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The Appropriateness of Child Support Grants in Advancing the Socio-Economic Rights of Children in South Africa

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Declaration

I, Mpho Olivia Ramothwala declare that, the information in this mini dissertation represents my own original work and that all the sources that I have used or quoted have been indicated and duly acknowledged by means of complete references. I further declare that this study has not been submitted in any form previously for any degree or diploma at any university or other academic institution. This dissertation does not contain other persons' writings unless acknowledged as derived from another source, their words have been rephrased and the original information attributed to them has been referenced accordingly.

MPHO OLIVIA RAMOTHWALA

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ABSTRACT

This study investigates the appropriateness of Child Support Grants (CSGs) in advancing the socio-economic rights of children in South Africa (SA), as guaranteed in sections 27 and 28 of the Constitution of the Republic of SA, 1996 ('Constitution'). Having regard to the Constitution, the Children's Act 38 of 2005, the South African Social Security Agency Act 9 of 2004, the Social Assistance Act 13 of 2004 and other primary sources, the study establishes the nature and extent of children's socio-economic entitlements.

The study investigates the evolution of CSGs, together with the need, purpose and adequacy of CSGs. In relation to the latter, the study unpacks the requirements and criteria to access, and qualify for, CSGs before, and after, the promulgation of the Regulations Relating to the Application for, and Payment of Social Assistance and the Requirements or Conditions in Respect of Eligibility for Social Assistance, which came into effect on 31 May 2022 ('2022 Regulations'). The study enquires into whether the current means-tested system of CSG is promoting, protecting, respecting and fulfilling the best interests of children in SA. As a related enquiry, the study investigates the extent to which children's constitutionally guaranteed socio-economic rights, together with their right to dignity, is protected within the current social security regulatory system involving CSGs. In particular, the study investigates the current state of poverty and inequality in SA, and evaluates the effectiveness of CSGs in alleviating poverty and reducing inequality.

In addition to constitutional and statutory provisions, the study analyses case law, empirical evidence collated by other scholars and recent statistics reports to resolve the research problem identified. It compiles findings and recommendations that will assist the state, specifically the South African Social Security Agency (SASSA) and the Department of Social Development (DSD), together with other stakeholders to ensure the effective use of CSGs to improve the living conditions of impoverished children through good governance, with better checks and balances.

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LIST OF ABBREVIATIONS

| | |
|---------|--------------------------------------|
| CC | Constitutional Court |
| CDG | Care Dependency Grant |
| CPS | Cash Paymaster Services |
| CSG | Child Support Grant |
| DG | Disability Grant |
| DHA | Department of Home Affairs |
| DSD | Department of Social Development |
| ECD | Early Childhood Development |
| FCG | Foster Care Grant |
| GIA | Grant in Aid |
| OPG | Old Persons Grant |
| SA | South Africa |
| SAM | Severe Acute Malnutrition |
| SAPO | South African Post Office |
| SASSA | South African Social Security Agency |
| SMG | State Maintenance Grant |
| SRDG | Social Relief and Distress Grant |
| STATSSA | Statistics South Africa |
| UIF | Unemployment Insurance Fund |
| WVG | War Veterans Grant |

Chapter 1: Introduction

1.1. Introduction

Section 27(1)(c) of the Constitution of the Republic of South Africa, 1996 ('Constitution') provides that everyone has the right to have access to social security, which includes appropriate social assistance, if they are unable to support themselves and their dependents.¹ Furthermore, section 27(2) of the Constitution makes provision for the state to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to access social security.² The South African Social Security Agency Act 9 of 2004 endorses section 27 of the Constitution. It indicates that the main objective of social assistance is to support those who cannot support themselves as well as their dependents.³

Section 28(1)(c) of the Constitution stipulates that '[e]very child has the right - ... to basic nutrition, shelter, basic health care services and *social services* [emphasis added]'. In similar vein to the section 29(1)(a) constitutional right to basic education, which is immediately realisable and is not subject to internal limitations, such as 'progressive realisation' and 'within available resources',⁴ children's section 28(1)(c) socio-economic rights are not subject to internal limitations or qualifiers. Accordingly, they should be directly and immediately provided by the state.

¹ Section 27(1) of the Constitution states:
Everyone has the right to have access to –
(a) health care services, including reproductive health care;
(b) sufficient food and water; and
(c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

² Section 27(2) of the Constitution stipulates:
The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
K Newaj 'A Critical Evaluation of whether Benefits Provided for in COIDA Fall within the Ambit of the Constitutional Right to Access Social Security Protected in Section 27(1)(c) of the Constitution' (2023) 44 (1) *Obiter* 4.

³ South African Social Security Agency Act, Preamble.

⁴ *Governing Body of the Juma Masjid Primary School & Others v Essay N.O. & Others* 2011 (8) BCLR 761 (CC) ('*Juma Masjid*') para 37. Section 29(1) of the Constitution states:
Everyone has the right –
(a) to a basic education, including adult basic education; and
(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.

The social grants programme is one of the notable social security interventions that has been used for various years in South Africa (SA).⁵ The provision of social grants is financed through tax revenue.⁶ It is based on the principle that the state is responsible for its weaker and vulnerable members.⁷

1.2. Statement of the Research Problem

Currently, eight forms of social grants are administered by the SA Social Security Agency (SASSA), namely (i) the Older Persons Grant (OPG) for persons aged 60 years and above; (ii) the Disability Grant (DG); (iii) the Child Support Grant (CSG); (iv) the Foster Care Grant (FCG); (v) the Social Relief of Distress Grant (SRDG); (vi) the Care Dependency Grant (CDG); (vii) the War Veterans Grant (WVG), and (viii) the Grant-In-Aid (GIA).⁸ Due to the global COVID-19 pandemic in 2020 and the necessity for social protection, SA introduced the special COVID-19 Social Relief of Distress grant in May 2020,⁹ together with small business grants and Unemployment Insurance Fund (UIF) reimbursement for those who lost their jobs unexpectedly.¹⁰

Over 18 million South Africans still depend on the various forms of grants that have rapidly increased from 18 677 339 at the end of March 2022 to 18 890 995 at the end of December 2023.¹¹ With respect to children, the establishment and provision of social grants, specifically CSGs, reiterates the constitutional mandate that ‘every child has the right to basic nutrition, shelter, basic health care services and social services.’¹² The CSG is the largest grant in the

⁵ S Mthethwa & E Wale ‘The Impact of the Social Grants Programme on Household Vulnerability to Food Insecurity in South Africa: Application of a Two Stage Least Squares and Implications’ (2023) 13 (1) *African Journal of Development Studies* 243.

⁶ EML Strydom, PAK le Roux, AA Landman, MA Christianson, OC Dupper, P Myburg, FS Barker, CJ Garbers, AC Basson, A Dekker & V Esselaar *Essential Social Security Law* (2006) 7.

⁷ According to s 27(1)(c) of the Constitution, ‘[e]veryone has the right to have access to - social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.’ Social Assistance Act 13 of 2004, s 4.

⁹ On 29 March 2023, the Minister of Social Development issued a government notice, stating that the R350 per person monthly amount of the Covid-19 Social Relief of Distress grant will continue to be paid for the months in the period 1 April 2023 to 31 March 2024. See Social Assistance Act, 2004: Amendment of Regulations relating to Covid-19 Social Relief of Distress Issues in terms of Section 32, read with Section 13, of the Social Assistance Act, 2004 (Act No. 13 of 2004), as Amended (GN R48326 GG3210 of 29 March 2023).

¹⁰ S Zhou, AO Ayandibu, T Chimucheka & MM Masuku ‘Government Social Protection and Households Welfare during the Covid-19 Pandemic in South Africa’ (2023) 3 (4) *Journal of Business and Socio-Economic Development* 318.

¹¹ South African Social Security Agency *Ninth Statistical Report* (2023/2024) <http://www.sassa.gov.za/pdf> (accessed on 08 February 2024) 10.

¹² Constitution, s 28(1)(c).

system looking at the number of beneficiaries, namely 13 067 314.¹³ It accounts for 71% of total grant recipients in South Africa.¹⁴

According to section 4(a) of the Social Assistance Act, the Minister of Social Development ‘must, with the concurrence of the Minister of Finance, out of monies appropriated by Parliament for that purpose, make available a child support grant’. However, the high levels of corruption, inefficiencies and maladministration in the Department of Social Development (DSD), together with the lack of accountability, monitoring and evaluation, and inefficiency on the part of the South African Social Security Agency (SASSA),¹⁵ whose mandate and objectives are to ensure provision of comprehensive social security services against vulnerability and poverty within the applicable constitutional and legislative framework,¹⁶ has deprived many applicants for social grants of their socio-economic rights. For example, in *Cele v South African Social Security Agency*,¹⁷ applicants of social grants waited for inordinately long periods of time without receiving any tangible response regarding the status of their grants from SASSA. With reference to the matter of *Vumazonke and others v MEC of Social Development in Eastern Cape*,¹⁸ the applicants also waited for an unreasonably long time. They either received no response regarding their applications or only received responses shortly before their cases were to be heard in a court of law.¹⁹

SASSA’s inefficiency, maladministration and corruption has also been evident in the contracts that it has concluded for the provision of payment services for social grants, including CSGs. In *Black Sash Trust v Minister of Social Development and Others*,²⁰ the Constitutional Court

¹³ South African Social Security Agency *Ninth Statistical Report (2023/24)* <http://www.sassa.gov.za/pdf> (accessed on 08 February 2024) 10.

¹⁴ T Kohler & H Bhorat ‘COVID-19 Social Protection and Labour Market in South Africa: Are Social Grants being Targeted at the Most Vulnerable?’ *Working Paper 202008* (Development Policy Research Unit: University of Cape Town 2020) 3.

¹⁵ *Vumazonke & Others v MEC for Social Development and Welfare for Eastern Cape Province* 2005 (6) SA 229 (SE) para 2 (hereafter ‘*Vumazonke Case*’).

