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**LOCAL GOVERNMENTS’ CONTRIBUTION TO THE OHCHR’S REPORT ON**

**“LOCAL GOVERNMENT AND HUMAN** **RIGHTS”**

**(a) What are your main thematic priorities and key principles for the promotion and protection of human rights in the post-pandemic era? (b) And what are their linkage to the SDGs?**

The Constitution of the Republic of South Africa binds all organs of state, including municipalities to the following human rights for the citizens:

**1. The right to equality**

The right states that everyone is equal and must be treated equally. No one has the right to discriminate against you based on your race, gender, sex, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth among others.

This addresses SDG 5, which addresses gender equality and SDG 10, reduced inequality.

Municipalities provide for platforms for all the vulnerable groups, which are women, children, the elderly, youth, persons with disability and the LDGQIT+ to participate in matters of development in their communities through representation in forums established in the Special Programs Units in the offices of the Mayors. Planning and budgeting processes of municipalities are supposed to address the needs of the vulnerable groups. Gender focal points are established in municipalities as part of ensuring gender equality and gender responsive planning and budgeting. This is still met with many challenges caused by the patriarchal nature of our society and the persistent gender stereotypes.

Laws have been promulgated to entrench the right to equality as guided by the country’s constitution, the following are examples of some of the pieces of legislation: **The Municipal Structures Act, 117, of 1998,** **section 17 (5) Every party or councilor must seek to ensure that fifty per cent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list**. *https://www.gov.za/sites/all/themes/custom/eco\_omega/images/bg.jpg*

**The Employment Equity Act no. 55 of 1998** *https://www.gov.za/sites/all/themes/custom/eco\_omega/images/bg.jpg*, provides for equity in the workplace to address past discrimination in the workplace that had excluded people on the basis of race, gender, religion etc. and Section 2 The purpose of this Act is to achieve equity on the workplace by-

(a) Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination, and

(b) Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.

SALGA supports municipalities in ensuring compliance with these legislations and creation of a policy environment that enforces compliance.

**2. Human dignity**

Everyone has inherent dignity and the right to have their dignity respected. SDG 6, 8 and 10 enjoins government in addressing human dignity and addressing inequality through providing equal opportunities and services the people, providing basic services like water, electricity and sanitation to communities that never had access to these services before, especially in the rural areas. Affordable, quality drinking water is provided through large scale infrastructure development for water treatment works in rural areas, building reservoirs and maintaining water quality that is assured through testing measures for compliance. **The National Water quality act 36 of 1998** Part 1 requires the progressive development, by the Minister, after consultation with society at large, of a national water resource strategy. The national water resource strategy provides the framework for the protection, use, development, conservation, management and control of water resources for the country as a whole. It also provides the framework within which water will be managed at regional or catchment level, in defined water management areas. The national water resource strategy, which must be formally reviewed from time to time, is binding on all authorities and institutions exercising powers or performing duties under this Act. *https://www.gov.za/sites/default/files/gcis\_document/201409/a36-98.pdf*

Various policies are in place to guide municipalities, working with various departments to implement the water strategy for protection of water sources, in the context of climate change. **The National Environmental Management Act: Waste management 59 of 2008** https://www.gov.za/sites/default/files/gcis\_document/201409/32000278.pdf. Further provides to reform the law regulating waste management in order to protect health and the

environment by providing reasonable measures for the prevention of pollution and

ecological degradation and for securing ecologically sustainable development; to

provide for institutional arrangements and planning matters; to provide for

national norms and standards for regulating the management of waste by all

spheres of government; to provide for specific waste management measures; to

provide for the licensing and control of waste management activities; to provide for

the remediation of contaminated land; to provide for the national waste

information system; to provide for compliance and enforcement; and to provide

for matters connected therewith. Municipalities that are water services providers lead campaigns with communities to educate them on water conservation and climate adaptation and mitigation, partnering with schools to have educational programs and competitions. Water week, international day for disaster reduction, working for water, fire, are some of the programs that the youth in schools and communities are involved in. Some of these serve as employment opportunities.

To further ensure access, government offers free basic services to indigent populations in all municipalities.

SDG 8 on decent work and economic growth, South Africa has the **Labor Relations Act, no 66 of 1995** https://www.gov.za/sites/default/files/gcis\_document/201409/act66-1995labourrelations.pdf,

is the foundational Act for all labor legislation that governs employment relationships and all matters pertaining thereto and eradicates all forms of discrimination and abuse. All employees seek to have cordial labor relations by complying to these legislations and policies for a stable work environment, that leads to productivity and growth. Setting the minimum wage to avoid exploitation and to protect the vulnerable workers. South Africa has many programs that address the unemployment challenges and provide decent work opportunities. Various programs and innovations in technology are led by SALGA to support municipalities to invest in technology for ease of doing business and improve efficiency, in particular on the protection of infrastructure, https://www.youtube.com/watch?v=8-ERQ7DICmY.

