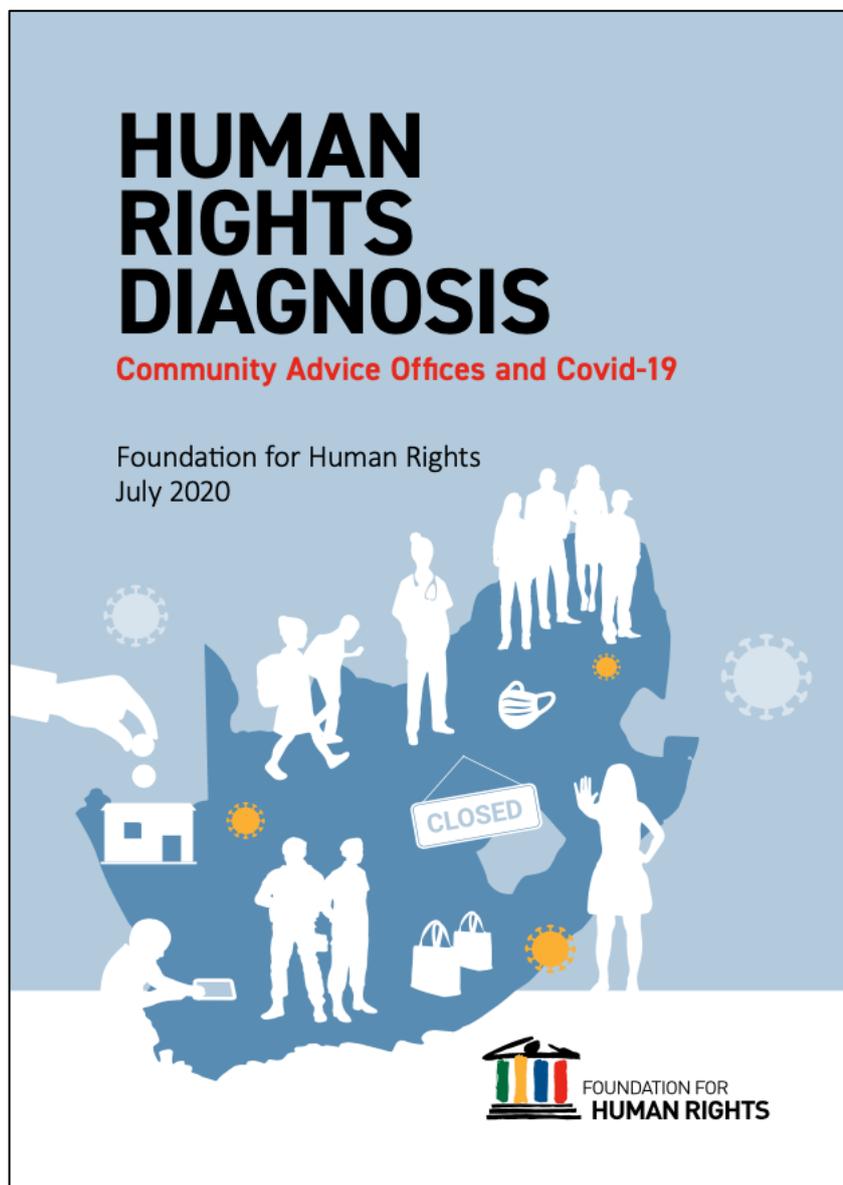


## Report on Webinar Launch of CAO Survey: Human Rights Diagnosis – Community Advice Offices and Covid-19

### I. Introduction

On the 9<sup>th</sup> of July 2020, the Foundation for Human Rights (FHR) hosted a webinar to officially launch the *CAO Survey: Human Rights Diagnosis – Community Advice Offices and Covid-19*. The webinar consisted of a short presentation of the results and a moderated panel discussion followed by a Q&A session. The webinar was opened and moderated by Mr Hanif Vally, the FHR Executive Director. Some opening remarks were made by Dr Rina Kionka, the EU Ambassador to South Africa. This was followed by a presentation of the survey results by three of the researchers, Katherine Brown, Zimbali Mncube and Bongane Gasela.



## II. Panel Discussion

This report includes summaries of the distinguished guests' and panellists' responses to the survey results. These summaries are not verbatim transcripts, and some sections have been paraphrased for brevity.



### Dr Riina Kionka, EU Ambassador to the Republic of South Africa



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Dr Kionka summarised the importance of the survey findings, and emphasised that the pandemic is not just a health crisis but it also has implications for democracy and human rights. While some governments have undermined fundamental human rights in the name of fighting the pandemic, the Ambassador noted that the European Union (EU) has been supporting its partners to bolster multilateralism and advance human rights. On the 7<sup>th</sup> of July this year, the Global Monitor of Covid-19's impact on Global Democracy and Human Rights was launched as a partnership between the EU and the

International Institute for Democracy and Electoral Assistance (International IDEA) that collects data on 162 countries, including South Africa. In her opening remarks, Dr Kionka cited the words of the EU Commissioner for Human Rights who stated, "we cannot manage what we cannot measure", referring to the importance of statistics, such as those found in FHR's survey.