¹⁶ Section 3 of the Social Assistance Act 13 of 2004 reads that, the objects of the Act are to:

- (1) provide for the administration of social assistance and payments of social grants.
- (2) make provision for social assistance and to determine the qualification requirements in respect thereof.
- (3) ensure that minimum norms and standards are prescribed for the delivery of social assistance; and
- (4) provide for the establishment of an inspectorate for social assistance.

¹⁷ *Cele v South African Social Security Agency* 2008 (7) BCLR 734 (D).

¹⁸ *Vumazonke case* (n15 above) para 1.

¹⁹ *Vumazonke case* (n15 above) para 1.

²⁰ See para 3 of the judgment in *Black Sash Trust v Minister of Social Development & Others* 2017 (5) BCLR 543 (CC) (‘*Black Sash Trust*’), where the Constitutional Court stated:

declared a contract concluded by SASSA with Cash Paymaster Services (Pty) Limited (CPS) invalid on the basis of irregularity and non-compliance with prescribed tender processes.²¹ The court ordered SASSA to institute a new proper tender process and to further inform the court about the outcome of the specific measures taken to rectify the non-compliance.²² Approximately 26 months after the court ruling, in November 2015, SASSA reported back to the court stating that it was no longer possible to outsource the social grants services.²³ SASSA stated that it would start preparations to take over the payment system by itself and undertook to comply with the deadline of 31 March 2017.²⁴ Unfortunately, the inefficiency prevailed. Five months later, in April 2016, despite being aware that compliance with the court's order was not possible for them, SASSA remained silent and failed to inform the court of the identified challenges they encountered in this regard.²⁵ To date, the SASSA fraud management and compliance unit continues to experience challenges of inefficiencies, as there is an estimated loss of R2.8 million incurred at Vredenburg Local Office due to officials allegedly assisting ineligible or unqualified clients to obtain fraudulent permanent disability grants.²⁶ By the end of the 2022/2023 financial year end, which spanned from 01 April 2022 to 31 March 2023, approximately 96.3% reported cases of fraud, theft and corruption were investigated and finalised, involving 21 SASSA officials, 369 beneficiaries, 1880 public servants from other state departments, and 33 South African Post Office (SAPO) employees, of which 2 were convicted in a court of law.²⁷

Currently, the majority of children in SA belong to impoverished households that are faced with high levels of economic inequality and increasing levels of poverty,²⁸ resulting in a high

‘...On 3 February 2012 SASSA concluded a contract with Cash Paymaster Services (Pty) Limited (CPS) to provide for the payment of social grants for a period of five years. On 29 September 2013 this Court held that the award of the tender to provide services for payment of social grants to CPS was constitutionally invalid...’

21 *Black Sash Trust* (n20 above) para 3.

22 *Black Sash Trust* (n20 above) para 3.

23 *Black Sash Trust* (n20 above) para 3.

24 *Black Sash Trust* (n20 above) para 3.

25 See para 42 of *Black Sash Trust* (n21 above), where the Constitutional Court stated:

...SASSA failed to honour its assurance to this Court that it will be in a position to make payment of social grants after 31 March 2017. It and CPS failed to timeously conclude a lawful contract to provide for that payment. The context then was a breach of the constitutional and legislative framework for fair, equitable, transparent, competitive and cost-effective procurement...

26 South African Social Security Agency *Annual Report 2022/2023* (hereafter *SASSA Annual Report 2022/2023*) <https://www.sassa.gov.za/pdf> (accessed on 08 February 2024) 107.

27 *SASSA Annual Report 2022/2023* (n26 above) 107.

28 E Heppell & M Rathbone ‘The Gift as Philosophical Critique of the Social Grant System in South Africa’ (2020) 52 (1) *Acta Academia* 121. See also Statistics South Africa *Census 2022 Statistical Release* <https://www.statssa.gov.za/pdf> (‘STATSSA 2022’) (accessed on 08 February 2024).

demand for social grants, especially CSGs.²⁹ The lived realities of these children prompt the enquiry into the appropriateness of the CSG as a measure to advance the socio-economic rights of children in SA, and its effectiveness in alleviating poverty and reducing inequality.

1.3. Research Aim and Objectives

The aim of this study is to investigate the appropriateness of the CSG system in advancing the socio-economic rights of children in SA. The study aims to investigate the intended purpose and envisaged impact of CSGs in advancing the socio-economic rights of children in SA. Using the transformative constitutionalism theoretical framework, this study seeks to evaluate whether the current CSG system is effective in ensuring the best interests of children in SA in relation to alleviating the adverse effects of poverty and reducing inequality.

1.4. Research Questions

The study focuses on the following research questions:

- 1.4.1 What is the intended purpose and envisaged impact of CSG in advancing the socio-economic rights of children in SA?
- 1.4.2 To what extent, if any, has the provision of CSG in SA actually alleviated poverty and reduced inequality in respect of children living in poor households?
- 1.4.3 How effective is the CSG in advancing the socio-economic rights of children in SA?

1.5. Motivation and Rationale

This research was triggered by the observation of the dire socio-economic deprivation in which the majority of children in SA currently find themselves, despite the introduction of the Constitution and its transformative goals of equality, restoration of human dignity and addressing apartheid social injustices. It is envisaged that the findings of this study will assist the government, particularly the Department of Social Development, SASSA and other stakeholders to develop the existing regulatory framework, policies, standard working procedures, processes and practices that would better advance the socio-economic rights of poverty-stricken and vulnerable children in SA, thereby improving the quality of their living conditions and early child development, as well as upholding their rights to dignity and equality at all times.

²⁹ H Bhorat, M Oosthuizen & B Stanwix 'Social Assistance amidst the Covid-19 Epidemic in South Africa: An Impact Assessment' Working Paper 202006 *Development Policy Research Unit: University of Cape Town* (2020) 7.

1.6. Limitations and Delimitations

The current study is undertaken in the format of a mini-dissertation that requires a maximum word count of 13 000-15 000. As a result, the study is necessarily brief, clear and concise. The relatively restricted word count for the study limits the potential to cover all other social grants. As a result, the present study focuses specifically on CSGs.

Due to time constraints, the desk-based approach is used as an appropriate research methodology. The study analyses existing data already collated through empirical studies by other scholars and the current reported statistics of poor households in specific rural indigent villages.

1.7. Research Methodology and Theoretical Framework

This study adopts a desk-based approach, using the doctrinal research methodology. Doctrinal legal research interprets, assesses and develops the legal propositions derived from primary legal sources, such as constitutional provisions, legislation and court decisions.³⁰

Secondary sources are also used to enrich the analysis in this study. In this regard, both published and unpublished data sources are used. The published data is drawn from, but not limited to, scholarly journal articles, books and research reports.

The unpublished data is drawn predominantly from theses submitted by scholars towards postgraduate qualifications at various recognised South African universities. SASSA policies, Statistics of South Africa latest reports and other documents, including political directives, are also used as data sources in this study.

The present study uses a transformative constitutionalism approach as a theoretical legal foundational framework. The notion of transformative constitutionalism is a ‘long-term project of constitutional enactment, interpretation and enforcement committed [not in isolation, of course, but in a historical context of conducive political developments] to transforming a country’s political and social institutions and empower relationships in a democratic,

³⁰ D Coetzee & P Buys ‘A Doctrinal Research Perspective of Masters’ Degree in Accounting’ (2018) 32 (1) *South African Journal of Higher Education* 72.

participatory, and egalitarian direction.³¹ Transformative constitutionalism connotes an enterprise of inducing large-scale revolution through non-violent political processes grounded in law.³² A transformative constitution endeavours to change the existing political, economic, social, symbolic and legal order.³³ The present study assesses the effectiveness of the CSG by measuring the extent to which the provision of the CSG achieves the goals of transformative constitutionalism.

1.8. Overview of Subsequent Chapters

This chapter presented an introduction to the topic. The chapter defined basic concepts, explained the research problem, clarified the aims and objectives of the study, stated the research questions, explained the limitations and delimitations, and also set out the research methodology utilised.

Chapter 2 of the study investigates the intended purpose and envisaged impact of CSG in advancing the socio-economic rights of children in SA in light of sections 27 and 28(1)(c) of the Constitution.

Chapter 3 examines the extent, if any, to which the CSG has actually alleviated child poverty and reduced inequality in SA. The chapter specifically investigates the CSG's effectiveness in alleviating child poverty and reducing inequality.

Chapter 4 focuses on the summary of the research findings and proposes some recommendations for legal reform to close the gaps, if any, that contribute to the ineffectiveness of the CSG in alleviating poverty and reducing inequality. The chapter also draws a conclusion based on the arguments, views and observations presented in the preceding chapters that will enable the DSD, particularly SASSA, and other stakeholders to execute their mandate effectively to the best interests of CSG beneficiaries.

³¹ KE Klare 'Legal Culture and Transformative Constitutionalism' (1998) 14 (1) *South African Journal on Human Rights* 146.

³² Klare (n31 above) 146.

³³ C Albertyn 'Inequality and the South African Constitution' (2019) 36 (6) *Development Southern Africa* 753.

Chapter Two: The Intended Purpose and Envisaged Impact of Child Support Grants in Promoting the Goals of Transformative Constitutionalism

2.1. Introduction

Section 28 of the Constitution protects the rights of children. It prescribes, *inter alia*, that ‘the best interests of the child are of paramount importance in every matter concerning the child.’³⁴ Section 28 of the Constitution sits alongside a number of other constitutional rights, which are guaranteed to ‘everyone’. These sections are inseparable, since they are also applicable to children.³⁵

As stated in part 1.1 of chapter 1 above, children’s socio-economic rights are constitutionally protected in section 28(1)(c) of the Constitution. Section 28(1)(c) must be read together with section 27(1) of the Constitution, which is the general socio-economic rights clause that applies to ‘everyone’.³⁶ According to section 27(1)(c), ‘[e]veryone has the right to have access to social security, including, if they are unable to support themselves and their dependants, appropriate social assistance’. In addition, section 27(2) imposes a positive duty on the state to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the section 27(1) socio-economic rights. Read together, sections 27(1)(c), 27(2) and 28(1)(c) impose a positive duty on the state to take progressive action for the realisation of the child’s socio-economic rights. However, as indicated in part 1.1 of chapter 1 above, since children’s section 28(1)(c) socio-economic right to social security is not subject to internal limitations or qualifiers, the state should directly and immediately provide social security to children, including appropriate social assistance if their guardians or caregivers are unable to support them. The guarantee of children’s constitutional right to social security,

³⁴ Constitution, s 28(2).

