




# Assessing the Impact of Corruption on Human Rights and Civil Liberties during COVID-19 in South Africa



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## ABSTRACT

A strange phenomenon of the Covid-19 pandemic outbreak hit the world in 2019. Although countries such as South Africa have procurement policies and procedures on parliamentary actions, the COVID-19 pandemic forced those protocols to be not followed. The purpose of this study is to assess the impact of corruption on human rights and civil liberties during Covid-19 in South Africa. Ten participants representing different age groups from Polokwane in Limpopo province were purposively sampled for semi-structured interviews as victims of the lockdown who could not even visit their homes. One of the major findings is that not following government protocols led to serious violations of policies and human rights at large. The discussion in this study shows that the leading political party issued regulations that by far limit civil liberties without any proper justification or legitimacy. For a while, this kind of regulation and issuing of tenders through illegitimate processes has been politically discussed as one of the factors that impoverish the state and increase corruption. In this study, researchers recommend that the South African government must have a plan for managing unforeseen circumstances that can help in times of despair. This study contributes to scholarship as it exposes an academic view of how corruption becomes the result of infringing on human rights and civil liberties. Using an analytic theoretic framework, the negative impact of corruption on human rights and civil liberties in South Africa from 2019 to 2022 will be discussed to expose the seriousness of hasty decision-making by the government.

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## INTRODUCTION

Various cases of theft and money laundering have been reported since the identification of the COVID-19 pandemic in different countries and most of them were against government employees. Fearing the exponential spread of the pandemic, the South African government decided to introduce a mechanism to curb the spread of the pandemic. According to Mbandlwa, these included the provisioning of Personal Protective Equipment (PPEs) which was also strengthened by the arrival of the vaccination programme.<sup>1</sup>

<sup>1</sup> Zamokuhle Mbandlwa and Fulufhelo Netswera, "The Effect Government Supply Chain Processes Have on the Procurement of COVID-19 Personal Protective Equipment.," *Ilkogretim Online* 20, no. 4 (2021).

At times, all these were purchased with little or no adherence to government purchase rules.<sup>2</sup> In this regard, it is politically arguable that many of the materials purchased to save people's lives were stolen and mismanaged through the tender system. This compromises both the human rights and civil liberties of many people. It is for this reason that the technique of qualitative methodology is used to collect data for the sake of exploring the impact of crime against human rights and civil liberty as many PPEs could not get to the people while on many occasions their governments were over-charged by scrupulous servants.

The available literature focuses on issues of public discomfort and the experiences of people during lockdowns. However, scholars seem to be silent on the issue of corruption that thrived during the severe stage of the pandemic, COVID-19 and the government's infringement of civil liberties in South Africa. Hence, this study aims to give a scholarly narrative of how the government of South Africa participated in corruption and infringement of civil liberties as the pandemic was on its rise. In short, the objective of this study is to assess the impact of corruption on human rights and civil liberties during Covid-19 in South Africa. However, this assessment is done to put forth some suggestions that perhaps may be considered by the South African government as a means to help in the long run.

In addition to the painful narrative of the COVID-19 pandemic in South Africa, it has been realised that many people lost their jobs since the introduction of levels of lockdown as a mechanism to reduce the spread of the pandemic. By the way, according to Mlaba, the national lockdown was the decision taken by only the ruling party in South Africa, which did not even follow the participation procedure before passing that regulation to the public.<sup>3</sup> As a result of national lockdowns, the unemployment rate in South Africa increased to 44.4% in November 2021.<sup>4</sup> Unfortunately, in other discussions by The World Bank, there is a prediction that this catastrophe of unemployment is expected to further increase as estimated by Statistics South Africa.<sup>5</sup> Similar to other governments, the South African government borrowed over R500b from the International Monetary Fund and other institutions to strengthen the fight against the COVID-19 pandemic.<sup>6</sup> However, the reported cases of theft indicated that most of the funds were not directed to the fight against the pandemic while millions of people succumbed to the pandemic. Services delivered by the government were compromised as the budgets of departments were reduced with funds directed to the COVID-19 prevention strategies. Some civil liberties, such as access to water, education, and health facilities were also compromised. In basic terms, the noble Corona Virus which took many lives known as COVID-19 was first reported in Wuhan City China in 2019.<sup>7</sup> In 2019 only the medical sector could share its fear for this pandemic when it was first detected in South Africa. The rest of ordinary South Africans did not know, and neither seemed worried about COVID-19 until it was reported as infectious and problematic in South Africa.

