



## CIVIC SPACE FOR WOMEN HUMAN RIGHTS DEFENDERS

**Monitoring Civic Space during the lockdown imposed for mitigation of the spread of COVID19 pandemic. Albertina Sisulu Human Rights Advice Centre, Orange Farm Human Rights Advice Centre, Vugandoda**

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**Acronym**

ALHAC: Albertina Sisulu Human Rights Advice Centre

CWP: Community Work Programme

CBO: Community Based Organisation.

CEDAW: Convention on the Elimination of all Forms of Discrimination Against Women

DoHA: Department of Home Affairs

EPWP: Expanded Public Works Programme

GBV: Gender Based Violence.

HURISA: Human Rights Institute for South Africa.

PPE: Personal Protective Equipment.

SANDF: South African Defense Force.

SAPS: South African Police Service.

WHRDs: Women Human Rights Defenders.

## **Acknowledgement**

Human Rights Institute of South Africa and all its partners namely Orange Farm Human Rights Advice Centre, Vugandoda and Albertina Sisulu Human Rights Advice Centre would like to thank CIVICUS for supporting the Monitoring Civic Space for Women Human Rights Defender's initiative implemented during the peak of lockdown imposed for mitigating COVID19 Pandemic. The funding enabled all the partners to effectively and successfully implement the project. HURISA also expresses appreciation to its partners for the collaborative impact of the project in grass root communities.

## Executive Summary

This project was initiated because of the outbreak of COVID 19 followed by the drastic national lockdown imposed by the government, attached with unprecedented preventative measures to save lives. However, many lives were lost, livelihoods adversely affected, hygiene protocols posed economic strife in disadvantaged communities and law enforcement behaved arbitrarily daily in maintaining law and order. HURISA designed a concept for monitoring promotion and protection of human rights amid COVID 19, particularly in disadvantaged communities, townships, informal settlements, squatter camps, where there is no infrastructure developed for clean water, sanitation, poverty, unemployment, GBV, crime is epidemic. Civic space was monitored by a framework designed as a tool for data collection and information handling of gross violation of freedom of association, assembly, expression at the grass roots level and in marginalised communities. The information also included assessment of environment for performance of women human rights defender's functions, such as safe space and free from domestic violence and femicide. Monitoring was also exercised to determine preventative measures complied with COVID19 protocols for schools to reopen. This was a pilot project implemented over a period of three-months supported by CIVICUS from May-July 2020.

The pilot project was implemented at ELukwatini local community based in Mpumalanga Province, Orange Farm, situated in the south of Johannesburg and Alexandra Township based in the central part of Johannesburg. The Project also had public relations and information dissemination dimension which included organising of interviews with community radio stations, journalists and social media. This increased publicity on work covered by the project in Soweto, Midrand, Shoshanguwe – Pretoria, KZN, Mpumalanga and Limpopo Provinces. Partners were also empowered to report human rights violations to national human rights institutions such as Commission for Gender Equality, South African Human Rights Commission and Investigative Policing Directorate.

The project focused on seven pertinent human rights issues; namely public participation of women; conduct of law enforcement; gender based violence and femicide; evictions; corruption in distribution of humanitarian aid (food parcels, grant relief); protection of frontline workers with PPE's; informal traders and violations experienced by vulnerable groups. Information and documentation instrument was developed for data collection to prepare a well-documented evidence base findings.

## Findings

Data collection revealed that mitigation of COVID19 pandemic exacerbated women challenges to exercise the constitutionally guaranteed freedoms of association, assembly and expression.

- There were no official structures to assist women to exercise their basic civil, political, economic and social rights during the peak levels of mitigating the pandemic.
- Police stations were not opened daily, so were operations of advice centres which made services that were usually rendered unavailable.
- The vulnerability of womxn was exacerbated during the lock down, including that of the elderly, pensioners, migrants, girls, people with disability and people albinism, faced discrimination, inhuman and degrading treatment in communities. Furthermore, the stimulus announced by the government to assist

the indigent people in the country in the form of humanitarian aid, such as food parcels and grant relief. However, many legible people waited for assistance for several months. While allegations of corruption were reported implicating some officials and selling of food parcels by local municipalities and bias in distribution of the relief grant.