**3. Life**

Everyone has a right to life and nobody, not even the state, has the right to take a life. Human life is also depended on life on land and in water, therefore mechanisms to protect sources of life improve the quality of life as envisaged in SDG 14 and 15. Biodiversity management that seeks to support communities to preserve life, protect ecosystems, prevent and reverse land degradation, eradicate invasive alien species, combat poaching, are legislated through the **National Environmental Management: Biodiversity Act 10 of 2004** guides the country’ s response and actions. https://www.gov.za/sites/all/themes/custom/eco\_omega/images/bg.jpg

**4. Freedom and security**

This means that no one can be put in prison without good reason; be detained without trial; be tortured in any way or be treated or punished in a cruel, inhuman or degrading way. It means that all humans have a right to be free from all forms of violence from either public or private sources. SDG 16 aims to Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels. Through the **Intergovernmental Relations Framework 13 of 2005**, SALGA collaborates with sector departments to lobby, advocate and represent the interests of local government, and our Community Safety and Asset Protection Unit leads such efforts with the South African Police Services and the South Police Civilian Secretariat. Th municipal police is set up to deal with traffic law and by-law enforcement, would have joint operations with the police to targeted areas, especially that are hot spot in crime. SALGA has developed a position paper in partnership with GIZ to enhance municipal led community safety processes that institutionalise community safety in all the municipality’s businesses. An accredited training program on community safety for municipalities has been designed and will be rolled out from this current financial year onwards.

South Africa is a crime haven for national, subnational, and international syndicates and very violent crimes are committed every second. Through the Cities Network, in partnership with the Deutsche Gesellscaft fur Internationale Zisammanabeit (GIZ), SALGA participates in the Violent Crime prevention program with Metros through peer learning programs.

Of the violent crimes committed, the worst are crimes against the vulnerable, targeting children, women, the LBGTQI+, and the elderly in what is known as Gender Based Violence and Femicide, this includes human trafficking, targeting children and women.

SALGA embarked on the coordination of the following initiatives:

• Webinars in collaboration with municipalities and other stakeholders. The purpose and focus of the webinars was to reflect on the Local Government response to gender based violence and femicide (GBVF) and discuss how municipalities, as the service delivery arm of government, should be strengthened to respond to GBVF as a key service delivery issue and work together with all stakeholders through an integrated approach. The sessions also included sharing of best practice by other municipalities for knowledge exchange.

• The “Blow the Whistle Campaign in support of the global campaign of Ban Ki-Moon’s “UNiTE to End VAW” that was launched in 2008. Old Mutual partnered with SALGA in support of the initiative by providing whistles and pepper sprays that were distributed to vulnerable community members in particular the elderly women living alone, child headed households led by girls in the participating municipalities. The SALGA Women’s Commission (SWC) and municipalities joined hands with other organisations and stakeholders as part of the collective efforts on the campaign to end violence against women and children.

Corruption is another problem that frustrates the work of building effective, inclusive, accountable, and accountable institutions. Municipalities have developed whistle blowing policies and toll-free line service to report incidents of corruption unanimously without facing victimization. Through the integrated councilor induction program, SALGA has included a module on ethical leadership. The new Councilors elected in November 2021 were inducted into the new councils, equipped with the necessary skills to build effective, inclusive and accountable institutions. The Auditor General’s powers have also been strengthened to take action against complicity in municipalities both on the part of the administration and politicians.

**5. Arrested, detained and accused persons**

Any arrested person has a right to a lawyer and cannot be forced to speak or to make a confession. Prisoners must be kept in proper living conditions and may have visits from family members.

**6. Personal privacy**

No one, not even the government, has the right to search your house or property or even have your possessions seized without following the correct legal channels. The government cannot infringe on the privacy of your communication - this includes opening your mails or listening to your phone calls.

**7. Freedom of Expression**

South Africans have the freedom to say, write or print what they want, but this right must never violate anyone else’s right or break the law in any way.

**8. Freedom of Association**

Everyone has the right to associate with anyone they want to associate with. This means people have a right to associate with a trade union, a political party, or any other club or association, including religious denominations and organisations, fraternities, and sports clubs.

**9. Political Rights**

Every citizen has the right to form a political party; to participate in the activities of, or recruit members for a political party and to campaign for a political party or cause.

Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution and every adult citizen has the right ­to vote in elections for any political party, and to do so in secret.

Every citizen can stand for public office and, if elected, to hold office.

**10. Education**

Everyone has the right ­to a basic education, including adult basic education, and to further education. South Africa has categorized the schooling system into 5 quintiles according to the levels of poverty the area where the school is located and all quintile 1-3 schools receive free education for the pupils which means they are: no fee-paying schools, provide stationery and textbooks for all the learners, free school nutrition and free support to extra mural activities. This ensures that the children of the poor get access to schooling and nutrition. Education is compulsory for all children of school going age.