³⁵ U Kilkelly & T Liefwaard ‘Legal Implementation of the UNCRC: Lessons to be Learned from the Constitutional Experience of South Africa’ (2019) 52 (5) *De Jure Law Journal* 526.

³⁶ To reiterate, s 27 of the Constitution states that:

Health care, food, water and social security

27.(1) Everyone has the right to have access to -

- (a) health care services, including reproductive health care;
 - (b) sufficient food and water; and
 - (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
- (3) No one may be refused emergency medical treatment.

including social assistance, is intended to alleviate poverty and reduce inequality of children in SA, given that the majority of children belong to impoverished households that are faced with socio-economic challenges, such as unemployment.³⁷

As stated in part 1.2 of chapter 1 above, CSGs were introduced as a child-related social assistance measure.³⁸ This chapter investigates the intended purpose and envisaged impact of the CSG. In so doing, it examines the regulatory framework applicable to the administration of the CSG, particularly as it relates to the eligibility requirements pertaining to the CSG. Part 2.2 commences by considering the evolution of the CSG in SA. Specific attention is directed to the intended purpose and envisaged impact of the CSG.

2.2. The Evolution of the CSG, its Purpose and Envisaged Impact

The Lund Committee introduced the CSG to take the place of the earlier State Maintenance Grant (SMG),³⁹ which benefited only certain racial groups.⁴⁰ The CSG replaced the ‘apartheid’ SMG as a key policy instrument to reduce child poverty and inequality.⁴¹ The CSG, which was initially implemented in April 1998, was intended to enhance the accessibility to social assistance of all children living under economically vulnerable circumstances in SA.⁴² In so doing, the CSG’s envisaged impact was to improve the socio-economic circumstances of economically vulnerable children living in SA, thereby ensuring the effective realisation of their socio-economic rights.⁴³

³⁷ Heppell & Rathbone (n28 above) 121.

³⁸ TP Ngconqo & BR Qwabe ‘The South African Child Support Grant and Poverty Alleviation: A Perspective of Ward 84 of Umlazi in Ethekwini Municipality’ (2018) 26 (1) *Administration Publica Journal* 269.

³⁹ Lund Committee on Child and Family Support: *Report of the Lund Committee on Child and Family Support* <https://www.gov.za/documents/report.pdf> (accessed on 08 February 2024) at 7-10. See terms of reference for the Lund Committee on the Executive Summary of the Report:

‘The State Maintenance Grant itself had become so difficult to administer partially because it was based on a model of family life which does not fit the reality of many South African men, women and children.’

⁴⁰ F Lund *Changing Social Policy: The Child Support Grant in South Africa* (2008) 16.

⁴¹ Ngconqo & Qwabe (n38 above) 255.

⁴² Section 3 (a) of Social Assistance Act. See also ss 2 (3) & (4) of the Act.

⁴³ Ngconqo & Qwabe (n38 above) 255.

Unlike the previous SMG, the CSG is payable to the primary caregiver of a child,⁴⁴ regardless of the child's family structure, tradition or race.⁴⁵ As a critical step to alleviate child poverty and inequality in post-apartheid SA, the CSG was intended to support poor households by supplementing the low earnings of primary caregivers and empowering them to care for their children independently of the labour market.⁴⁶

There are specific criteria that must be met to qualify for a CSG. The criteria are set out in the 2022 Regulations.⁴⁷ Amongst other criteria, the primary caregiver must be a South African citizen, a permanent resident, or a refugee residing in the Republic of South Africa.⁴⁸ Such a primary caregiver is eligible to receive a CSG until the child reaches the age of 18 years or the primary caregiver's income status changes.⁴⁹ Part 2.3 below examines the extent to which the eligibility requirements of the CSG promote the goals of transformative constitutionalism.

2.3. The Extent to which the Eligibility Requirements of the CSG Promote the Goals of Transformative Constitutionalism

As stated in part 1.7 of chapter 1 above, a key measure of the effectiveness of the CSG concerns the extent to which the provision of the CSG achieves the goals of transformative constitutionalism. The term 'transformative constitutionalism' was first introduced by Klare.⁵⁰ According to Klare, the South African Constitution introduces a new perspective and introspection about legal method, analysis, and reasoning that are consistent with its new transformative goals.⁵¹ Klare clearly identifies the goals of transformative constitutionalism to include achieving equality, advancing social justice, and deepening the culture of democracy, multiracialism, and respect for human dignity.⁵²

The notion of transformative constitutionalism is closely associated with the realisation of socio-economic rights, insofar as it guards against the abuse of state power that exploits poor and vulnerable groups, and requires the state to proactively work towards transforming the

⁴⁴ Regulation 7(2) of the Regulations Relating to the Application for, and Payment of Social Assistance and the Requirements or Conditions in Respect of Eligibility for Social Assistance GN R11437 GG 46459 of 31 May 2022 (hereinafter '2022 Regulations'). See also Lund (n40 above) 51.

⁴⁵ Lund Committee on Child and Family Support (n39 above) 10-11.

⁴⁶ Lund Committee on Child and Family Support (n39 above) 17. See also Lund (n40 above) 54.

⁴⁷ 2022 Regulations (n44 above), reg 7 (2).

⁴⁸ 2022 Regulations (n44 above), reg 7(1)(f).

⁴⁹ 2022 Regulations (n44 above), reg 7(3).

⁵⁰ Klare (n31 above) 156.

⁵¹ Klare (n31 above) 156.

⁵² Klare (n31 above) 172.

society into a more equal one.⁵³ As Klare further points out, the Constitution expresses a special commitment to assist and protect children, given their vulnerability.⁵⁴ In terms of social protection, measures that smooth over the effects of poverty, advance the goals of transformative constitutionalism.⁵⁵

As stated in part 2.2 above, the main aim of the new CSG's policy is, to address the inequalities of apartheid and the social injustices of the past.⁵⁶ The integration of social work services within the legal framework is facilitated through the promulgation of the 2022 Regulations, which ensures that the CSG recipients or beneficiaries are regularly monitored.⁵⁷ Such monitoring not only relates to all the free essential services to which children are entitled; it also extends to monitoring children's growth and development, such that they are able to receive prompt intervention where problems are identified.⁵⁸ The eligibility requirements of the CSG, as set out in the 2022 Regulations, have also been amended to address past inequalities and ensure greater inclusivity of all children in SA.

The 2022 Regulations moreover extends the protection and further promotes socio-economic rights for children by expanding the definition of a primary caregiver. Currently, biological children and legally adopted children are not the only categories of children eligible for a CSG. In terms of the 2022 Regulations, any primary care giver, regardless of whether they are formally or informally employed to take care of the child, is now eligible to receive the CSG, despite not being the biological parent of that child.⁵⁹ In this respect, the eligibility requirements of the CSG, as set out in the 2022 Regulations, are consistent with the transformative goals of reducing inequality and advancing social justice.

⁵³ Klare (n31 above) 171-172.

⁵⁴ Klare (n31 above) 154-155.

⁵⁵ M Molyneux, N Jone & F Samuels 'Can Cash Transfer Programmes have Transformative Effects' (2016) 52 (8) *Journal of Development Studies* 1088.

⁵⁶ NR Hlwatika & PS Raseala 'Evaluating South Africa's Child Support Grant Policy: Critical Considerations' (2020) *International Conference on Public Administration and Development*, University of South Africa 485.

⁵⁷ F Hajdu, S Granlund, D Neves, T Hochfield, F Amuakwa-Mensah & E Sandstrom 'Cash Transfers for Sustainable Rural Livelihoods? Examining the Long-Term Productive Effects of the Child Support Grant in South Africa' (2020) 19 *World Development Perspectives* 11.

⁵⁸ W Zembe-Mkabile 'Community of Practice for Social Systems Strengthening to Improve Child Well-Being Outcomes: Cash Plus School-Based Services' (2022) *Working Paper Series* (Department of Science and Technology/National Research Fund South African Research Chair in Welfare and Social Development in collaboration with the Centre for Social Development in Africa 2022) 12.

⁵⁹ 2022 Regulations (n44 above), reg 7(1)(c).

Before the 2022 Regulations were promulgated, refugees residing in the Republic of South Africa were not eligible to receive the CSG, since they were not permanent citizens of SA. In *Khosa and Others v Minister of Social Development; Mahlaule and Another v Minister of Social Development*,⁶⁰ the Constitutional Court (CC) found that sections 3(c) and 4(b)(ii) of the Social Assistance Act, which reserved social grants for the elderly and child support grants for South African citizens, thereby excluding permanent residents, was invalid and unconstitutional,⁶¹ since social grants are established with the primary purpose of assisting the poor and vulnerable groups who are faced with socio-economic problems despite their nationality.⁶² The inclusion of refugees in the social security system now ensures the protection and promotion of socio-economic rights for all children in SA, thus furthering the goal of transformative constitutionalism by reducing inequality, advancing social justice, deepening the culture of democracy, and respecting human dignity.⁶³

Additionally, 2022 Regulations recognise the interdependence of human rights, and the instrumental nature of socio-economic rights. For instance, in respect to children between the ages of seven and eighteen, the 2022 Regulations place increased responsibility on the primary caregiver to ensure the child is formally enrolled into an educational institution.⁶⁴ By ensuring that children receive an appropriate formal education, the CSG further facilitates the achievement of the transformative goals of the Constitution. On the whole, the new eligibility requirements of the CSG, as set out in the 2022 Regulations, promotes the goals of transformative constitutionalism to a greater extent than the previous legal position.