Dr Kionka noted that the survey has revealed the impact of the pandemic amongst ordinary people. She further noted that the impact of both Covid-19 and the government's response to the virus has had a disproportionately negative effect on children, elderly persons, and those already in vulnerable situations, such as refugees, migrants and people who have been displaced. The survey also showed that Gender-based violence (GBV) continues to be a serious issues in South Africa, and has been exacerbated by the Covid-19 pandemic, as highlighted by South African President Cyril Ramaphosa.

At the end of the discussion, Dr Kionka also made four key points about the FHR and its work. Firstly, the EU has supported the FHR for 25 years and is happy with the collaboration. Secondly, FHR's study publication coincides with the final payment of €2 000 000, which is testament to the excellent collaboration between the FHR, the EU, and the Department of Justice in South Africa. Thirdly, the EU

is working on using some of its human rights and civil society funding to confront some of the issues which have emerged from the survey, such as the effect of Covid-19 and mitigation measures on migrants, GBV and sanitation. Fourthly, the EU has a new \$12 000 000 programme in the pipeline to support civil society organisations' accountability role which is obviously critical.

### **Judge Navi Pillay, former UN High Commissioner for Human Rights**



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To start her presentation, Judge Pillay noted that South Africa is a member of the World Health Organisation (WHO), and the Covid-19 pandemic has shown the importance of international organisations and agreements like the WHO. As a member of the WHO, South Africa has not only a legal, but a moral obligation to work with the WHO and other nations to address Covid-19 and its effects. South Africa's signing of the International Covenant on Economic, Social and Cultural Rights (ICESCR), especially Article 4, further obliges the

government to ensure that the measures it adopts comply with the conditions set out in the Covenant. A key part of these obligations is that South Africa's response to the pandemic must uphold human rights for all people living in South Africa. Government must therefore ensure that the allocation of resources during this time is done within a human rights framework; including the provisioning of Personal Protective Equipment (PPE) for front-line workers such as medical professionals.

Despite this requirement, Judge Pillay argued that the Health Minister and the government's language has been very elitist. Proper consultation and the use of a human rights approach, Judge Pillay argued, would have seen government focusing on assisting spaza shops to provide food and other basic necessities to South Africans rather than on elitist activities such as the emergency funding of a national airline.

One of the most pressing of the survey findings deals with hunger, and especially the inability of children to access food. FHR's finding in this regard is in line with a report released by Oxfam which stated that more people are likely to die of hunger than from Covid-19.<sup>1</sup> This kind of information is very important in assisting government to improve its response to the virus. Results from the FHR's study as well as research by Chapter 9 institutions and civil society organisations (CSOs) should be considered by states. The WHO also states that human rights are important and cannot be dismissed by the state. Instead, a human rights approach must be used in implementing measures to prevent the spread of Covid-19. Funding and resources should be spent on ensuring access to basic human rights and needs, especially for vulnerable groups like children who the survey showed are experiencing significant problems in accessing food and education. Recent announcements of significant allocations of scarce government funds for non-essential services (such as the national airline) whilst children are starving directly contradicts the governments constitutional obligation to prioritise access to basic human rights for all people in South Africa.

Judge Pillay discussed another important finding from the FHR's research; inaccessibility of social grants, and the lack of transport. CAO reports in the survey appear to indicate that much of the

<sup>1</sup> OXFAM, The hunger virus: how COVID-19 is fuelling hunger in a hungry world (09 July 2020) available at <https://www.oxfam.org/en/research/hunger-virus-how-covid-19-fuelling-hunger-hungry-world>

financial aid government promised for relief has remained largely inaccessible and not reached those who need it the most.

Apart from the need to ensure greater accessibility for government aid, government has also committed to increasing access to socio-economic rights, Judge Pillay noted. FHR's research has highlighted the need for government action to increase access to food, sanitation, water, electricity and emergency shelter for GBV survivors while people are advised to stay home. In particular, Judge Pillay emphasised that the government must prioritize the fulfilment of its constitutional obligations to provide access to basic public services for those who cannot afford to pay and must also act to secure the right to access housing. In this regard, Judge Pillay referred to the FHR's report, which noted that people who are unable to leave their homes to work are being evicted.

