

# ACTIONAID WEBINAR- “WHEN JUSTICE ISN’T JUST”

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## INTRODUCTION:

**“A political struggle that does not have women at the heart of it, above it, below it, and within it is no struggle at all.”- Arundhati Roy,**

- The discussion today is an important one- more so while we observe the 16 days activism against GBV taking place from 15 November-10 December.  
Before diving into the conversation, some stats for us to continue to think about during this conversation in reflecting why its important that vulnerable groups in our society become a budgetary consideration.
- Sustainable Development Goal 5: Achieve gender equality and empower all women and girls by 2030.  
Target- Eliminate all forms of violence against all women and girls including trafficking and sexual and other types of exploitation.
- 51.1% of the population in South Africa is female and 48.9% are male.
  - Eastern Cape has the highest population of the elderly at 11,4% (60 + years)
  - Eastern Cape has 2<sup>nd</sup> highest children under 15
- According to Stats SA- Women have higher unemployment rates and higher levels of poverty.
  - Official unemployment rate in South Africa (SA) is 30.1% for women its 32,4%.
  - Expanded unemployment rate in SA is at 37,9% and for women its 43,4%.
  - Black African women are the most vulnerable with an unemployment rate of 36,5%.
- 39,2% of female-headed households in SA do not have an employed household member.
- Nationally, 43% of children lived with mothers only, while one third(33,8%) lived with both parents.
- Almost 50% of assaults were committed by someone close like a friend or acquaintance, 22% by a spouse or intimate partner and 15% by a relative or household member.

Ref:

[https://www.parliament.gov.za/storage/app/media/1\\_Stock/Events\\_Institutional/2020/womens\\_charter\\_2020/docs/30-07-2020/A\\_Statistical\\_Overview\\_R\\_Maluleke.pdf](https://www.parliament.gov.za/storage/app/media/1_Stock/Events_Institutional/2020/womens_charter_2020/docs/30-07-2020/A_Statistical_Overview_R_Maluleke.pdf)



## THE BUDGET AND HUMAN RIGHTS:

- A central priority of the South African government, as set out in the Bill of Rights- ensure the provision of a range of services to meet socioeconomic challenges, within the constraints of available resources.
- The full realization of all human rights requires the use of resources, to varying degrees, by the State.
- International Budget Partnership reminds us that budget allocations, provide limited insight into a government's compliance with its human rights obligations and often there is a "disconnect" between policies, plans and allocations and allocations themselves should not in any way lead to direct or indirect discrimination towards those the budget seeks to serve.
- Globally, the most common forms of discrimination in government budgets are those based on gender, location and socioeconomic status.

## **AUSTERITY AND WHAT IT MEANS FOR THE BUDGET:**

- Austerity- measures taken by the government, during a period of adverse economic conditions, to reduce its budget deficit using a combination of spending cuts or tax rises.
- Austerity policies in the context of extreme inequality present a grave threat to economic, social and cultural rights and in health, austerity affects the quality of health services that are delivered to communities. Decrease in the quality of health services could lead to an increase in medico-legal claims.

## **THE PROVINCIAL HEALTH BUDGET-FOCUS ON THREE PROGRAMMES**

- While the health budget has seen an increase over the years, the increases failed to take into consideration the rising costs of healthcare. Between the 2019 and 2020 financial years, the department's budget increased by 2.4% in nominal terms, and decreased by 2.6% in real terms.
- The PSAM analyzes EC provincial budget to try and get a better understanding of budget allocation and spending in determining the extent to which service delivery has been met provincially. Over the years, a reoccurring theme has been the underspending, irregular expenditure and fruitless and wasteful expenditure.

### **2017/18**

- The Department spent R22. 273 billion (99.7%) of the final appropriation of R22.337 billion resulting in an under-expenditure at a Vote level of R64 million or 0.3% of the final appropriation.
- Irregular expenditure amounting to R266.627 million was incurred during the year under review.
- Fruitless and wasteful expenditure amounting to R998 thousand

### **2018/19**

- The Department spent R24. 472 billion (101,9%) of the final appropriation of R24 026 billion resulting in an over-expenditure of R446 794 million or 1,9% of the final appropriation.
- Irregular expenditure amounting to R295 570 million was incurred during the year under review.
- Fruitless and wasteful expenditure amounting to R1 224 million.

## **COVID-19**

- The COVID pandemic in South Africa has highlighted the failings of our healthcare system. It show how far we are from health equity for all and brought to the forefront issues in health service delivery that we as an organization picked up on over the years and that still persists today.
- Some of the service delivery issues experienced before and during the pandemic in the Eastern Cape include shortages in healthcare personnel; shortages in Emergency Medical Services; shortages in the availability of medicines and access to medicines; difficulties with accessing healthcare services due to closure of clinics or distance required to travel to clinics; disruptions to the prevention and treatment services for non-communicable diseases (NCDs); and lack of PPE for healthcare personnel.