2.4. Conclusion

This chapter investigated the intended purpose and envisaged impact of CSG in advancing the socio-economic rights of children in SA. The chapter demonstrated that the CSG's influence is improving by facilitating the realisation of the socio-economic rights of all vulnerable

⁶⁰ *Khosa & Others v Minister of Social Development & Others* 2004 (6) SA 505 (CC).

⁶¹ *Khosa case* (n60 above) paras 7 & 8.

⁶² See para 37 of the *Khosa case* (n60 above), which states:

The Constitutional Court held that the status of the applicants as permanent residents is sufficient to accord them standing to bring this challenge. Further, it is appropriate for the applicants to bring this matter in the interests of permanent residents and children who are in the care of the permanent residents. They are indeed members of a group or class of people who will qualify for social assistance under the Act but for the fact that they are not South African citizens. They also act on behalf of children who cannot act on their own and who would qualify for social assistance but for the citizenship limitation.

⁶³ 2022 Regulations (n44 above), reg 7(1)(f).

⁶⁴ 2022 Regulations (n44 above), reg 7(6)(a).

children living in SA. This is especially evident following the promulgation of the 2022 Regulations that align the eligibility requirements of the CSG with the goals of transformative constitutionalism.

In theory, the CSG legislative framework seems capable of fulfilling the goals of transformative constitutionalism and holds potential to improve the living conditions of all citizens living in poverty by specifically reducing poverty and eradicating inequality. Furthermore, the duty imposed on caregivers to enrol children at a school or educational institution has a positive impact on the realisation of the right to basic education and other inter-related rights. Chapter 3 below investigates the effectiveness of CSGs in alleviating poverty and reducing inequality.

Chapter 3: The Effectiveness of Child Support Grants in Alleviating Poverty and Reducing Inequality

3.1. Introduction

According to the STATSSA 2022 report, children in SA are extremely vulnerable to poverty, with 62.1% children experiencing multidimensional poverty.⁶⁵ Children in poor households receiving grants are also vulnerable to multidimensional inequality and the MPI had significantly increased.⁶⁶ The present chapter seeks to investigate the extent, if any, to which the provision of CSGs actually alleviate poverty and reduce inequality amongst children in poor households in SA. Part 3.2 provides an evaluation of the effectiveness of CSGs in alleviating poverty. It is followed by part 3.3, which examines the effectiveness of CSGs in reducing inequality. Data for the chapter is derived from primary sources, as well as the findings of published empirical studies concerning the effect of CSGs on alleviating poverty and reducing inequality in poor households. Various forms of inequality are discussed, with specific focus on income and educational inequality.

3.2. The Effectiveness of CSGs in Alleviating Poverty

Poverty in SA is both a current and continuous phenomenon.⁶⁷ Poverty is broadly defined as an economic deficiency that causes deprivations in well-being.⁶⁸ It is further regarded as a socio-economic injustice that seeks redress through coordinated appropriate measures by the government and its structures.⁶⁹ Amongst different types of poverty, absolute poverty is defined as ‘a condition characterised by severe lack of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information.’⁷⁰

⁶⁵ STATSSA 2022 (n28 above) 49, 64 & 68. According to STATSSA multidimensional poverty is a state of poverty caused by multiple deprivation of access to basic services. Amongst other factors that promote multidimensional poverty is poor health, low level or no education, poor living conditions, inadequate income, lack of empowerment as well as threat from violence or crime.

⁶⁶ TC Molelekoa & AS Oyekale ‘Explaining the Correlates of Child’s multidimensional poverty in South Africa using Akire-Foster Approach’ (2023) 21 (39) *Acta Economica* 80-83. ‘...Black children had a higher level of MPI compared to children in the other population group...’

⁶⁷ J Mokhutso ‘Exploring the Trends and Dynamics of Poverty in South Africa’ (2022) 20 (1) *Gender and Behaviour* 2-4.

⁶⁸ V Beck, H Hahn & R Lepenies (ed) *Dimensions of Poverty: Measurement, Epistemic Injuries, Activism* (2020) 2.

⁶⁹ Beck *et al* (n68 above) 2.

⁷⁰ J Schoeman, I Kellerman, S Ndlovu, EJ Ladas, PC Rogers, CJ Lombard, A Büchner, DT Reynders, G Naidu, B Rowe, J du Plessis, M Herholdt, K Thomas, B Vanemmenes, R Mathews, F Omar, R Uys & M Kruger ‘Prevalence of Poverty and Hunger at Cancer Diagnosis and Its Association with Malnutrition and Overall Survival in South Africa’ (2023) 75 (7) *Nutrition and Cancer* 1551.

Deprivation of basic human needs due to poverty remains a source of risk in children's lives. Children's well-being is compromised by the multiple privations and risks associated with poverty,⁷¹ such as lack of safe housing, a heavy burden of responsibilities and the lack of appropriate parental care.⁷² Poverty may also result in inadequate food, and access to food of low nutritional quality. This, in turn, may increase the additional risk of malnutrition, including Severe Acute Malnutrition (SAM).⁷³ Although SAM is a serious but preventable health condition,⁷⁴ mortality due to SAM in SA is currently estimated at 34 deaths per 1 000 live births for the category of children who are under the age of five.⁷⁵

One of the negative impacts of children growing up in extreme poverty is that it hinders their cognitive and psycho-social competence, which may reduce their readiness for school.⁷⁶ Additionally, poverty may limit children's socio-economic development,⁷⁷ since children's well-being is largely determined by the environment in which they live, and the basic services available to them.⁷⁸ For example, poverty may, in certain circumstances, result in the inability to pay for medical expenses incurred due to a life-threatening illness affecting children of SA, such as cancer.⁷⁹

The recent Covid-19 pandemic also exacerbated the risks associated with poverty. Primary caregivers of children receiving CSG had difficulties during Covid-19 to financially support their families.⁸⁰ However, it was only through the introduction of the caregiver's allowance, and the once-off top-up of the CSGs, that the burden for many primary caregivers and their children was eased.⁸¹ However, the termination of the caregiver's allowance within five months

⁷¹ J Boyden & M Bourdillon *Childhood Poverty: Multidisciplinary Approaches* (2012) 125.

⁷² GH van Rensburg, SP Human & MM Moleki 'Psycho-Social Needs of Children in Child-Headed Households in South Africa' (2013) 11 (1) *Common Youth and Development* 64.

⁷³ Schoeman *et al* (n70 above) 1554.

⁷⁴ N Mandla, C Mackay & S Mda 'Prevalence of Severe Acute Malnutrition and its Effect on Under-Five Mortality at a Regional Hospital in South Africa' (2022) 35 (4) *South African Journal of Clinical Nutrition* 149-150.

⁷⁵ Mandla *et al* (n74 above) 150.

⁷⁶ Boyden & Bourdillon (n71 above) 126.

⁷⁷ TM Ubisi, RM Mukonza & KB Moeti 'The Perceptions of Caregivers and other Stakeholders on the Usefulness of the Child Support Grant: The Case Study of Emalahleni Nkangala District' (2023) 13 (2) *African Journal of Development Studies* 283.

⁷⁸ Boyden & Bourdillon (n71 above) 126.

⁷⁹ Schoeman *et al* (n70 above) 1552.

⁸⁰ W Zembe-Mkabile, V Ramokolo & T Doherty 'We should not have to choose between hunger and death: Exploring the Experience of Primary Caregivers of Recipients of a South African Child Cash Transfer Programme during Covid-19 Lockdown in Cape Town, South Africa' (2023) 31 (2) *Journal of Poverty and Social Justice* 220.

⁸¹ Zembe-Mkabile *et al* (n80 above) 214.

from the date of its inception, left numerous caregivers and their children stranded, resulting in deepened vulnerability to the risks associated with poverty.⁸²

Further, according to the 2022 report of Statistics South Africa (STATSSA), published in October 2023, the total population of SA increased from 51 770 560 individuals in 2011 to 62 027 503 individuals in 2022,⁸³ with homeless children aged between 0-17 years of age residing in shelters, compared to those that are roofless.⁸⁴ A total of 44 512 homeless people were confirmed to be roofless, with 31 506 being males and 13 006 being females. A total of 11 207 homeless people resided in shelters, with 7 456 being males and 3 661 being females. Youth aged between 20-34 years and adults aged between 35-44 years are mostly affected.⁸⁵ As per the 2022 Statistics SA report, Black Africans consist of the highest population group, increasing from 77% to 81.4% of the total population.⁸⁶ In contrast, the White population group declined from 8.9% to 7.3% in 2022.⁸⁷ The Indian/Asian population group increased slightly from 2.5% to 2.7%, while the Coloured population constituted 8.2% of the population in 2022.⁸⁸ The Black African population remains the biggest population group across all provinces since 1996, and is mostly affected by poverty, with 62.1% of Black African children in SA that are now multi-dimensionally poor.⁸⁹

In relation to unemployment, the working age population in SA also increased to 141 000 (0.3%) in the first quarter (Q1) of 2023 compared to the fourth quarter of 2022.⁹⁰ When further compared to Q1 in 2022, the working-age population increased by 571 000 (1.4%).⁹¹ The number of employed persons in SA increased by 258 000, to 16.2 million in Q1 in 2023, while the number of unemployed persons increased by 179 000, to 7.9 million compared to Q4 2022, resulting in an increase of 437 000 (up by 1.8%) in the number of people in the labour market force.⁹² These statistics indicate that between the two quarters, the number of discouraged work-seekers decreased by 87 000 (down by 2.6%) and the number of people who were not

⁸² Zembe-Mkabile *et al* (n80 above) 224.

⁸³ STATSSA 2022 (n28 above) 2.

⁸⁴ STATSSA 2022 (n28 above) 64.

⁸⁵ STATSSA 2022 (n28 above) 64.

⁸⁶ STATSSA 2022 (n28 above) 7.

⁸⁷ STATSSA 2022 (n28 above) 7.

⁸⁸ STATSSA 2022 (n28 above) 7.