As further noted by Judge Pillay, women also bear the brunt of the pandemic. The United Nations (UN) Working Group Against Discrimination of Women and Girls has put forward some recommendations which echo the FHR's findings. Moreover, government must ensure that the basic needs of the elderly are met during this time, especially given the increased vulnerability of the elderly to Covid-19. Neglecting the basic human rights and needs of the elderly is a fundamental violation of their human rights, and Judge Pillay emphasised this.

Although proper social distancing is vital, it must not become social exclusion. Decision-making on restrictions and the allocation of resources must be based on scientific facts and the need to respect fundamental human rights.

Judge Pillay concluded by recognising that FHR's research was welcome and necessary, and that it provides important guidelines for policy makers, nationally and internationally.

### **Hon John Jeffery, Deputy-Minister of Justice & Constitutional Development**



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Deputy Minister John Jeffery began by explaining that the first reaction to the pandemic by the government has been to attempt to limit the spread of Covid-19 by shutting down almost all sectors of South African public and private life, except the courts and Chapter 9 Institutions. Despite this, the Deputy Minister highlighted that some important government functions, such as specific provision for interim court orders to address GBV remained active to ensure that people can still access justice through court orders. He observed, however, there were challenges with transport in some cases to access courts (it should be noted that FHR's survey report also found significant issues related to the lack of transport preventing people from accessing food and health care). The Deputy Minister did reiterate that, after the severe restrictions of level 5 lockdown were eased to level 4 and 3, access to courts has improved.

Deputy Minister Jeffery questioned the legitimacy of claims of increased gender-based violence. He pointed out that the statistics by the South African Police Service (SAPS) found a huge reduction in many categories of crime in the early stages of the lockdown. Deputy Minister Jeffery noted that some may not have reported incidents of GBV because they did not have access to police stations, but murder has also notably decreased. Since the move to alert level 3, GBV seems to have increased as

more victims' bodies have been found, which he called "anecdotal evidence of the rise." Deputy Minister Jeffery also emphasised the need to understand why this is the case.

The Deputy Minister further noted that there have been barriers to people accessing courts to obtain protection orders in the case of GBV. He referred to the case of a woman who tried to obtain a protection order from Bellville magistrate's court a few days before she and her daughter were murdered. According to the CCTV footage, she left the court with papers before her murder. This matter is being investigated by the Western Cape office after a referral from the Public Protector.

Deputy Minister Jeffery noted that institutionally, there is a lack of will and sufficient capacity to carry out the investigation of institutional issues themselves. He also encouraged that where people do not get the service they are entitled to, they should report it to the relevant institutions. Reporting is key, because some cases have been brought forward but there are details lacking, which should be provided by the complainants. In terms of the lack of access to shelters indicated in the FHR's research, Deputy Minister Jeffery pointed out that according to the Domestic Violence Act, it is possible to obtain a court order for the perpetrator to leave the house as opposed for the victim. The Deputy Minister also observed that the government has made attempts to curtail evictions.

Deputy Minister Jeffery acknowledged that part of the problem is the lack of regulation and legislation on regulation of community-based advice office (CAO) sector. He reiterated the need to continue pursuing this, as this will make it easier for the government to coordinate with the sector. In this regard, Deputy Minister Jeffery stated that government's efforts will be facilitated and made easier through the assistance of the CAOs. However, he noted that this has been difficult as the CAO sector still needs to be regulated. This process has been delayed by Covid-19, but Deputy Minister Jeffery acknowledged that it needs to happen soon. The issue of funding for CAOs was also raised with the EU Ambassador, and the Deputy Minister mentioned that they would continue these discussions with the EU through the Ambassador.

### **Ms Norea Mmina, Opret Advice Office**



Ms Norea Mmina, a member of the Opret Advice Office, underlined the importance of advice offices like the Opret Advice Office. CAOs assist the most disadvantaged, and particularly those living in marginalised communities. Ms Mmina raised several key issues which have affected the community, which were also noted by the FHR's survey report; food security; GBV; grants and unemployment; and schools' access to personal protective equipment (PPE).

Opret Advice Office contacted the supervisor of the Department of Social Development for assistance with food parcel distribution after identifying several community members in need. Ms Mmina explained that the CAO submitted the requisite paperwork, but the 5,000 community members who were listed as food parcel recipients have still received no assistance.

In terms of GBV, Ms Mmina noted that the lockdown caused people to remain in their homes which caused the fragmentation of families through violence. The Opret Advice Office registered 19 GBV cases and mediated 12 of these. Seven of these cases are still pending an outcome and four were referred to the magistrate courts for a protection order.