Linked with SDG 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, we are doing very well as a country in this SDG. Our institutions of higher learning produce programs on international standard and produce lifelong learners. There remains a concern on the unemployed and unemployable graduates. SALGA partners with Higher Education Institutions

The Department of Basic Education provides equitable and quality education to all learners, according to their financial circumstances. There is a concern on the high dropout rate in the 12-year schooling process that needs to be addressed. The challenges of mud schools in rural areas and lack of equipment present quality challenges that must be attended to.

**11. Healthcare, food, water, and social services**

Everyone has the right to have access to health care services, including reproductive health care; sufficient food and water; and social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. The South African Health care system provides for free reproductive health support to the population.

Local government is tasked with the responsibility of providing clean drinking water and adequate sanitation that protects human dignity.

SDG 3, good health and well-being tis well with this Constitutional provision and government has improved health care facilities in line with its policy on universal coverage through the **National Health Insurance**. https://www.gov.za/documents/national-health-act-national-health-insurance-policy-towards-universal-health-coverage-30 and https://www.gov.za/sites/default/files/gcis\_document/201707/40955gon627.pdf

**12. Slavery, servitude and forced labour**

All have a right to choose who they want to work for and the kind of work they do, and they must be paid for that work. No-one can be forced to work for someone else. The provision on equality as per the Labor Relations Act, of 1995.

**13. Citizenship**

No-one’s South African citizenship can ever be taken away from them.

**14. Housing**

Everyone has the right to have access to adequate housing. The government cannot take your house away from you or evict you from your home if you own it. Government provides free housing to needy South Africans.

**15. Children**

All children have the right to parental care, shelter, and food. Children may not be neglected or abused or forced to work.

The Constitution further enjoins local government to :

a) provide democratic and accountable government for local communities;

b) ensure the provision of services to communities in a sustainable manner;

c) promote social and economic development;

d) promote a safe and healthy environment; and

e) encourage the involvement of communities and community organisations in the matters of local government.

In the context of the lock-down as measure to control the pandemic, local gouvernement and other organs of state tried to ensure that the above human rights are observed.

**2. Which are the new challenges for the promotion and protection human rights promotion and protection emerged in the context of COVID-19 pandemic? Which innovative solutions, demands and steps to be taken in relation between local governments and national administrations and the UN system to address them (institutional and legal frameworks; resources; etc.)?**

SALGA led the sector in the country’s response during the lockdown due to the pandemic, by developing guidance to their response on the following challenges presented to them:

**Shelters and Services for the Homeless**

In March 2020 a National State of Disaster was declared as a result of the COVID-19 pandemic. The national response included the announcement that temporary shelters would be identified for homeless people as per Section 11D of the Disaster Management Act (2002) and additional funding would be made available to municipalities to provide food and shelter for the homeless, emergency water supply, and sanitisation of public transport and facilities. Following these announcements, municipalities were required to hastily identify means of sheltering the homeless, with no guiding framework, and limited clarity on the resources that would be provided by national government and the role of sector departments. Responses were varied across provinces, as was the degree of collaboration and cooperation between government stakeholders.

The COVID-19 pandemic exposed the lack of government attention to shelters for the homeless. This shortfall is largely due to different perceptions of the mandates of different spheres and sectors of government and the absence of a national policy to guide the provision of relief to the street homeless.

**The Social Package**

The advent of COVID-19 and the subsequent socio-economic impacts of the pandemic, highlighted disparities in the mode of operation (coordination, alignment, and sustainability) of the Social Package and the delivery of Social Protections at the local level. These disparities had a negative impact on the efficiency of delivery to communities at the local level. Furthermore, the role of Local Government in the delivery of the Social Package and Social Protections during this time of national disaster, was at times unclear, and contributed to the challenges faced by municipalities. Moreover, the socio-economic impact of COVID-19 and the introduction of a new category of indigent households has introduced a new chapter within the scope of work of local government.

**Gender Based Violence and Femicide**

The extent and prevalence of GBVF cases, compounded by the impact of the Covid-19 pandemic, has triggered a ‘secondary pandemic’ in the country. The COVID-19 pandemic had a major impact on women and girls, increasing their vulnerability to gender-based violence (GBV). Movement restrictions made it impossible for women to leave abusive households, while increased interpersonal and economic stress resulted in rising intimate partner violence (IPV). More than 120 000 cases were recorded by the GBV Command Council Centre in the first week of national lockdown. The stats released in the media by the South African Police Services during that period revealed that 2695 women are murdered every year in South Africa – that’s 1 woman every 3 hours.