⁸⁹ STATSSA 2022 (n28 above) 7.

⁹⁰ STATSSA *Quarterly Labour Force Survey* <https://www.statssa.gov.za/publications/P0211.pdf> ('Statistics SA *Quarterly Labour Force Survey*') (accessed on 08 February 2024) 1.

⁹¹ STATSSA *Quarterly Labour Force Survey* (n90 above) 1.

⁹² STATSSA *Quarterly Labour Force Survey* (n90 above) 1.

economically active for reasons other than discouragement also decreased by 209 000 (down by 1.6%), resulting in a net decrease of 296 000 in those that are not part of the economically active population ⁹³ It was observed that a large number of persons moved from the ‘not economically active’ category to employed and unemployed statuses between the two quarters, which resulted in an increase of 0.2% in the unemployment rate to 32.9%.⁹⁴ On a positive note, the percentage of young persons in SA aged between 15-24, who were not in employment and training, decreased by 1.6% from 46.3% to 44.7% in Q1 2023.⁹⁵

Still, the rising poverty levels in SA remain a serious cause for concern in the 2022 Statistics SA Report. According to the report, Gauteng recorded the biggest share of homeless persons at 45,6%, followed by Western Cape at 17,5%.⁹⁶ In contrast, Northern Cape and Mpumalanga recorded the lowest percentages of homeless persons (1,1% and 2,3% respectively).⁹⁷ The profile of homeless persons in shelters showed that the Western Cape had the biggest share (29,5%) of people with no housing or any decent residential facilities, followed by Gauteng where 17,2% of people also had no housing or decent residential facilities.⁹⁸

Research suggests that poverty levels in SA seem to be caused by, *inter alia*, unforeseen natural disasters, insufficient government support in fulfilling a constitutional mandate to provide children with decent shelter, and lack of sufficient and sustainable potential business investments in SA as reported.⁹⁹ Given the high increase in poverty over the past few years, it is not surprising that a study on poverty and unemployment conducted in Limpopo and Mahikeng among street food vendors who were single primary caregivers (hereafter ‘Limpopo study’) found that the street vendors supplemented their low-income through the profit generated.¹⁰⁰ Like most poor households in the area, the street food vendors had to provide for

⁹³ STATSSA *Quarterly Labour Force Survey* (n90 above) 1.

⁹⁴ STATSSA *Quarterly Labour Force Survey* (n90 above) 1.

⁹⁵ STATSSA *Quarterly Labour Force Survey* (n90 above) 9.

⁹⁶ STATSSA 2022 (n28 above) 62.

⁹⁷ STATSSA 2022 (n28 above) 62.

⁹⁸ STATSSA 2022 (n28 above) 62.

⁹⁹ XG Ngumbela ‘Tensions of Poverty Challenges in the Eastern Cape Province of South Africa’ (2020) 9 (1) *Journal of Gender Information and Development in Africa* 23.

¹⁰⁰ GA Ekobi ‘Street Food Vending on Poverty and Unemployment in the Mahikeng Local Municipality South Africa’ (2022) 12 (4) *African Journal of Development Studies* 299. In the study, which involved 401 participants, Ekobi found that 78 percent of the interviewed participants had a total income of less than R1000.00, which they used to support household family members, including their children. 297-298.

their children, including buying clothing, food, electricity, and paying for educational expenses, such as uniform and school transport fees.¹⁰¹

A more recent study on the prevalence of poverty and hunger at cancer diagnosis and its association with malnutrition and overall survival in SA (hereafter ‘Poverty and Hunger study’), published in 2023, indicated similar findings to the Limpopo study. As per the Poverty and Hunger study, nearly a third of the families studied (27.8%) had a high risk of living in poverty, 33.1% had a medium risk of living in poverty, and approximately 39.1% of the families had a low risk of living in poverty.¹⁰² A third of children (35.9%) lived in a household with no male head.¹⁰³

According to STATSSA *Census Statistics* for 2022, almost half of the households in SA (49.6%) were headed by women.¹⁰⁴ The child poverty rate was higher where households are headed by females (71.3%), as compared to those that are headed by males (53.6%).¹⁰⁵ Households headed by females, were most common in provinces with large rural areas, such as Eastern Cape (51.9%), Limpopo (51.6%) and Northern Cape (49.1%), and least common in the most urbanized province, namely Gauteng (47.9%).¹⁰⁶

As a means-tested social grant, the CSG transfers assist poor households of beneficiaries in securing their basic human needs, and has contributed towards productive assets and activities, thus improving many livelihoods in the long term.¹⁰⁷ The CSG seems to have effectively prevented many poor rural households from descending into deeper poverty and impoverishment.¹⁰⁸ Through receiving the CSG, children’s rights to health care services and basic nutrition, amongst other rights, has been progressively realised, thereby indicating that the CSG seems to have a positive impact on eradicating children’s poverty.¹⁰⁹ The Limpopo study and the Poverty and Hunger study demonstrate that CSGs contribute to a greater extent

¹⁰¹ Ekobi (n100 above) 306.

¹⁰² Schoeman *et al* (n70 above) 1553.

¹⁰³ Schoeman *et al* (n70 above) 1553.

¹⁰⁴ STATSSA 2022(n28 above) 67.

¹⁰⁵ STATSSA 2022 (n28 above) 67.

¹⁰⁶ STATSSA 2022 (n28 above) 67.

¹⁰⁷ Hajdu *et al* (n58 above) 11.

¹⁰⁸ F Hajdu, D Neves & S Granlund ‘Changing Livelihoods in Rural Eastern Cape, South Africa (2002-2016): Diminishing Employment and Expanding Social Protection’ (2020) 46 (4) *Journal of Southern African Studies* 769.

¹⁰⁹ Ngcongco & Qwabe (n39 above) 267.

towards alleviating poverty, especially when used together with other social grants and supplementary income generated by primary caregivers. Although the CSGs have been found to have had a positive effect on alleviating poverty, its effectiveness is reduced by the fact that the prescribed promulgated amount of the CSGs, is relatively small to ensure access to basic social security needs, such as adequate food and access to medical treatment.¹¹⁰

3.3. The Effectiveness of CSGs in Reducing Inequality

Equality is a basic constitutional human right. The Constitutional Court has repeatedly stated that ‘[t]he commitment to realise the right to equality lies at the heart of the constitutional order.’¹¹¹ It has further asserted that it is crucial for the state to transform South African society from the inequalities of the apartheid regime,¹¹² which was characterised among other factors, by racial, educational, income, gender, spatial and social inequalities.¹¹³ Inequality is evidenced in various facets, such as restricted access to basic economic resources, employment opportunities and health services.¹¹⁴ As a corollary to equality, inequality is a state of not having equal right to access to resources, especially in status, rights, benefits, advantages and opportunities between individuals or population groups.¹¹⁵

Section 9 of the Constitution provides that ‘[e]veryone is equal before the law and has the right to equal protection and benefit of the law.’¹¹⁶ . It is critical for the state to ensure that children’s

¹¹⁰ E Ross ‘What we See and what we Hear: Combining Children’s Drawings with Child and Educator Interviews to Assess Child Well-Being in Child Support Grant (CSG) Beneficiaries in South Africa’ (2021) 31 (7) *Journal of Human Behaviour in the Social Environment* 849.

¹¹¹ *Qwelane v South African Human Rights Commission and Another* 2021 (6) SA 579 (CC) (‘*Qwelane*’) para 56.

¹¹² *Qwelane* (n111 above) para 56.

¹¹³ S Liebenberg & B Slade ‘Applying a Human Rights Lens to Poverty and Economic Inequality: The Experience of the South African Human Rights Commission’ (2023) 51 (3) *Federal Law Review* 308.

¹¹⁴ KO Omotoso & SF Koch ‘Exploring Child Poverty and Inequality in Post-Apartheid South Africa: A Multidimensional Perspective’ (2018) 26 (3) *Journal of Poverty and Social Justice* 418 & 431.

¹¹⁵ Liebenberg & Slade (n113 above) 310.

¹¹⁶ Section 9 of the Constitution reads that:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of section (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

socio-economic rights, such as basic services, housing, clean water, sanitation, electricity and refuse removal, are equally protected,¹¹⁷ so as to reduce the level of inequality in SA.¹¹⁸

Given its importance in the SA historical context, the right to equality implicitly encompasses respect for the human dignity of every individual, including children in SA.¹¹⁹ In addition to respect for human dignity underpinning the right to equality, the right to human dignity is guaranteed in section 10 of the Constitution. The section states that ‘everyone has the inherent dignity and the right to have their dignity respected and protected’ at all times. ‘Everyone’, as delineated in section 10, includes all vulnerable children living in SA. Regrettably, research indicates that poor children who reside in the farms and rural impoverished places still lack access to basic services, like water and sanitation, and thus feel undignified by the conditions that surround them and the environment in which they live.¹²⁰ Further, poor children who reside in the rural areas, particularly the farms, continue to experience violations of their rights to equality and dignity, as well as their socio-economic rights,¹²¹ and the right to have their best interests considered in all matters concerning them, including the provision of basic services.¹²² Almost thirty years into the new democratic dispensation, SA remains one of the most unequal countries in the world,¹²³ due to apartheid history with unequal and inferior access to housing and basic services.¹²⁴ While households that resided in more urban provinces, like Western Cape (93,9%) and Gauteng (89,7%), now have access to flush toilets,¹²⁵ there are still children living in poor households in the Northern Cape that use bucket toilets for sanitation.¹²⁶ Furthermore, the majority of the households in Limpopo, that is more than half (57,9%), are still using a pit latrine, either with or without ventilation pipe, as their main type of toilet facility

¹¹⁷ Liebenberg & Slade (n113 above) 299 & 306.

¹¹⁸ STATSSA 2022 (n28 above) 66.

¹¹⁹ As the Constitutional Court stated at para 58 of *Qwelane v South African Human Rights Commission & Another* 2021 (6) SA 579 (CC) (*‘Qwelane’*), South African constitutional jurisprudence has determined that the type of equality underpinning our constitutional framework is not mere formal equality, but in order to give meaning to the right to dignity, and also substantive equality.