Ms Mmina mentioned the R350 grant that was announced to relieve the financial burden of unemployment during the lockdown and improve food security and explained how Opret Advice

Office had assisted most of those who applied for this grant; many were successful in securing the grants. Unsuccessful cases are being followed up by Opret Advice Office, with assistance from Black Sash and Community Advice Offices South Africa (CAOSA). Unemployment Insurance Fund (UIF) recipients were also assisted by Opret Advice Office. Eviction is still occurring on a large scale in the community Opret Advice Office serves.

Opret Advice Office also addressed the issue of monitoring the reopening of schools. CAOSA, with the South African Human Rights Commission (SAHRC) appointed Ms Mmina as one of the school monitors in the local district. While all monitors worked without compensation or resources, they managed to monitor 15 schools in the communities near the Opret Advice Office. Monitors found no compliance in schools to Covid-19 protective measures, policies, and regulations. Only three schools attempted to adhere to the required regulations. Ms Mmina reported that despite this successful monitoring effort, there has been a failure to monitor more schools in deeply rural areas due to a lack of resources.

Ms Mmina, on behalf of Opret Advice Office and its communities, pleaded for government to prioritise and address the issues faced in these rural areas, including food insecurity, unemployment, GBV and school adherence to Covid-19 regulations. Ms Mmina highlighted the dire hardships faced by people in these communities.

### **Mr Mervyn Abrahams, the Pietermaritzburg Economic Justice & Dignity Group (PMBEJD)**



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Mr Mervyn Abrahams highlighted the importance of FHR's research as a contribution to the growing body of research undertaken on the effect of Covid-19 on South African communities. Mr Abrahams pointed out that FHR's results corroborate other research findings that South Africa was critically unprepared to face the Covid-19 knock on effects of food, and more importantly nutritional security. Nutrition plays a key role in strengthening immune systems which is paramount in the context of a pandemic.

Mr Abrahams then highlighted three key areas: growth stunting; the cost of food; and changes in spending patterns because of the pandemic.

Firstly, there is an approximate 30% rate of growth stunting in boy children under five years old in South Africa, he noted. About 25% of girl children in the same age range are also stunted. This indicates chronic malnutrition. Additionally, one of the main causes of death amongst black African women in South Africa is non-communicable diseases, which are known as comorbidities during a pandemic. This is an illustration of the effects of chronic malnutrition over a long period, and this was already a problem before Covid-19.

The Pietermaritzburg Economic Justice and Dignity (PMBEJD) monitors the price of a basket of 38 basic foods, based on the purchases of low-income households. Within three months (March-May 2020) the price of this basket increased by 7.8% (R250). This brings the total cost of the basket for a family of seven to around R3400, which is almost equivalent to a national minimum wage in South Africa. Mr Abrahams further noted that the question of food affordability and access predates Covid-19, and is rooted in low household income levels, extreme unemployment. For instance, around 60% of South Africans earn less than R3700. This means that already, before the lockdown, people were struggling to purchase sufficient food for their families.

Mr Abrahams continued his presentation by saying that the pandemic also means that people's food budgets are now doubly constrained by the competing needs of food and sanitation. More is being spent on cleaning products, soap and other sanitisation products using the same budget. This means that money that would usually be spent on food is being spent on sanitation, and there is less money to spend on food. Moreover, with school children, parents and other family members spending more time at home, more food is being consumed by families. PMBEJD research indicates that households require 30% more food now than they did last year. Income for this increased food purchasing comes from money lenders, who often have exorbitant interest rates.

Mr Abrahams also spoke about the unintended consequences of the lockdown.

The restriction on travel has a number of unintended consequences on the right to access food. People were less able to access the markets and shops they would use ordinarily, and may have been unable to shop-around for cheaper prices, limiting their food purchasing power. Queues outside shops may also have led to delays and inconvenience, and may also have increased the risk of contracting Covid-19.

Although formal food traders were recognised as essential services, informal traders were excluded from essential service status. Mr Abrahams believed that this indicates that the government prioritises big business when it comes to food, even though informal sector plays a significant role in food production and distribution. The informal sector is vital to many South Africans, and once the informal sector was banned from trading, and informal farmers were prevented from travelling into cities, households were unable to purchase fresh produce. This is especially concerning as fresh product is critical for building strong immune systems.

Mr Abrahams posed several key questions concerning the future of food security in South Africa:

1. Is the current food system (which brings food across quite large distances) too fragile?
2. How do we integrate the local informal sector into a formalised food sector around our cities?
3. How will we make the necessary transformations of the food systems around our cities?

These are important aspects to consider, including regulation. In terms of price increases, the biggest rise occurred between the 2<sup>nd</sup> and 22<sup>nd</sup> of March this year. This is significant because on the 22<sup>nd</sup> of March, the Department of Trade and Industry issued the regulations around price-gauging. Immediately following this, prices dropped significantly from their three-week high. Prices continued to increase, but at a lower rate. The Competition Commission is currently looking at the question of whether price-gauging occurred across retailers. Going forward, this is also a pertinent issue to address.

