focus group discussions was to gather information about the current South African policies on maternal mortality and women's reproductive health and rights with particular reference to the above three provinces.

A report on the research was presented to the Parliamentary Portfolio Committee on Health in October 2014. The CLC, which is part of the civil society Budget Expenditure Monitoring Forum (BEMF), made written and oral submissions on the National Department of Health's Annual Report 2013/14, along with the Treatment Action Campaign (TAC) and Amnesty International. The submissions had a mixed reception from the Portfolio Committee, with some of the members of the committee countering the recommendations made by the civil society organisations and others welcoming their input. An important outcome was that the Chair of the Portfolio Committee on Health made a public commitment to engage with the BEMF, TAC, CLC and Amnesty International in the future.

Colloquium on poverty and human rights in Africa

On 27–28 November 2014, the CLC's SERP hosted a Colloquium on Poverty and Human Rights in Africa to share evidence-based knowledge and experience on how human rights violations drive and deepen poverty in Africa.

The Colloquium aimed to discuss various aspects of poverty including poverty in relation to women, to food security, to child-headed households, as well as the right to social protection and poverty reduction, the role of the courts and Chapter 9 institutions in poverty reduction and the link between gender inequality and poverty.

Further, the colloquium aimed to raise awareness, stimulate interest and disseminate research about the worldwide problem of poverty and human rights with a specific focus on Africa. It provided an opportunity to share

evidence-based knowledge and experience on the nexus between poverty and human rights in Africa. Participants included scholars, researchers, human rights practitioners, national policy makers, human rights bodies and institutions and regional and multi-lateral development agencies.

Widespread poverty and lack of coherent government responses often translate into inadequate provision of basic services, such as healthcare, sanitation and education; not to mention armed conflicts, which have been singled out as one of the determinants of poverty and human misery in Sub-Saharan Africa, affecting more than half the countries of the continent during the past two decades.

Poverty and inequality is a constant phenomenon that persists in many African countries. The World Bank acknowledges that as Africa continues to grow stronger economically, poverty and inequality remain 'unaccept-

ably high and the pace of reduction unacceptably slow.' For example, for a long time South Africa had the highest measurement of income inequality (Gini coefficient) in the world. Further, as a consequence of the 2008 global financial and economic crisis, a growing number of African countries are setting up social safety nets to protect the health and livelihoods of poor and vulnerable people during periods of adversity.

By consensus member states of the Human Rights Council adopted the **Guiding Principles on Extreme Poverty and Human Rights**. By doing so they affirmed that eradicating extreme poverty is not only a moral duty but also a legal obligation under existing international human rights law.

The proceedings of the Colloquium will be published in a peer-reviewed book.

References

World Bank, 2013. Africa pulse: An analysis of issues shaping Africa's economic future. Accessible at http://www.worldbank.org/content/dam/Worldbank/document/Africa/Report/Africas-Pulse-brochure_Vol7.pdf

United Nations, 2012. Guiding Principles on Extreme Poverty and Human Rights. Accessible at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-39_en.pdf

Call for contributions to the ESR Review 2015

The Socio-Economic Rights Project of the Community Law Centre welcomes contributions to the ESR Review. The ESR Review is a quarterly publication that aims to inform and educate politicians, policy-makers, NGOs, the academic community and legal practitioners about key developments relating to socio-economic rights at the national and international levels. It also seeks to stimulate creative thinking on how to advance these rights as a tool for poverty alleviation in South Africa and abroad.

Contributions on relevant experiences in countries other than South Africa, or on international developments, are therefore welcomed. Contributions should focus on any theme relating to socio-economic rights, on specific rights or on socio-economic rights in general.

In addition, we are currently seeking contributions on:

- the role of Parliament in advancing socio-economic rights;
- the African Commission and socio-economic rights;
- pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises
- using international law to advance socio-economic rights at the domestic level;
- South Africa's reporting obligations at the UN or African level, or both, in relation to socio-economic rights.

Contributions should be sent in electronic format (MS Word) to serp@uwc.ac.za or gmirugi-mukundi@uwc.ac.za. Previous editions of the ESR Review and the complete guide for contributors can be accessed online at www.communitylawcentre.org.za/clc-projects/socio-economic-rights