¹²⁰ L Mathebe ‘The Constitutional Court of South Africa: Thoughts on its 25 year Long Legacy of Judicial Activism (2021) 56 (1) *Journal of Asian and African Studies* 23.

¹²¹ E Coetzee & J Streak *Monitoring Child Socio-economic Rights in South Africa: Achievements and Challenges* (2004) 34.

¹²² Constitution, s 28(2).

¹²³ VT Sambo ‘An Analysis of Policies that Address Income Inequality in South Africa’ (2020) 17 (2) *Journal for Contemporary Management* 3 & 8.

¹²⁴ Liebenberg & Slade (n113 above) 308.

¹²⁵ STATSSA 2022 (n28 above) 76.

¹²⁶ STATSSA 2022 (n28 above) 76.

in 2023.¹²⁷ Some poor households are worse, because they have no type of toilet facility for sanitation.¹²⁸

Notably, SA also has the highest economic inequality compared to other countries.¹²⁹ ‘Economic inequality’ is defined as ‘the unequal distribution of income and opportunity between different groups of people that cannot be justified as part of the prescribed framework of economic incentives’.¹³⁰ In SA, labour income is the primary source contributor to income inequality between demographic groups, as defined by race, gender, age, geographic areas and education levels.¹³¹ Caregivers who earn less income and receive CSGs in high numbers are arguably a reflection of the high unemployment rate in SA.¹³² Research shows that higher income inequality is caused by less income distribution.¹³³ As a result, inequality becomes more visible when people have unequal access to basic resources.¹³⁴

Vulnerable people, like Africans, women, youth, children and people with low levels of education, have been, and are still, extremely affected by inequalities in SA.¹³⁵ Gender equality, equity and women empowerment in SA are prime concerns. Single black women, who are the majority of the primary caregivers, still form part of the most vulnerable and marginalized group, both economically and socially.¹³⁶ The perpetuation of unequal relationships and different treatment between men and women hinder the transformative constitutionalism goal of eradicating gender equality, equity and genuine empowerment of women.¹³⁷

Household size and composition are strongly correlated with economic status in SA.¹³⁸ Since the majority of black South Africans live in households that are significantly larger compared to other race groups, the living conditions of such households is often unbearable.¹³⁹ STATSSA 2022 reported that black people constitute a massive 81.4% of South Africa’s population.¹⁴⁰

¹²⁷ STATSSA 2022 (n28 above) 77.

¹²⁸ STATSSA 2022 (n28 above) 77.

¹²⁹ Sambo (n123 above) 17.

¹³⁰ Liebenberg & Slade (n113 above) 310.

¹³¹ V Ranchod & RC Daniels ‘Labour Market Dynamics in South Africa at the Onset of the COVID-19 Pandemic’ (2021) 89 (1) *South African Journal of Economics* 51.

¹³² Sambo (n123 above) 15.

¹³³ Sambo (n 123 above) 15.

¹³⁴ Sambo (n123 above) 17.

¹³⁵ Ranchod & Daniels (131 above) 52.

¹³⁶ Ranchod & Daniels (n131 above) 57.

¹³⁷ Ngumbela (n99 above) 35.

¹³⁸ Sambo (n123 above) 7.

¹³⁹ Sambo (n123 above) 16.

¹⁴⁰ STATSSA 2022 (n28 above) 7.

Again, most black people earn very low wages on average when compared to other population groups, especially white persons.¹⁴¹ Therefore, the reported consequently indicates that most black people are indeed negatively affected by inequality. Hence, black people, especially single black women and their children, depend on CSGs which contributed a quarter of income to beneficiaries in poor households.¹⁴²

Inequality in South African society is also evident in the educational system, in terms of which financially privileged children have access to adequate schools, as well as better equipment and resources, including online textbooks, school facilities and the latest technologies in the country.¹⁴³ For a variety of reasons, educators in public schools are poorly equipped to do their primary function.¹⁴⁴ As a result of a deteriorating South African public education system, black children attending such schools perform poorly and are ill-prepared for the world after school,¹⁴⁵ in comparison to other race groups in SA.¹⁴⁶

Regarding the efficacy of CSGs in reducing income inequality, studies have shown that CSGs do not only benefit a specific child receiving the grant within a household, but everyone in that poor household.¹⁴⁷ Further, the injection of state money into the community enables other unemployed members to claim and utilise part of such income.¹⁴⁸ As a result, CSGs seem to contribute in redressing the injustices caused to the lives of many South Africans with no income and low income by reducing income inequality.¹⁴⁹

According to the STATSSA 2022 Report, the number of persons aged 20 years and older with no formal education reduced from 19.1% to 6.9% in 2022.¹⁵⁰ There have also been massive

¹⁴¹ STATSSA 2022 (n28 above) 7.

¹⁴² N Magetla 'Inequality in South Africa: An Overview' (2020) Working Paper, *Trade and Industrial Policy Strategies* 4. See also Sambo (n132 above) 15.

¹⁴³ EA Hendricks & N Thengela 'The Role of Education in Alleviating Poverty, Inequality and Promoting Economic Development in South Africa' (2020) 10 (3) *African Journal of Development Studies* 216-217. See also *Equal Education v Provincial Minister for Education Western Cape & Others* 2023 (3) All SA 698 (WCC) ('*Equal Education*') para 5.

¹⁴⁴ *Equal Education* (n143 above) para 5.

¹⁴⁵ *Equal Education* (n143 above) para 7.

¹⁴⁶ *Equal Education* (n143 above) para 10.

¹⁴⁷ STATSSA 2022 (n28 above) 67.

¹⁴⁸ S Granlund & T Hochfield 'That Child Support Grant Gives Me Power' - Exploring Social and Relational Aspects of Cash Transfers in South Africa in Times of Livelihood Change' (2020) 56 (6) *The Journal of Development Studies* 1240.

¹⁴⁹ LE Mthembu 'A Quantitative Impact Analysis of the South African Child Support Grant on Child Welfare' (Unpublished LLM Research Report; *University of Witwatersrand*, (2019) 33.

¹⁵⁰ STATSSA 2022 (n28 above) 45.

increases in the number of persons completing secondary education from 16.7% to 37.6%, as well as the number of persons completing post-school education from 7.1% to 12.2%.¹⁵¹ In relation to reducing educational inequality, CSGs are likely to contribute more significantly towards access to education for all children in SA. As of 31 May 2022, it became a mandatory requirement for all primary caregivers who receive CSGs to ensure that a child is registered for learning at an educational institution.¹⁵² Furthermore, a primary caregiver is obligated to provide proof of an educational institution enrolment and attendance to SASSA.¹⁵³ The timeframe of 30 days stipulated for all primary caregivers to submit proof of compliance is one step closer to achieving good governance and substantiates the effectiveness of CSGs in reducing educational inequality of children in SA.¹⁵⁴

Since the root cause of inequality is too deep, cash transfer of CSGs alone is unable to transform the inequalities in South African society that are largely structurally determined.¹⁵⁵ Further, inequality still remains difficult to eradicate, even at a global level.¹⁵⁶ Still, the 2022 Regulations are likely to have a positive impact, even if small, on reducing income and educational inequality in South Africa.

3.4. Conclusion

This chapter investigated the current statistics of poverty and inequality in SA. The chapter evaluated the effectiveness of CSGs in alleviating poverty and reducing inequality in SA. It focused on the specific contribution that CSGs have made towards improving the dire conditions of all children living in poor households. The chapter distinguished between various forms of inequality but mainly discussed the effectiveness of CSGs with regards to both income and education inequality. The chapter ultimately found that CSGs are effective, albeit to a limited extent, in alleviating poverty and reducing inequality. Chapter 4 below concludes the study by providing a brief summary of the research findings and proposing some recommendations for reform.

¹⁵¹ STATSSA 2022 (n28 above) 49.

¹⁵² 2022 Regulations (n44 above), reg 7 (6) (a)-(c).

¹⁵³ 2022 Regulations (n44 above) reg 7.

¹⁵⁴ EC Garman, K Eyal, M Avendano, S Evans-Lacko & C Lund 'Cash Transfers and the Mental Health of Young People: Evidence from South Africa's Child Support Grant' 2022 (292) *Social Science & Medicine* 8.

¹⁵⁵ Granlund & Hochfield (n148 above) 1231.

¹⁵⁶ Ngumbela (n99 above) 20.

Chapter 4: Conclusion

4.1. Introduction

This chapter concludes the study on the appropriateness of child support grants in advancing the socio-economic rights of children in South Africa. Part 4.2 provides an overview of the research findings. It is followed by part 4.3, which explains the significance of the findings and its implication for legal reform. Part 4.4 provides the recommendations for legal reform, followed by final concluding remarks.

4.2. Overview of Research Findings

This part of the chapter provides a chronological synopsis of the key findings of all the chapters in the study. It will be recalled that chapter 1 laid the background and identified the research problem. It set out the research questions,¹⁵⁷ namely:

- 1.4.1 What is the intended purpose and envisaged impact of the CSG in advancing the socio-economic rights of children in SA?
- 1.4.2 To what extent, if any, has the provision of CSG in SA actually alleviated poverty and reduced inequality in respect of children living in poor households?
- 1.4.3 How effective is the CSG in advancing the socio-economic rights of children in SA?

Chapter 1 also provided an analysis of section 27(1)(c) of the Constitution, which guarantees ‘everyone’, including all children, the right to social security, including appropriate social assistance.¹⁵⁸ The chapter further provided the research background and explained the significance of the study including the research methodology that was utilised. Additionally, it set out the limitations and delimitations of the study and concluded by giving an outline of all the subsequent chapters in chronological order.