Mr Abrahams further noted that, regarding food aid, even the Department of Social Development admits that the intended food aid has reached only about 12% of those who need it. According to Mr Abrahams, part of the difficulty is the large scale of the problem. The logistics to provide national-scale food relief would strain any organisation, but the added difficulty Mr Abrahams identified was over-regulation. Another issue is the use of the indigent list for food aid. The indigent list levels are extremely low: in some cases, R1800, while a standard basket of food costs almost double this. This meant that people earning minimum wage, who are barely able to purchase even a R3400 standard food basket, were discounted from the indigent list based on the regulation. Going forward, it is important to look carefully at the mechanisms of food distribution and regulation.

As Mr Abrahams emphasised, context is important to understand recovery. The affordability of food and social security grants will be critical to avoid mass food and nutrition insecurity. Mr Abrahams pointed out that insufficient state spending on food access means more will be spent down the line on health services, burials, and lower output from schools. Women often typically carry the burden of providing food, and not being able to provide food is also a form of violence.

### **Ms Tshenolo Tshoaedi, Executive Director of CAOSA**



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Ms Tshenolo Tshoaedi explained that CAOSA has been compiling a report on the current issues it faces, and that the FHR survey report mirrors a lot of these findings and speak directly to issues CAOSA have pinpointed. These concerns include hunger, the need for communication in local languages, and others.

Ms Tshoaedi argued that the value of the CAO sector are demonstrated, by both the FHR's and CAOSA's findings, and that CAOs are key role-players in the advancement of social justice and development within their communities. Ms Tshoaedi used the partnership between CAOs and the Black Sash in facilitating communities' access to the Covid-19 Social Relief of Distress Grant (SRD) as an example. The application process for this grant was digital, which excluded many communities where CAOs work, where many do not even have access to a smartphone. Thanks to the partnership with Black Sash, CAOs were able to assist community members to submit their applications for this and other grants. Ms Tshoaedi noted that the Black Sash and CAOSA will soon release a report on this experience.

Ms Tshoaedi argued that it is important to continue the grants people current receive, as they provide much-needed support. It is also important to consider what each community's recovery will look like (both from the pandemic and the negative effects of the lockdown).

Covid-19 has highlighted the essential nature of CAOs and their ability to communicate directly to communities, in a language that community members understand. As an example, without CAO intervention, many community members did not understand the nature or regulations of Covid-19 and the lockdown, with the result that community members would wear a mask only in urban areas and not within their communities. The CAOSA report emphasises the vital role CAOs play in relaying information about the pandemic, how it affects their communities, livelihoods and more. PPE has been a major concern of CAOs, as they have been the main monitors, and front-line respondents, of communities' access to this important prevention measure against the virus. CAOs have also assisted in access to healthcare, social services, and food. Despite their good work, CAOSA has found that many CAOs lack sufficient resources to operate effectively, which then puts their communities at a disadvantage when it comes to accessing these basic rights and services. The situation has become so desperate that community members seek out paralegals at their homes for assistance.

Ms Tshoaedi made a plea to government for PPE and financial support for CAOs especially during the pandemic. This is particularly important as many are being turned away from clinics and are unable to access medication or support for chronic medical conditions. CAOs' communities are even more vulnerable because of a lack of understanding and lack of access to information. Enabling a CAO enables other local structures to respond in a coordinated and impactful way for their communities. CAOs are essential, front-line service providers and should be recognised as such.

### **Dr Fikile Nobunkani Vilakazi, UNKZN & Covid-19 People's Coalition**



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Dr Vilakazi's contribution to the discussion was focused on the rise of GBV. A key observation of South Africa during the restrictions on movement necessitated by Covid-19 is that patriarchy is a system of oppression embedded in people's homes. Dr Vilakazi noted that this should be understood when responding to the Covid-19 pandemic, as President Ramaphosa refers to GBV as the second pandemic affecting the country. Service provision is important, but it is also important to address oppressive systems of the past and how they manifest themselves in the present. Patriarchy is one of these systems, and its embedded nature further entrenches inequality along gender and other lines within society, as illustrated by the FHR's survey report's findings. Dr Vilakazi further noted that

communities are wounded by violence of the past that are embedded in colonisation, imperialism, slavery, and patriarchy.

Dr Vilakazi also stressed that economies are carried by women in many ways, and therefore that the economy should be women-centric. A way to end the GBV pandemic is to allow women to profit from their labour, as opposed to the economy exploiting women's labour with the result that much of so-called 'women's work' is vital to the functioning of South Africa, yet unpaid and undervalued.