- Commercial businesses and supermarkets were authorised to trade, with exception of certain goods including selling of children clothing. The informal sector was prohibited to trade. This means women in informal trading had no means of generating income due to curtailment of their movement and right to work.
- Police constantly raided trading operations by informal traders, mainly women and migrants and impounded their goods, even those that were not necessarily restricted by COVID19 protocols.
- Loss of jobs, due to the lockdown affected livelihoods and became difficult for women to afford the daily needs basic services such as water, food, health. Housing, child care and daily family responsibilities also intensified. Gender based violence and femicide increased disproportionately with the failure of enforcement and the community to address.
- This led to many WHRDs taking the risk to organise assemblies and protests to demand service delivery of basic services like water, shelter, sanitation, electricity, food. They also campaigned against gender based violence, femicide, corruption and police brutality without fear of adverse consequences.
- The SAPs reported that every 3 hours a woman is raped or murdered in South Africa. As for police brutality, was manifested in the alleged murder of civilians, arbitrary arrests which were reported to be over 200 000 people, as well as the injuries sustained in protests, or for not observing hygiene protocols.

## **WHRDs Outreach Monitoring Activities**

### **Health**

- They monitored the health workers, screening, and tracing people that tested positive to COVID-19 to prevent transmission in the country. They also received complaints from care givers that provided support to people living with HIV/AIDs and TB, conducting follow ups, data capturing, including referrals to the clinics.
- WHRDs were in the frontline rendering essential services and exposed to health risk with inadequate PPEs despite often been unwelcomed and not remunerated by local municipalities and Department of Health. Social distance regulations were difficult to adhere to due to overcrowded living conditions and appalling environments in poor communities. WHRDs played roles in educating communities to observe hygiene protocols for mitigation of COVID19 pandemic conducted by local municipalities and the police

### **Education & Empowerment**

- WHRDs empowered CSOs and CBOs to participate in Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) meetings for enforcement of guaranteed protection of women and girls at local level.

- Technical assistance was also provided to CBOs, CSOs to enable them contribute inputs in development of the CSOs CEDAW Shadow Report. The media and community radio stations were also used as platform to raise violations of women and girl's rights.

### **Media and Information dissemination**

- The Alexandra experience for reaching communities through local newspapers and radio was identified as effective engagement and was replicated in other areas.
- An article on the Youth Month was presented to Mapepeza Community, Naks Media, Greater Alex and the Informer Newspapers. Information and footage highlighting the school conditions, particularly the pit toilets, dilapidated classrooms in Mpumalanga were sent to the Randburg Sun Newspaper.
- Interviews with community radio stations were arranged and relationships were built with SABC journalists and local media houses.
- The SABC & Newsroom journalists interviewed WHRDs Landiwe Mathibela, Sonto Prit, Sonto Mabaganga from Mpumalanga Province regarding the burnt down house and dilapidated school's conditions in their local district.
- Tshepo Legodi from HURISA was interviewed by Tubatsi FM and raised concerns at the standard of education in 44 years of the SOWETO uprisings which were not conducive to mitigate COVID19 pandemic. This was wide publicity which reached areas which were not covered by the pilot like Limpopo, Midrand, Pretoria and Shoshanguwe communities.

### **Networking**

- Working as a network enabled WHRDs obtain accreditation for serving as volunteers, essential service providers as well as effectively monitoring and used their rights to excise freedom of association, assembly in advocating for nonviolence, food parcels, and PPEs at local municipal level.

## **I. Empirical data collection**

### **1.1. Women participation in public space**

Women participation in public space was assessed through the fulfilment of three categories of rights; freedom of association, freedom of assembly and freedom of expression.

#### **1.1.a. Freedom of association<sup>1</sup>**

The data collection tool revealed that WHRDs increased awareness against restrictive measures impeding their right to association and assembly in the midst of COVID19. They were able to take the lead in boycotting the reopening of schools and advocated for distribution of mobile data as a facilitation of online teaching for learners and arrangements be made to enable communities with no internet infrastructure to access lessons through online platforms. Women did not only take the lead in promoting human rights in communities, but also made it possible for communities understand provisions of Disaster Management Act and COVID19 regulations through simplification of the Act. The information collected also revealed women dominantly serving in the voluntary spaces through Expanded Public Works Programme (EPWP), Community Work Programme (CWP), Itsoseng

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<sup>1</sup> HURISA Data Collection Tool July 2020- Freedom of Association Table.

Women's Project's COVID19 Solidarity Group and the COVID 19 Working Class Campaign<sup>2</sup>. They also reported that there were no Advisory Forums established at community level as stipulated by the Disaster Management Act but advice centres offered information and supported communities.

### **1.1.b. Freedom of Assembly<sup>3</sup>**

Women exercised their rights to freedom of assembly during the lockdown due to the pre-existing harsh lived economic and social realities in communities before outbreak of COVID19 pandemic. WHRs in Drieziek 3 district, Orange Farm organised protests and engaged in demonstrations for water and electricity service delivery. It is important to mention that there were gatherings such as weekly burials and also during those gathering there were people adhering to regulations while others did not. Police intervened in most gatherings to enforce social distancing rules, destroying meals prepared for mourners and dispersing crowds inhumanly<sup>4</sup>.