**3. Which specific mechanisms you have put in place to ensure participation, the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations (public policies; training and capacity building; communication initiatives; stakeholder engagement; multilevel cooperation)? If you wish, share the names (and, if possible, URLs) of strategic documents developed by your local government.**

Municipalities were at the Centre of coordination in their command councils to ensure that in various communities, the vaccination program reaches out to all. Programs to this effect include:

**Community Awareness and Education**

Executive Mayors and Mayors and Speakers are embarking on community outreach programmes in partnership with Department of Health, to create awareness on key messaging to dispel myths around vaccine, encourage people of all cohort ages to register for vaccinations and further observation of Covid -19 Protocols on non -biomedical protection. i.e., wearing of mask, washing of hands and or hand sanitization.

Radio interviews, social media, and various platforms are utilised to send a clear message. To spread the message, further work is extended to encourage communities by:

• The utilisation of municipal facilities as vaccine sites and centers of information.

• Dispatch of municipal law enforcement to sites for crowd management, compliance enforcement and loud hailing support

• Mobilization of communities, communication on the rollout and community mobilization led by Ward Councilors in their war rooms

• Traditional, religious leaders, civil society roped in and leading by example in taking the vaccines and leading the vaccination drive in their constituencies.

• Provision of transport to vaccine sites for pensioners and those with disabilities

• Provision of municipal and government services in sites

• Compliance monitoring to health standards in the sites.

• Environmental Health Practitioners in municipalities conduct inspections, joint operations, and monitoring of funerals, disinfections and community awareness and education on Covid -19 safety protocols and encourage vaccination in communities they visit.

• Partnering with influencers who have vaccinated and share on social platforms the safety of the vaccine to motivate uptake.

**Some of SALGA interventions to support municipalities include the following initiatives**:

**Remote work Policy developed**

SALGA as an institution developed a policy to manage the workforce by providing a policy for working from home to ensure productivity. This assisted line managers to monitor the output of their workforce while providing support on the challenges this brought about, especially in as far as parents with children. The schools closed and opened at irregular times to accommodate social distancing. This presented a challenge on the change of drop off and pick up times to school when parents were working from home.

Online wellness support was provided to employees to deal with the struggles they faced and supported them in navigating the virtual working platforms.

Vaccination Policy for SALGA workforce and guidelines for municipalities to develop their own

**Return to office guidelines developed**

SALGA has been in a hybrid work format, i.e., working remotely and from the office from time to time, since the declaration of the State of Disaster due to the COVID-19 pandemic in March 2020. During this period, it has been demonstrated that the majority of SALGANS can manage themselves and remain productive.

Although accelerated by the COVID-19 pandemic, remote and flexible working arrangements are part of the future world of work where digital communication, collaboration platforms, along with societal and market changes, allow for and create the opportunity for more distributed teams.

It is against this background that SALGA, as a progressive organisation, has developed the Remote and Flexible Working Arrangement Policy. The policy elaborates on the concept of Working from Home (WFH) or Working from Anywhere (WFA). Working from home (WFH) can be beneficial to both employer and employees as there are cost saving incentives for both. It provides a platform for employees to grow at an accelerated pace and visionary thinkers would embrace the opportunity.

**Shelters and Services for the Homeless**

The pandemic highlighted the need to examine government roles and responsibilities in the provision of services to the homeless and the need for a strategy that clearly defines the roles of all stakeholders. It is on that basis that developed a guide on the role of LG on shelters for the homeless. The purpose of this guide is to provide guidance on the roles and responsibilities of stakeholders, including sector departments and Local Government, in the provision of the service of shelters to the homeless.

This guideline aims to address the lack of clarity on the legislative and policy context for the provision of shelters for the homeless and provide guidance on the provision of the services to the homeless according to the responsibilities of the different spheres of government and the roles non-governmental stakeholders.

**The Social Package**

SALGA conducted an assessment of the different components of the social package that are provided by government. The goal of the assessment is to support and strengthen the role and approach of Local Government in the delivery and facilitation of the Social Package and Social Protections.

The objective of the assessment of the Social Package was to identify gaps and challenges at the Local Government level and develop recommendations for improvement to be lobbied within the inter-governmental relations space.

**4. Which is the role of local governments in promoting and protecting human rights at national and international levels? Which are the human rights projects or programs implemented by other local and regional governments around the world that you find most inspiring and/or or that have inspired one of your local policies?**

Local government is the sphere closest to the people and all the work that is done or not at this level directly impacts the people. The provision of basic services has a direct bearing on human rights and as such local government is charged with the responsibility of providing effective efficient and reliable services. These include access to clean drinking water, adequate sanitation, reliable energy, good roads, local economic development, housing, spatial transformation, by-law enforcement, recreational facilities, parks and other amenities, environmental health services. Legislation and policies guide the provision of these services. Successful implementation results in happy communities whereas failure to deliver amounts to infringement of human rights.