To address this, it is important to ask how homes can be reorganised, and how patriarchy can be dismantled through transformed socialisation culture. Key socialisation cultures are religious, cultural, and traditional systems which overlap with patriarchy. Dr Vilakazi highlighted the FHR's CAOs research as an opportunity to reimagine what humanity means. Healing work needs to be understood as a key solution to the GBV pandemic in South Africa. GBV, poverty and all these other issues are symptoms of a deeper illness in our society.

### **Vote of thanks by Ms Yasmin Sooka**

Previous executive director of the FHR, Ms Yasmin Sooka, thanked the FHR research team, panellists and participants for attending the online launch of the research report.

### III. Q&A Session

Following the panel discussion, Mr Hanif Vally supported by Mr Robert Tyrrell (FHR) facilitated the Q&A session. From the beginning of the webinar, all attendees were encouraged to submit their questions through the Q&A function. These questions were then analysed and compiled, with only a limited number posed to the panellists due to time constraints. Other questions were answered in text responses via the Q&A function. Following the webinar, FHR's team has gone through all the questions (about 80 in total) and grouped them in the categories below with their respective answers. If your question has not been answered or you wish to raise additional issues related to our survey, kindly contact us at [info@fhr.org.za](mailto:info@fhr.org.za).



#### Methodology:

- 1. Q: FHR reported that CAOs lacked capacity to respond to GBV - was there an assessment of the participating CAOs' capacity before the lockdown?**

A: The survey was focused on CAO experiences during the lockdown period. There was no pre-assessment of CAO actions. All findings of the survey should be read in the context of the Covid-19 pandemic and the lockdown restrictions of level 5 and 4.

FHR asked CAOs about their capacity to assist survivors of GBV, 61% of CAOs who noted an increase in GBV said that they had the necessary capacity and systems (e.g.: psycho-social counselling, paralegal support, court support, sheltering etc.) to assist GBV survivors. This means that 39% of CAOs lacked the capacity to assist survivors of GBV.

- 2. Q: Over what time period was the survey conducted?**

A: This survey was completed between 26 April and 31 May 2020, thus 24 responses (19%) were submitted during level 5 of South Africa's lockdown, and the balance (81%) were submitted during level 4.

- 3. Q: Will there be a follow-up survey?**

A: Given the success of this survey, FHR may undertake additional surveys on the human rights implications of Covid-19 and government regulations, however at this time FHR has made no final decision on conducting any additional surveys.

**4. Q: Will FHR share the data from the survey?**

A: FHR will share both the full report, and the report summary online. FHR is currently determining whether the data itself may be shared; there are potential privacy and other implications that FHR must take into account before making any confidential information public.

### Gender Based Violence

**1. Q: What systems does FHR refer to when discussing ‘systems in place’ to address GBV and does this include state systems?**

A: The CAOs were asked two separate questions. The first question was whether **the CAOs had systems in place** to assist the GBV survivors. In this case, we meant any “system” e.g., counselling services, paralegal support, sheltering or a system of referrals. This question did not specify the type of a “system in place”. In a separate question, the CAOs were asked to indicate the presence of GBV support systems **in their communities**. In this case, the question provide a multi-choice option including shelters, victim empowerment centres (VECs), and counselling services provided by government, NGOs and CAOs. The full report provides more information on GBV.

**2. Q: Is an emphasis on the use of shelters helpful to survivors of GBV, shouldn't the perpetrator be removed instead (for example to a bail house)? Sheltering may remove survivors from their support networks, employment, schooling etc. This may disempower survivors rather than empowering them. This also creates a demand for shelters that is unsustainable.**

A: FHR acknowledges that it is the perpetrator who should be removed from the living situation rather than the GBV survivor. Law reform is urged to consider a complimentary approach to enable removal of the perpetrator (without acts/threats of retaliatory violence or withdrawal of financial and economic support) as the preferred option in practice. This is to help survivors maintain a level of normalcy as much as possible especially where children are involved and so that they are not taken away from the support networks around them. However there is need for a complementary approach to ensure that acts of retaliatory violence from perpetrators does not cause further harm in these instances. Deputy Minister John Jeffery pointed out during the webinar, the court system for obtaining protection orders is still fraught with issues, for instance in the Bellville magistrate court case in which a woman submitted paperwork for a court-mandated protection order days before she was murdered. In this context, it is important above all to make sure that the GBV survivors and their dependent(s) are safe. However in the immediate shelters appear to be a key solution in place, to provide a safe accommodation urgently, once the GBV survivor and dependent(s) have been removed from the situation of abuse

### Community Based Advice Offices

**1. Q: Can you please provide more information about how CAOs and the state collaborate in the local sphere?**

A: Services provided by CAOs are similar to, or related with, services by government departments including DOJ&CD, Department of Home Affairs (DHA), Department of Social Development (DSD), Department of Labour (DOL), the Commission for Conciliation, Mediation and Arbitration (CCMA), South African Police Service (SAPS) and Department of Correctional Services (DCS). Although CAOs often deliver services that normally would be the responsibility of the state, in many instances they have nevertheless developed a symbiotic relationship with state bodies at all levels of a state governance structure. The general nature of CAOs' work has enabled them to retain contact with different departments, which in turn has led to their work being more effective; ultimately most of the problems cannot be resolved without state institutions.