### **1.1.c. Freedom of Expression<sup>5</sup>**

The data collection tool revealed that during the peak of enforcing COVID19 measures, WHRDs feared reprisal to express their views freely. They organised themselves through safe platforms such Labour Community Media Forums to express their views and advocated in pickets calling for gender equality and equal representation<sup>6</sup>.

## **2. Law Enforcement<sup>7</sup>**

In mid-June, most police stations were closed due to report of increasing positive cases of COVID 19 pandemic. However, although there was no visibility of the South African Defense Force (SANDF), communities protesting against the lack of safe water, health risk sanitation, hunger and gender based violence were targeted. Arbitrary arrests were reported concerning police targeting the young women for capturing a footage of police misconduct in the community. The young women spent a night in police awaiting cell and released the next day after a brief appearance in court and without a charge laid against them.

The police threatened to black list these young women in institutions of learning in the country. They also threatened the girls with arbitrary arrest should they press criminal charges against police<sup>8</sup>.

It has also been reported that police stations lack the capacity and resources to deal with child abuse, particularly in rural areas. A case of a minor child reported at the ELukwatini community station for sustaining severe injuries from assault by his father is indicative of the failure of police to protect children from torture inhuman and degrading treatment. The child was left in the hands of his abusive father despite involvement of social workers and department of Social Development in the case. The intervention with the Mayor of Albert Luthuli Municipali

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<sup>2</sup> Thami Majika- Monitoring and data collection in Orange Farm Community

<sup>3</sup> Data Collection Tool July 2020-Freedom of Assembly Table.

<sup>4</sup> Sizani Ngubane, Executive Director of Rural Women Movement shared police destroying food prepared or mourners at funeral organised by poor families in indigent villages in dire poverty. But the same was not exercised in the affluent communities.

<sup>5</sup> Data Collection-Freedom of Expression table.

<sup>6</sup> Orange Farm Advice Centre review intervention

<sup>7</sup> Data Collection Tool -Law Enforcement Table.

<sup>8</sup> Thami Majika & Tshepo Legodi received complaints from the two complainants through social media platform

### 3. Gender Based Violence<sup>9</sup>

Gender based violence continued disproportionately throughout the peak of mitigating COVID19. A body of a three-year-old girl who had been missing since 17 June 2020 was found in a plastic bin on 18 June. The child succumbed to stab wounds on her upper body. Apart from the femicide cases, the data collection tool revealed concerning sexual violence, rape, sexual harassment, beatings, assault and attempted murder. Most reports of violence brought to the SAPS by WHRDs, local NGOs, CBOs, SAHRC, CGE and IPID remain unattended. A woman was abused by her brother and requested to be provided with shelter<sup>10</sup>. The other reports related to the abuse by in-laws to daughter –in-laws, leading to serious illness to the affected women<sup>11</sup>. Domestic violence was also reported as the most serious crime perpetrated by partners and victims sustaining severe injuries and left without food and clothing and on the brink of death<sup>12</sup>.

### 4. Corruption in distribution of humanitarian aid (Food parcels grant Relief)<sup>13</sup>

Distribution of humanitarian aid, particularly food parcels, grant relief and basic shelter reached few people. Indigent communities, families and individuals qualifying for humanitarian aid waited for food parcels until they marched on the streets, while the others begged for food on sideways and on long queues. Humanitarian aid agencies like Solidarity Fund, Department of Social Department were also not unreachable to the most vulnerable communities, despite the social media channels provided to the public for access<sup>14</sup>. Widows were over-burdened by the demanding needs of family members such as minor children, grandchildren, orphans and child headed families<sup>15</sup>.



<sup>9</sup> Data Collection Tool- Gender Based Violence table. See also Sonto's report and Juley Rakgotho's report.

<sup>10</sup> Thandi Masiko from Mpumalanga approached ALHAC for assistance ALHAC organised accommodation for her and other women with no accommodation

<sup>11</sup> Goodness Nkosi request ALHAC's intervention from ill-treatment by a family member

<sup>12</sup> Asia McDonald was assisted by ALHAC with a small space on a balcony with as a shelter and also needed blankets, food and clothing. The perpetrator of Tshisha Nxaranpina got arrested.

<sup>13</sup> Data collection- Corruption in distribution of humanitarian aid (Food parcels grant Relief) table.