The first case in South Africa was reported in the Province of Kwazulu-Natal (KZN) on the 5<sup>th</sup> of March 2020, and this was followed by the first COVID-19 death towards the end of the same month.<sup>8</sup> The cabinet of the Republic of South Africa (RSA) then declared a state of National Disaster on the 15<sup>th</sup> of March 2020 and put several COVID-19 safety compliance structures. These included the establishment of National, Provincial and district committees.<sup>9</sup> Realising the exponential increase in the number of new COVID-19 cases and death toll, the government declared a complete lockdown on the 27<sup>th</sup> March 2020. This meant that people were not allowed to travel or gather and thus many businesses were subsequently closed. Besides the closure of businesses, the education sector was also negatively affected as learners

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<sup>2</sup> B. Ndaba, "Ramaposa Urges the NPA to Act Swiftly against Covid-19 PPE Tender Fraudsters," IOL., 2022, <https://www.iol.co.za/news/politics/ramaposa-urges-the-npa-to-act-swiftly-against-covid-19-ppe-tender-fraudsters-91a36e2f-8196-4244-b321-08b14dc8eb44>.

<sup>3</sup> K. Mlaba, "South Africa's Covid-19 Lockdown May Have Created Herd Immunity," Global Citizen, 2020, <https://www.globalcitizen.org/en/content/south-africa-lockdown-herd-immunity-covid-19/gclid>.

<sup>4</sup> The World Bank, "South Africa Economic Update: South Africa's Labor Market Can Benefit from Young Entrepreneurs, Self Employment," The World Bank, 2021, <https://www.worldbank.org/en/country/southafrica/publication/south-africa-economic-update-south-africa-s-labor-market-can-benefit-from-young-entrepreneurs-self-employment>.

<sup>5</sup> The World Bank, "South Africa Economic Update: South Africa's Labor Market Can Benefit from Young Entrepreneurs, Self Employment."

<sup>6</sup> U. S. Mission South Africa, "U. S. Government Adds 250 Million to Its Support to South Africa to Combat Covid-19," U. S. Embassy in S.A., 2020, <https://za.usembassy.gov/u-s-gouvernement-adds-r250-million-to-its-support-to-south-Africa-to-combat-covid-19/>.

<sup>7</sup> L. Rath, "Coronavirus History," WebMed, 2022, <https://www.webmed.com/covid/coronavirus-history>.

<sup>8</sup> StatsSA, "Measuring the Progress of Development in SA.," StatsSA, 2020, <https://www.statssa.gov.za/?m=2020>.

<sup>9</sup> Republic of South Africa (R.S.A.), "Guide on the Practice of Career Management in the Public Service," Department of Public Service and Administration (DPSA), 2011, [http://www.dpsa.gov.za/dpsa2g/documents/ep/2011/15\\_04\\_2011\\_guide.pdf](http://www.dpsa.gov.za/dpsa2g/documents/ep/2011/15_04_2011_guide.pdf).

could not attend schools. The higher education sector was not an exception to the negative impact of the lockdown, as some universities still suffer technological underdevelopment to use other ways of teaching and learning such as Blackboard, Moodle, Zoom, and Inspera. This has gravely affected rural universities due to their geographic location which is away from the big cities with advanced technology systems. According to Statistics South Africa report more jobs were lost and that further impacts children's right to quality education.<sup>10</sup> In June 2020, for example, more than 671,000 jobs were lost in industries.<sup>11</sup> In complete terms, the lockdown meant that people were forced to be denied their human rights, such as accessing education, adequate food, and freedom of gathering, for example, in churches as enshrined in the Constitution of South Africa.<sup>12</sup> This remains a fact, although there have been many efforts that the government has put in place to assist South Africans, including the provisioning of PPEs. State funds were used to purchase this needed material through a tendering system which, is some kind of deploying a company to do national projects for the government (Le Roux and Dramowski, 2020). This led to exposing state funds to many ways of fraud and corruption activities which then affected the delivery of these life-saving materials.

In terms of methodology, this study purposively sampled 10 participants from Polokwane city within Limpopo province of South Africa who were victims of COVID-19 lockdowns while the businesses were closed countrywide. The outline of this study starts with literature review, research methodology, theoretical framework, findings, analysis/ discussion, recommendations, conclusion, and then references.