**2. Q: Were CAOs open during the lockdown, and if so, what did they do?**

A: Yes, some (55%) of the CAOs remained operational, especially if they managed to obtain the permit or recognized as an essential services. Some CAOs that were not able to obtain a permit were still able to operate remotely, although internet access and costs associated with data and airtime may have reduced CAO effectiveness.

**3. Q: What is progress with the formal recognition of community advice offices and paralegals in the justice system?**

A: The process of a formal regulation of the CAO sector and community-based paralegals was reinvigorated by the Department of Justice and Constitutional Development with a support of the Foundation for Human Rights (FHR) in late 2018. As a first step, the FHR was requested by the DOJ&CD to develop a Discussion Document on the future of community-based advice office (CAO) sector in South Africa. The Discussion Document delivered in response to this request dealt with three key issues, namely: (1) the regulation and governance of the CAO sector; (2) recognition of community-based paralegals who work at CAOs; and (3) an appropriate and sustainable funding model for CAOs. The Discussion Document was widely consulted during a national and a series of provincial workshops held between April and June 2019. These were organised jointly by the FHR, the DOJ&CD and CAOSA and were meant to facilitate and fast track the future legislative process by reaching consensus on a number of potentially contentious areas.

The inputs and recommendations from the national and provincial workshops were analysed and incorporated in the Draft Policy Paper on the Regulation of the CAO Sector setting out the State's proposal for the future regulation of the CAO sector, recognition of community-based paralegals and the financial sustainability of the CAO sector. This Draft Policy Paper was consulted on 9 March 2020 during a consultative workshop with the CAO sector in Pretoria. There were more than 150 CAOs present at the workshop as well as Ms Kalay Pillay and the Deputy Minister of Justice, Hon John Jeffery. The FHR has drafted a consolidated report from the National Consultative Workshop that was shared with the CAO sector and partners together with the Draft Policy Paper for further written submissions. Following a number of extensions, a deadline for written submissions passed at the end of June 2020. The DOJ&CD and the FHR are currently incorporating the inputs from the National Workshop and written submissions into the last iteration of the Draft Policy Paper, which will serve as a basis for the White Paper to be published by the government. The Covid-19 has slowed down the process

but as expressed by Deputy Minister, the government remains committed to the regulation of the CAO sector and community-based paralegals. The DOJ&CD together with FHR will soon publish a joint statement on the process going forward.

**4. Q: Reports of food distribution based on party affiliation seems to be a common occurrence in different communities. What advocacy steps are being taken to ensure that CAOs are able to assist with monitoring in the distribution of food parcels?**

A: CAOs are community-based and therefore are well placed to get involved in the advocacy at the local level by joining various community structures. It would allow them to leave a footprint and re-emphasise their role as the enablers of community development. These are some of the Committees at the community level that CAOs could or have engage(d) with:

- a. Clinic Committee
- b. School Governing Bodies
- c. Ant -Crime Forums
- d. Local Development Forums
- e. Youth Development Forum
- f. Creche Committees
- g. Community Garden Committee

Our survey showed that sometimes CAOs have worked closely with local authorities by supporting them in addressing human rights issues but most commonly, however, CAOs reported the lack of a local leadership and abuse of power or criminal activity on a part of local authorities. This is exacerbated by local power dynamics and the fact the local authorities may sometimes feel threatened by CAOs' activity. Establishing a working relationship with the local authorities and having them as allies could strengthen the role of CAOs particularly in state-run or state-coordinated initiatives such as food distribution during disasters or emergencies, or development programmes. Some of the advocacy initiatives that CAOs could undertake at the local level include:

- CAOs could establish a relationship with the Mayor, Municipality Manager or Speaker of the Council and regularly update and invite them to their public events.
- Sometimes the CAOs face challenges with traditional leaders. In this case, there is a Council that supports the Chief. CAOs could identify members of that structure to work closely with them on a number of issues. These individuals will provide strategic entry points for the CAOs.

At the national level, as recommended in our survey report, CAOSA should establish communication and a working relationship with the Solidarity Fund in order to engage the CAO sector into the food distribution activities in a holistic and coordinated manner. In addition, in a longer term the role of the CAO sector could be comprehensively incorporated in the emergency management and response.