Chapter two provided an overview on the evolution of CSGs. In so doing, it investigated the intended purpose and envisaged impact of the CSG in advancing the socio-economic rights of children in SA. Regarding the latter, the chapter assessed the requirements for social assistance and the eligibility criteria for the CSG to determine if it is easily accessible and timeously so, to all qualifying children. Finally, the chapter investigated if the current amount of CSG is

¹⁵⁷ See part 1.4 of ch 1 above.
¹⁵⁸ Constitution, s 27(1)(c).

adequate and reasonable to cover the basic needs of children from the time of its inception to date, and more so in light of the current dire economic status of SA.

The chapter revealed that during the existence of the SMG, accessibility was based on the family structure of children. The prevalent practices, criteria and model under the SMG era was not inclusive of all children in SA. Similarly, when the CSG was first introduced, only South African children were eligible to receive it. Foreign children were excluded as beneficiaries of the CSG, despite the reasons for living in SA. Such a practice was not only discriminatory, but also violated the human dignity of poor vulnerable foreign children living in SA. The position was subsequently changed following the Constitutional Court decision in *Khosa*.

With reference to the current regulatory framework concerning CSGs, the study found that the promulgation of the 2022 Regulations significantly advanced the socio-economic rights protection of children. The 2022 Regulations clearly aligns the updated eligibility requirements of the CSG with the specific goals of transformative constitutionalism in SA.¹⁵⁹ Notably, when the state, through the enactment of legislation, gives effect to the right to social assistance, it automatically contributes to realisation of many other interrelated socio-economic rights of children, such as their rights to access medical facilities, basic education, nutrition, shelter and other related basic human needs for the best interests of all children in SA.

With regard to education, the chapter found that the provision of the CSG contributes greatly towards children's attendance at Early Childhood Centres, formal school enrolment and reduction on dropouts from school compared to previous reported statistics. Such progress is a consequence of the duty imposed by the 2022 Regulations on primary caregivers to enrol all children receiving a CSG at a school or a formal educational institution within a specific period of three months from the date of approval of the CSG, failing which, a formal written report is required stating the reasons for such non-compliance. The 2022 Regulations' good governance principles, monitoring and proper reporting processes to SASSA of those children that are not enrolled in a formal institution makes it easy to assess all children who might have dropped out of school and identify all non-registered children timeously. In sum, the 2022 Regulations has greatly improved the effectiveness of the CSG in facilitating the realisation of the socio-

¹⁵⁹ Klare (n32 above) 15.

economic rights of all vulnerable children living in SA. Consequently, chapter two concluded that the CSG has fulfilled its envisaged purpose by improving the accessibility of social assistance to all children residing in SA who live in economically vulnerable circumstances, regardless of their citizenship.¹⁶⁰

Chapter 3 investigated the effectiveness of the CSG in actually alleviating poverty and reducing inequality in respect of children living in poor households. The chapter defined the terms poverty and inequality, and mentioned different types of poverty and forms of inequality in SA. The chapter mainly discussed the effectiveness of CSGs with regard to both income and education inequality. It also specifically explained the negative impact that both poverty and inequality have on children in SA. The chapter ultimately found that CSGs have made a positive contribution towards alleviating poverty and reducing inequality, despite the small amount of money that the CSG beneficiaries receive. The CSG contributes towards meeting the basic needs of children, including school transport, and it assists recipients to easily access free medical health facilities, as and when it is necessary. Further, the CSG top-up and the caregiver's allowance provided during Covid-19 were commendable initiatives in advancing the socio-economic rights of children.

4.3. Significance of Research Findings and its Implication for Legal Reform

The findings of this study are significant as they affirm the appropriateness of CSGs as a measure that advances the socio-economic rights of children in SA. Through reference to recent empirical studies, as well as the latest Statistics Reports, the study provides a current perspective on how the CSG is actually contributing towards alleviating poverty and reducing inequality in SA. However, although the CSG has a demonstrable positive impact towards improving the living standards of poor children in SA, there is still a gap for other researchers to explore regarding development of mechanisms for the monitoring and evaluation of CSGs from SASSA and other stakeholders, and mechanisms for ensuring greater compliance with the criteria and conditions for CSGs, as well as ensuring greater accountability and good governance on the part of SASSA.

The findings of the present study are also significant in that they enlighten the state and its different structures, such as SASSA, DSD and other stakeholders, to go back to the drawing

¹⁶⁰ 2022 Regulations (n45 above), reg 7 (1) (f).

board to develop specific terms of reference, policies, and memorandum of agreements with other state departments to advance the socio-economic rights of children in SA. The findings also highlight the need to improve state accountability, alleviate poverty and reduce unemployment, which contributes greatly towards the dependence of households on CSGs.

Although this study observed gaps and shortcomings in the extent to which CSGs are able to advance children's socio-economic rights, it also highlights the theoretical alignment of the CSG's current legal framework with the goals of transformative constitutionalism, specifically in the reduction of the high levels of poverty and inequality that the majority of South African children face.¹⁶¹

4.4. Recommendations for Legal Reform

Taking into account the study findings, the present chapter proposes the following recommendations:

4.4.1 Development of Terms of Reference (TOR) to improve the implementation and enforcement of current legislative framework

It is proposed that the Department of Social Development draft comprehensive Terms of Reference (TOR) that will improve on implementation and enforcement of the current legislative framework, such as the 2022 Regulations, that governs the social assistance programme in SA. In order to ensure that children's best interests are given paramount consideration in matters relating to their social security, and to advance children's socio-economic rights generally, the DSD, and in particular SASSA, must implement a comprehensive and credible system to frequently monitor and evaluate the administration of CSGs. Such system will close the identified gaps regarding proper administration of CSGs and ensure compliance with the criteria and conditions stipulated in the 2022 Regulations.

4.4.2 Development of policy to review the CSG amount

The Department of Social Development should develop a policy to regularly review the adequacy of the CSG amount payable to the beneficiaries. Considering the current South African economic crisis, reflected in the high inflation rate, it is strongly recommended that the CSG amount be reviewed to increase the chances of advancing the socio-economic rights of

¹⁶¹ 2022 Regulations (n45 above), reg 7(1)(f).

children in SA. The positive impact of the CSG on children who receive it cannot be over emphasized, but the amount is not enough to cover all the basic necessities of such children.

4.4.3 Development of awareness programmes for redress of poverty and inequalities

Community awareness programmes should be developed through SASSA and learning institutions. Constitutional Court decisions on socio-economic disputes must be well-communicated during such awareness programmes to enable beneficiaries of CSGs and caregivers of children to understand the intended purpose of CSGs in alleviating poverty and reducing inequalities. In that way, important information relating to CSGs will be more widely accessible, and CSGs will be more appropriately leveraged to advance the socio-economic rights of children in South Africa.

4.4.4 Consequences Management

All persons, including state officials, that unlawfully enrich themselves with the CSG funds must be reported accordingly without fear. Should the investigation prove that there is a case to answer, such persons should be handed over to the law enforcement agencies. Legal action should be taken against such officials to ensure justice for child beneficiaries of CSGs.

4.5. Conclusion

This chapter presented an overview of the study findings, as well as their significance and implications. It also provided recommendations for legal reform. The findings positively answered the research questions, insofar as they established that the CSG is the appropriate measure for advancing the socio-economic rights of children in SA. The study further established that the CSG has had a definite positive impact in alleviating poverty and reducing inequality of children in SA.

BIBLIOGRAPHY

PRIMARY SOURCES

Constitution

Constitution of the Republic of South Africa, 1996.

Legislation and Regulations

Children's Act 38 of 2005.

Social Assistance Act 13 of 2004.

Regulations Relating to the Application for, and Payment of Social Assistance and the Requirements or Conditions in Respect of Eligibility for Social Assistance (GN R11437 GG 46459 of 31 May 2022).

Amendment of Regulations relating to Covid-19 Social Relief of Distress Issues in terms of Section 32, read with Section 13, of the Social Assistance Act, 2004 (Act No. 13 of 2004), as Amended (GN R48326 GG 3210 of 29 March 2023).

Social Security Agency Act 9 of 2004.

Cases

Black Sash Trust v Minister of Social Development & Others 2017 (5) BCLR 543 (CC).

Cele v South African Social Security Agency 2008 (7) BCLR 734 (D).

Equal Education v Provincial Minister for Education Western Cape Province & Others 2023 (3) SA 698 (WCC).

Governing Body of the Juma Masjid Primary School & Others v Essay N.O. & Others 2011 (8) BCLR 761 (CC).

Khosa & Others v Minister of Social Development & Others 2004 (6) SA 505 (CC).

Qwelane v South African Human Rights Commission & Another 2021 (6) SA 579 (CC).

Vumazonke & Others v MEC of Social Development and Welfare for Eastern Cape Province 2005 (6) SA 229 (SE).

SECONDARY SOURCES

Books

Beck, V.; Hahn, H. & Lepenies, R. (eds) *Dimensions of Poverty: Measurement, Epistemic Injustices, Activism* (Springer Nature 2020).

- Boyden, J. & Bourdillon, M.** (eds) *Childhood Poverty: Multidisciplinary Approaches* (Basingstoke: Palgrave 2012).
- Coetzee, E & Streak, J.** (eds) *Monitoring Child Socio-economic Rights in South Africa: Achievements and Challenges* (Institute of Democratic South Africa 2004).
- Lund, F.** *Changing Social Policy: The Child Support Grant in South Africa* (The Human Sciences Research Council Press 2008).
- Proudlock, P.** (ed) *South Africa's Progress in Realising Children's Rights: A Law Review* (Children's Institute: University of Cape Town and Save the Children South Africa 2014).
- Strydom, E.M.L.** *Essential Social Security Law* (Juta: Cape Town 2006).