<sup>14</sup> Pheladi Enkosi Orphanage in Alexandra.

<sup>15</sup> Fikile Maseka complained about not receiving food parcels. P. Malaza had also registered for the food parcels but she never received. Mandy Ndlovu a widower with 3 daughters in Pretoria was very distressed because she was unable to pay her creditors because her gas business she generates income from was on lockdown. She had no food, sanitary products, toiletries and at the time of the interactions, she did not receive any. Shiluba Selepe at the time of interaction was looking after 4 orphaned grandchildren. They depend on her social grant. They didn't have food and had no one taking care of them. Vuyokazi Samuel, stayed with her daughter who was seldom at home and is taking care of 2 orphans supported from her social grant. Priscilla Makelani run an NPO that looks after physically disabled people, child headed families and the vulnerable community members. She was appealing for financial assistance and food parcels.

There were also report of Orphanages in dire need of supplies to feed and provide sanitary products to the needy children<sup>16</sup>. At the time of this intervention, large unemployed citizens, manly youth, women, migrants, trolley trailers had not received the relief grant.

WHRDs such as ALHAC solicited funding to help the needy with food parcels and distributed face masks to the frontline volunteers at the ELukwatini community. Vugandoda and Orange Farm Advice Centre also contributed in distribution of face marks to the frontline WHRDs in Alexandra and Orange Farm.



This situation motivated many WHRDs to diversify their strategies to include humanitarian aid with a view of promoting the right to food for preservation of human dignity in communities. HURISA joined other WHRDs with separate funding to help in community drives reaching needy families and individuals in distribution of food parcels and face masks. Those that were reached included Alexandra township, Soweto, Kwa-Thema, Tsakane, Diepsloot, Cosmo City

## 5. Evictions

The lack of housing and overcrowding in townships and lack of title deeds for many people, especially living in rural communities had exacerbated land grabs and land invasions during lockdown. Although directive of the Minister of Human Settlement Water and Sanitation placed a moratorium on evictions for curbing the spread of coronavirus. Evictions, demolitions of shacks, dwellings continued in the country. Affected people were forcefully removed from land owned by government. These evictions have not stopped people from occupying land illegally, regardless of the drastic measures taken to remove them. This is due to housing backlog as many people have no access and basic infrastructure services for water and sanitation. While there are few reports of evictions in areas of the pilot focus. This unfortunate situation demonstrates the impact of COVID19 to pre-existing access to housing, shelter and land. People were also forced to vacate from the backyard shacks, which they could easily afford. The same was in relation to site accommodation provided by employers as a result of loss of jobs

<sup>16</sup> Bana Ba Kganya Orphanage in Alexandra Township approached HURISA to solicit support for food parcels

brought by the lockdown and social distance requirements imposed to curb COVID19 protocols. This increased homelessness, poverty subjecting disadvantaged communities to inhumanity and degrading conditions.



## 5. Protection of frontline workers with Personal Protective Equipment (PPE)<sup>17</sup>

WHRDs reported that essential service workers who were mainly women in communities were in the frontline of mitigation of COVID19 without adequate PPEs. Working as essential service providers also earned them no dignity in terms of remuneration for the hours they invested in hard labour for the community. Their responsibility as health workers included screening and tracing of the positively tested COVID-19 around the country. The home caregivers, also mainly women fulfilled important roles of serving people living with HIV/AIDS and TB not to contact the pandemic. The registration of people that were testing for COVID19, including, follow ups, referrals to the clinics were carried without adequate PPE's, regardless of no remuneration promised or considered for their roles.

## 6. Informal Trade<sup>18</sup>

The informal trade monitored by WHRDs is particularly a business sector mostly occupied by women on road sideways. Groceries stores were classified as essential service providers. But informal traders were not allowed to open business. Those that took the risk to run taverns, sell cooked meals and liquor were raided, arrested, fined or released on warning.

<sup>17</sup> Data collection- Protection of frontline workers with PPE table.

<sup>18</sup> Data collection- Informal Traders table.

## 7. Any violation experienced by vulnerable groups<sup>19</sup>

COVID19 increased the vulnerability of women, elderly, pensioners, girls, refugees, sex work, LGBTI, people with disability and people with Albinism. Although social contingencies are provided for different vulnerable categories, women refugees are not included as the most neglected with pre-existing economic challenges. COVID19 pandemic exacerbated their social conditions. Pensioners, people with disabilities as beneficiaries of social grants were expected to share support in child care, support families as most bread winners lost their jobs or business closed down due to lockdown.