## **BUDGET HIGHLIGHTS (2020 MEDIUM TERM BUDGET POLICY STATEMENT MTBPS)**

- In the 2020 Budget, expenditure on health nationally was planned to increase only by 0.6% in real terms over the next three years, which is 1.2% below population growth. This increase also does not reflect the rising cost of health – medical price inflation remains higher than CPI inflation.
- The MTBPS = cuts to provincial equitable shares in an amount of R 60 billion in the coming year and conditional grants in an amount of R 12.1 billion over the medium term. Conditional grants have various functions and are supposed to assist with service delivery at a local government level. Provincial conditional grants are reduced by R1.3 billion across all departments.

The following are reductions to provincial conditional grants in health:

- R52 million is reduced from the health facility revitalization grant;
- R224 million is reduced from the HIV, TB, malaria and community outreach grant;
- R42 million is reduced from the national health insurance grant;
- R26 million is reduced from the statutory human resources, training and development grant and
- R240 million is reduced from the national health insurance: indirect grant

## BUDGET TRANSPERANCY:

Why is budget transparency important- “It’s better to light a candle than to curse the darkness”

- Access to health care services in South Africa is unequally distributed between social groups, with certain groups being disadvantaged in terms of age, sex, race and geographical location.
- All public services depend on government funding. To ensure these vital services are provided effectively and equitably, we need budget information. Aggregate numbers are not enough. The details of sector budgets – on specific programs, by type of expenditures, distribution across regions, over time, and by level of government – are important for assessing and refining policies for better results- International Budget Partnership.
- **The Open Budget Survey (OBS)** which is a comparative and fact-based research instrument that uses internationally accepted criteria to assess public access to **central government budget information**; formal opportunities for the public to participate in the national budget process; and the role of budget oversight institutions such as the legislature and auditor in the budget process scored South Africa as follows:
  - 87 out of 100 for Transparency (measures public access to information on how the central government raises and spends public resources).
  - 24 out of 100 for Public Participation (the formal opportunities offered to the public for meaningful participation in the different stages of the budget process).
  - 83 out of 100 for Oversight (the role that legislatures and supreme audit institutions (SAIs) play in the budget process and the extent to which they provide oversight).
- While South Africa may have scored high for budget transparency- more work is required at a provincial and local government level to ensure that updated budget information is made available timeously on Departmental and Municipal websites making it easily accessible to all.



## COVID AND LEGISLATIVE OVERSIGHT:

- The Legislatures and its members perform important functions of governance and included in these functions is its overseeing of the executive- Legislatures oversee policy implementation by the executive branch, scrutinizing its work and holding it accountable. In so doing, the legislature monitors and reviews the actions of the executive organs of government.
- At the beginning the COVID pandemic, the PSAM alongside the Action on the Legislature coalition wrote letters and follow up letters to Parliament and the various Legislatures around the Country asking questions pertaining to their work during the pandemic as most had to close their doors and move their work to online platforms.
- The following are some of our **findings** as outlined in our communication:
  - The lack of public access to the record of committee work done during this time.
  - Despite the ad-hoc measures that have been undertaken by individual elected representatives and some committee chairpersons, the legislatures have failed to provide structure or guidance to elected representatives or the public outlining their response.
  - Despite measures taken by Parliament since 1994 to give meaning to its obligation of transparency and openness, obligation, we have witnessed with great concern over the past decade, that instead of continuing to improve on this and increase public access to the legislature, actions have been taken that undermine some of the gains made.
  - MPs and MPLs, in the execution of their constituency work, are well positioned to identify issues on the ground directly from the public and to ensure that these are speedily relayed for intervention. Elected representatives could be playing a vital role during the state of disaster by understanding the situation of various communities they are meant to serve.

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- The lack of public access to the record of committee work done during this time.

**Some recommendations:**

- The legislatures must consider and make available public information on what measures will be taken to ensure that all constitutional obligations of the legislatures are fulfilled during the period of the national disaster.
- The legislatures' work during this time must be structured and systematic.
- Legislative committees must immediately resume their oversight functions over the executive through committee meetings. The committee meetings must be recorded or live streamed to allow members of the public to participate.
- All business of the legislatures must be conducted with due regard for the constitutional imperative of openness and transparency.
- Legislatures must meet their responsibility to notify the public of their pending and planned work.



## CONCLUSION:

- Its fair to say that there are still some strides required to take the country towards a just and equitable healthcare system.
- Stricter oversight is required over spending of allocated health budgets to ensure that over/underspending does not take place in the face of limited resources for service delivery.
- There are marginalized groups within the country whose rights to benefits from the services provided by the government in realizing its human rights obligations are still not being met.
- Gender based violence and violence against women and children has become a pandemic that requires a systematic approach in dismantling it and which too requires the allocation of budget specifically towards this.
- The health budget must be increased in real terms to ensure equity and justice in the distribution of healthcare services.
- The results of austerity equal less budget towards health service delivery-where it is needed the most.
- Parliament and Legislatures continue to play an important oversight role and must demand accountability over the work of the executive.
- There is a need for disaggregated data to track resourcing.

“Injustice anywhere is a threat to justice everywhere”- Martin Luther King

THANK YOU