**5. Q: Some CAOs compiled lists of community members in need of food, but the CAOs have not had much success; this makes CAOs appear untrustworthy in the eyes of their communities. What quick interventions can CAOs access (funding, etc.) to address the immediate needs of their local communities?**

A: One of the recommendations from the survey suggests that CAOSA could closely engage with the Solidarity Fund in order to facilitate the distribution of food parcels by the CAOs. The FHR will liaise with CAOSA in this regard, and will facilitate the interaction between CAOSA and the Solidarity Fund if needed. The CAOs could also join the existing food distribution networks to assist with food distribution initiatives. (for more information see below point (3) under “Food” section).

## Food

1. ***Q: Food security has been delivered poorly. There have been reports, especially from KZN, EC, and LP where CAOs and other community organizations were used by the Solidarity Fund food distribution program. While I understand that this did not reach everyone, there is precedence where they have done this. Is this nuance captured by the report?***

A: The report goes into greater depth and detail about the issues of food delivery, and makes reference to other research and reports about this. The report refers to the instances in which the CAOs have acted as food distribution points. However, according to our research, these have been bottom-up initiatives initiated by some CAOs, and not coordinated operations by the Solidarity Fund. We believe, however, that CAOs are well-placed to assist the Solidarity Fund and other government agencies in a distribution of food parcels, and to monitor the compliance by local governments with the regulations in this regard. The FHR will be discussing this issue further with the representatives of CAOSA.

2. ***Q: Do you know if there was there a change in the level of hunger experienced after the food parcels were in effect replaced with COVID grants?***

A: Our survey has not addressed this issue. FHR is considering doing another survey and this issue may be included.

3. ***Q: Who should CAOs and CSOs contact if they want to assist with the distribution of food parcels, particularly those CAOs and CSOs who work directly with marginalised and vulnerable groups?***

A: FHR recommends joining the existing food distribution networks to assist with this. For instance, the Covid-19 Food Coalition includes many organisations who are contributing to this effort. The South African Food Solidarity Campaign (of which FHR is an endorsee) and the National Food Crisis Campaign (of which FHR is a member) are currently working on a food mapping tool which indicates where food initiatives are currently taking place, and the gaps of food initiatives. Please see the link to this map here: <https://www.safsc.org.za/food-relief-mapping/>. This enables anyone who would like to engage in food distribution to see which areas are already receiving food relief and which ones are not. Please also reach out to [kbrown@fhr.org.za](mailto:kbrown@fhr.org.za) if you would like to become involved in the NCF.

The report also contains more detail about the nuances of food sovereignty (sustainable production of food for and by the people who need it, through gardens and similar initiatives) as opposed to food security (ensuring sufficient food is accessible for each person), which the above-mentioned groups are aiming to achieve.

- 4. Q: CAOs and CSOs work directly with at-risk people in vulnerable communities, however many cannot access PPE. How can CAOs and CSOs who do not have funds access PPE?**

A: This is a huge problem which was highlighted by several panellists and in the report. Both Ms Norea Mmina (from Opret Advice Office) and Ms Tshenolo Tshoaedi (Executive Director of CAOSA) made pleas during the webinar for government to fund CAOs and to provide them with PPE. The FHR will address this issue with the DOJ&CD and with CAOSA. Other ways CAOs and CSOs without funds could access PPE is through private donations.

## Grants

- 1. Q: CAOs sometimes assist community members to access grants. What can CAOs do if one of their clients are declined for a social relief grant for what appears to be a false reason (for example, the client recently received payments from another fund)?**

A: A person who was refused a social relief grant has the right to appeal the decision. It means that an applicant has the right to ask the agency for information and explanation on what basis the application was refused. Based on the written answer from the agency, an applicant can then apply for a written reconsideration within 90 days of the application being refused by pointing out why he/she qualifies for the grant/ why the grant should not have been refused in the first place. If this is unsuccessful you an applicant can launch an appeal to the Independent Tribunal for Social Assistance.

- 2. Q: Your presentation mentioned that ‘access to social grants has worsened’. Please clarify what this means?**

A: CAOs responded that the ability of their communities to access social grants has worsened, likely due to problems with transport, closed government offices, distance from operational offices, overwhelmed government agencies or long queues at government offices. Another issue highlighted by respondents and Ms Tshenolo Tshoaedi (Executive Director of CAOSA) was the digital application process for several social grants, including the SRD Grant. In rural and impoverished settings, where network coverage and internet access is poor, many have been unable to apply for these grants. In addition to the closure of many people’s local government offices, this has also worsened access to grants. There is more detail on this in the report.