## 8. Public Relations<sup>20</sup>

Public Relations (PR) has been identified as an important component of this initiative for increasing awareness, documentation and information handling of human rights violations in communities. Media, particularly community radio stations, social media and online platform communication such as whatsapp, face book, twitter, online conferencing assisted to build relations with print media and television. This resulted as effective educative strategy for engaging in local communities. It benefited WHRDs in incorporating innovative ideas and strategies in rolling out activities in communities.

Networking was also used as a tool for collaborations with partners.<sup>21</sup> This enabled coordination of human rights education for WHRDs, including advocacy for access to justice & redress mechanisms. The WHRDs reported GBV, abuse by law enforcement, assisted the needy to apply for food relief & grant relief.

WHRDs were also empowered to join the CEDAW CSO Shadow Report coalition for contribution in drafting the CSO Shadow Report<sup>22</sup>. The opportunity was provided for WHRDs to advocate for public participation in local municipalities, reproductive and sexual healthcare, against GBVF. Radio and television interviews were arranged

<sup>19</sup> Data collection- Any violation experienced by vulnerable groups table.

<sup>20</sup> Public Relations- Assist in providing human rights education to WHRDs table.

<sup>21</sup> Public Relations-PR-Partner Engagements with project partners table.

<sup>22</sup> Public Relations-Popularisation of CSO CEDAW Shadow report platform table.

for them to amplify voices from the ground against gross human rights violations, including on social media, twitter and face book<sup>23</sup>.

WHRDs also monitored school's conditions to determine whether they were COVID 19 compliant, particularly in the poor communities of Mpumalanga, Sebokeng and Orange Farm. These communities are characterised by dilapidated school's buildings with poor infrastructure for clean water required for regular washing of hands and sanitation. Most schools were not ready to reopen on 8 June as announced by the Minister of Basic Education, due to blatant non-compliance with COVID19 protocols. The shortage of PPEs; insufficient classrooms for implementing social distancing, and inadequate fumigation of classrooms prevented reopening of schools<sup>24</sup>.



Policies and guidelines are not in place to handle COVID-19 emergencies; and training was not provided for teaching or how to handle COVID19 at school environment. This resulted in many schools closing across the country and reports of death of educators and learners due to the spread of COVID19<sup>25</sup>



The above situation persisted in most schools in poor communities from June until July. The South African Human Right Commission was approached to intervene by recommending whether the schools should reopen or not.

<sup>23</sup> Public Relations-Health protection of WHRD interacting with communities, SAPS, local municipalities table.

<sup>24</sup> Thami Majika Orange Farm Advice Centre

<sup>25</sup> Ibid

SAHRC determined that it was important for learners to return to schools as staying home was not impacting positively on learners. This was in support of recommendation of international children's encouraging learners to be back in schools. This call made it imperative for governments to ensure proper schools are properly prepared with COVID19 protocols before learners and educators return back to school.

## **9. Civic Space**

WHRDs were provided the opportunity to learn about communication, digital security measures for protection of online work and physical interaction at community level<sup>26</sup>. The initiative was promoted widely and journalist and radio station presenters increased the information and listeners found this engagement valuable to the current unsafe working environment<sup>27</sup>.

## **10. Conclusion**

This initiative was implemented as a pilot project to enable WHRDs to play fundamental roles at local level during the high surge of COVID19 pandemic. The project provided WHRDs the opportunity to increase monitoring, advocacy and participation in public policy through data collection, networking as associations, participating in assemblies and using the media to amplify voices from the ground. Capacity building exercises, information dissemination and strategies for networking and using online and media platforms contributed immensely in amplifying voices from the grass roots in public policy and decision making. National Disaster Management Act provides for public participatory structures at local municipal level. WHRDs constantly reminded the government to establish Advisory Forums and voluntary teams as stipulated in the Disaster Management Act at local municipal level. They also campaigned against disproportionate gender based violence & femicide, excessive powers of law enforcement, especially in service delivery protests, arbitrary arrests, poor infrastructure in schools and failure to comply with COVID19 pandemic protocols. WHRDs were convinced this was a community driven initiative empowering the disadvantaged population often marginalised in decision making processes. The need to continue supporting grass roots WHRDs, activists to keep the civic space vibrant in communities. To assist them sustain their monitoring roles through the local advice centre models established in communities and holding government accountable for service delivery. It has also contributed positively in enabling vibrant and robust inclusive CSOs for safe civic space through protests.

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<sup>26</sup> Public relations-Any Other relevant activity table.

<sup>27</sup> Paul Mabuza Editor from Women in Mining Magazine, Alex FM and Clifford Shiko. Informer Newspaper Editor Edward attended the initiative