Journals Articles

- Albertyn, C.** 'Inequality and the South African Constitution' (2019) 36 (6) *Development Southern Africa* 751-766.
- Bhorat, H.; Oosthuizen, M. & Stanwix, B.** 'Social Assistance Amidst the COVID-19 Epidemic in South Africa: A Policy Assessment' (2021) 89 (1) *South African Journal of Economics* 63-81.
- Coetsee, D. & Buys, P.** 'A Doctrinal Research Perspective of Master's Degree in Accounting' (2019) 32 (1) *South African Journal of Higher Education* 71-89.
- Ekobi, G.A.** 'Street Food Vending on Poverty and Unemployment in the Mahikeng Local Municipality South Africa' (2022) 12 (4) *African Journal of Development Studies* 289-312.
- Garman, E.C.; Eyal, K.; Avendano, M.; Evans-Lacko, S. & Lund, C.** 'Cash Transfers and Mental Health of Young People: Evidence from South Africa's Child Support Grant' (2022) 292 *Social Science & Medicine* 114631.
- Granlund, S. & Hochfield, T.** 'That Child Support Grant Gives Me Powers' – Exploring Social and Relational Aspects of Cash Transfers in South Africa in Times of Livelihood Change' (2020) 56 (6) *Journal of Development Studies* 1230-1244.
- Hajdu, F.; Granlund, S.; Neves, D.; Hochfeld, T.; Amuakwa-Mensah, F. & Sandstrom, E.** 'Cash Transfers for Sustainable Rural Livelihoods? Examining the Long-Term Productive Effects of the Child Support Grant in South Africa' (2020) 19 *World Development Perspectives* 1-11.

- Hajdu, F.;** Neves, D. & Granlund, S. ‘Changing Livelihoods in Rural Eastern Cape, South Africa (2002-2016): Diminishing Employment and Expanding Social Protection’ (2020) 46 (4) *Journal of Southern African Studies* 743-772.
- Hall, K. & Richter, L.** ‘Introduction: Children, Families and the State’ in Hall, H.; Richter, L.; Mokomane, Z. & Lake, L. (eds) *South African Child Gauge 2018: Children, Families and the State - Collaboration and Contestation* (Children’s Institute: University of Cape Town 2018) 22-31.
- Hendricks, E.A. & Thengela, N.** ‘The Role of Education in Alleviating Poverty, Inequality and Promoting Economic Development in South Africa’ (2020) 10 (3) *African Journal of Development Studies* 215-234.
- Heppell, E. & Rathbone, M.** ‘The Gift as Philosophical Critique of the Social Grant System in South Africa’ (2020) 52 (1) *Acta Academia* 121-141.
- Kilkelly, U. & Liefwaard, T.** ‘Legal Implementation of the UNCRC: Lessons to be Learned from the Constitutional Experience of South Africa’ (2019) 52 (5) *De Jure Law Journal* 521-539.
- Klare, K.E.** ‘Legal Culture and Transformative Constitutionalism’ (1998) 14 (1) *South African Journal on Human Rights* 146-188.
- Knox-Mosdell, S.C.** ‘A Legal Perspective on Sustainable Development and Urban Poverty in South Africa’ (2022) 25 (1) *Potchefstroom Electronic Law Journal* 1-28.
- Liebenberg, S. & Slade, B.** ‘Applying a Human Rights Lens to Poverty and Economic Inequality: The Experience of the South African Human Rights Commission’ (2023) 51 (3) *Federal Law Review* 296-314.
- Mandla, N.;** Mackay, C. & Mda, S. ‘Prevalence of Severe Acute Malnutrition and its Effect on Under-Five Mortality at a Regional Hospital in South Africa’ (2022) 35 (4) *South African Journal of Clinical Nutrition* 149-154.
- Mokhutso, J.** ‘Exploring the Trends and Dynamics of Poverty in South Africa’ (2022) 20 (1) *Gender and Behaviour* 19007-19028.
- Molelekoa, T.C. & Oyekale A.S.** ‘Explaining the Correlates of Child’s Multidimensional Poverty in South Africa Using the Akire-Foster Approach’ (2023) 21 (39) *Acta Economica* 67-87.
- Molyneux, M.;** Jones, N. & Samuels, F. ‘Can Cash Transfer Programmes have “Transformative” Effects?’ (2016) 52 (8) *Journal of Development Studies* 1087-1098.
- Mthethwa, S. & Wale, E.** ‘The Impact of the Social Grants Programme on Household Vulnerability to Food Insecurity in South Africa: Application of a Two Stage Least

- Squares and Implications’ (2023) 13 (1) *African Journal of Development Studies* 241-264.
- Newaj, K.** ‘A Critical Evaluation of whether Benefits Provided for in COIDA Fall within the Ambit of the Constitutional Right to Access Social Security Protected in Section 27(1)(c) of the Constitution’ (2023) 44 (1) *Obiter* 122-138.
- Ngconqo, T.P. & Qwabe, B.R.** ‘The South African Child Support Grant and Poverty Alleviation: A Perspective of Ward 84 of Umlazi in Ethekewini Municipality’ (2018) 26 (1) *Administratio Publica* 251-276.
- Ngumbela, X.G.** ‘Tensions of Poverty Challenges in the Eastern Cape Province of South Africa’ (2020) 9 (1) *Journal of Gender Information and Development in Africa* 19-45.
- Omotoso, K.O. & Koch, S.F.** ‘Exploring Child Poverty and Inequality in Post-Apartheid South Africa: A Multidimensional Perspective’ (2018) 26 (3) *Journal of Poverty and Social Justice* 417-437.
- Ranchod, V. & Daniels, R.C.** ‘Labour Market Dynamics in South Africa at the Onset of the COVID-19 Pandemic’ (2021) 89 (1) *South African Journal of Economics* 44-62.
- Ross, E.** “‘What we See and What we Hear:’ Combining Children’s Drawings with Child and Educator Interviews to Assess Child Well-being in Child Support Grant (CSG) Beneficiaries in South Africa’ (2021) 31 (7) *Journal of Human Behavior in the Social Environment* 848-866.
- Sambo, V.T.** ‘An Analysis of Policies that Address Income Inequality in South Africa’ (2020) 17 (2) *Journal for Contemporary Management* 124-145.
- Schoeman, J.; Kellerman, I.; Ndlovu, S.; Ladas, E.J.; Rogers, P.C.; Lombard, C.J.; Büchner, A.; Reynders, D.T.; Naidu, G.; Rowe, B.; du Plessis, J.; Herholdt, M.; Thomas, K.; Vanemmenes, B.; Mathews, R.; Omar, F.; Uys, R. & Kruger, M.** ‘Prevalence of Poverty and Hunger at Cancer Diagnosis and its Association with Malnutrition and Overall Survival in South Africa’ (2023) 75 (7) *Nutrition and Cancer* 1551-1559.
- Ubisi, T.M.; Mukonza, R.M. & Moeti, K.B.** ‘The Perceptions of Caregivers and other Stakeholders on the Usefulness of the Child Support Grant: The Case Study of Emalahleni Nkangala District’ (2023) 13 (2) *African Journal of Development Studies* 267-288.
- Van Rensburg, G.H.; Human, S.P & Moleki, M.M.** ‘Psycho-Social Needs of Children in Child-Headed Households in South Africa’ (2013) 11 (1) *Common Youth and Development* 56-69.

Zembe-Mkabile, W.; Ramokolo, V. & Doherty, T. ‘We Should not have to Choose between Hunger and Death’’: Exploring the Experience of Primary Caregivers of Recipients of a South African Child Cash Transfer Programme during Covid-19 Lockdown in Cape Town, South Africa’ (2023) 31 (2) *Journal of Poverty and Social Justice* 212-230.

Zhou, S.; Ayandibu, A.O.; Chimucheka, T. & Masuku, M.M. ‘Government Social Protection and Households Welfare during the Covid-19 Pandemic in South Africa’ (2023) 3 (4) *Journal of Business and Socio-Economic Development* 308-321.

Other Sources

Bhorat, H., Oosthuizen, M. & Stanwix, B. ‘Social Assistance amidst the Covid-19 Epidemic in South Africa: An Impact Assessment’ *Working Paper 202006* (Development Policy Research Unit: University of Cape Town 2020)1-23.

Department of Welfare Report of the Lund Committee on Child and Family Support (Pretoria 1996).

Hlwatika, N.R & Raseala, P.S ‘Evaluating South Africa’s Child Support Grant Policy: Critical Considerations’ (2020) The 5th *Annual International Conference on Public Administration and Development Alternatives*, 07-09 October 2020, University of South Africa 488.

Kohler, T. & Bhorat, H. ‘Covid-19, Social Protection and the Labour Market in South Africa: Are Social Grants being Targeted at the Most Vulnerable?’ *Working Paper 202008* (Development Policy Research Unit: University of Cape Town 2020) 1-34.

Magetla, N. ‘Inequality in South Africa: An Overview’ (2020) *Working Paper, Trade and Industrial Policy Strategies* 1-54.

Matthews, T. ‘Traversing the Cracks: Social Protection towards the Achievement of Social Justice, Equality and Dignity in South Africa’ *Working Paper 5* (Southern Centre for Inequality Studies: University of the Witwatersrand 2020) 1-36.

Mthembu, L.E. *A Quantitative Impact Analysis of South African Child Support Grant on Child Welfare* (University of Witwatersrand 2019).

South African Social Security Agency 2022/23 *Ninth Statistical Report* December 2023 <https://www.sassa.gov.za.pdf> (Accessed on 08 February 2024).

Statistics South Africa *Quarterly Labour Force Survey (QLFS) - Q2:2022* <https://www.statssa.gov.za/publications/P02112ndQuarter2022.pdf> . (Accessed 08-02-2024).

Statistics South Africa *Child Poverty in South Africa: A Multiple Overlapping Deprivation Analysis 2019* <https://www.statssa.gov.za.pdf> (Accessed 08-02-2024).

Statistics South Africa: Census 2022/2023
<https://www.statssa.gov.za/publicationsP03101pdf> (Accessed 14-02-2024).

Zembe-Mkabile, W. ‘Community of Practice for Social Systems Strengthening to Improve Child Well-Being Outcomes: Cash Plus School-Based Services’ (2022) *Working Paper Series* (Department of Science and Technology/National Research Fund South African Research Chair in Welfare and Social Development in collaboration with the Centre for Social Development in Africa 2022) 1-14.