### ***Efforts to contain the spread of Covid-19***

Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus that caused Covid-19 caught not only South Africa by surprise. Before reaching South Africa, COVID-19 had killed people and destroyed economic and many other social activities across the globe (Economist, 2020). When the first case of COVID-19 was reported in the country, it caused panic across the 3 government spheres of South Africa, including local, provincial, and national. On one hand, all citizens were literally threatened by the existence and spread of the pandemic. Government, on the other hand, had to do all it could to save the lives of South African citizens. Saving lives became seriously important to the extent that some laws were flouted in procurement procedures and Supply Chain Management amidst an increased number of people infected and some succumbing to the pandemic. Arguably, this could have been the beginning of corruption by some in government and even other private entities. According to The Economist, the demand for measures to curb the fast spread of the pandemic grew very fast.<sup>13</sup> The country, on the advice from the World Health Organisation, came up with different measures to control the spread of Covid-19. These included the following:

### ***Face Mask***

At the time, about 39 studies were conducted to analyse the use of N95 masks and other cloth face masks by those exposed to infected people. The study revealed that wearing masks is associated with a large reduction in virus spread.<sup>14</sup> This was supported by Wang et al. who added that masks provide a barrier to minimise the direct transmission of infectious agents.<sup>15</sup> Due to the dire need for millions of masks, the government entered huge contracts with different companies to make the masks available. As the government felt pressure to provide the state with protective masks, different forms of corruption manifested and those included the production of sub-standard material and overcharging the state in the purchase of the masks which were highly needed to save lives. Wearing masks was made mandatory by

<sup>10</sup> StatsSA, "Measuring the Progress of Development in SA."

<sup>11</sup> Stats SA, "Quarterly Employment Statistics (QES)," 2020, <https://www.statssa.gov.za/publications/P0277/P0277andQuarterly2020.pdf>.

<sup>12</sup> Republic of South Africa (RSA), *Constitution of the Republic of South Africa No. 108 of 1996* (Pretoria: Government Printer, 1996), <https://www.gov.za/sites/default/files/images/a108-96.pdf>.

<sup>13</sup> The Economist. "The next catastrophe and how to survive it". *The Economist*. (2020). <https://www.economist.com/weekleydition/2020-06-27> [Accessed, August 2023]

<sup>14</sup> Cleveland Clinic. "Pandemic brings radical change". Cleveland Clinic. (2020). <https://my.clevelandclinic.org/about/history/2020s> [Accessed, 20 August 2023]

<sup>15</sup> Zifu Wang et al., "Public Opinions on COVID-19 Vaccines—A Spatiotemporal Perspective on Races and Topics Using a Bayesian-Based Method," *Vaccines* 10, no. 9 (September 7, 2022): 1486, <https://doi.org/10.3390/vaccines10091486>.

the government of South Africa to limit the wild spread of COVID-19. According to Joi, it was and still is believed that the intention of using masks is to prevent the infected wearer from transmitting the virus to others who may not have been infected or to offer protection to the healthy wearer against infection.<sup>16</sup> Although unfortunate events of corruption occurred, this contextually and substantively justifies the need for the government to organise masks and ensure their sufficient availability in the country.

### **Hand Sanitisers**

Kingsland indicates that since there is currently no vaccine or effective antiviral drugs, hand hygiene is the mainstay means of preventing the spread of severe acute respiratory syndrome Coronavirus.<sup>17</sup> Health experts like Mkhize, Abdoolkareem, Ramathuba and medical professionals recommend regular hand washing or using alcohol-based hand sanitisers when soap and water are not readily available.<sup>18</sup> It can be argued that this also prompted the state to purchase a lot of sanitisers, by which procurement procedures were disregarded. This came with its own challenges of corruption as many stakeholders got involved. According to Moodley, some other people and companies were robbed into purchasing sanitisers that were not approved by the South African Bureau of Standards (SABS).<sup>19</sup> SABS as an entity is legitimised to check and approve all products that will be consumed/ utilised by people, so using sanitisers that were not approved by SABS was tantamount to letting people use unknown products. On that note, some argue that some people were sprayed with water and soap while being told that it was standard sanitisers.<sup>20</sup> Besides the fact that this is an act of corruption and dishonesty, Heywood argues that this is not only risky but may even have contributed to adding up the total number of COVID-19-related deaths.<sup>21</sup> This however has not been scientifically proven.

### **Maintenance of Social Distance**

The Centre for Disease Control and Prevention defined social distance as a safe space between people not from the same household.<sup>22</sup> Social distance, however, does not function in isolation but is adhered to with other safety measures strictly adhered to. These include sanitising and wearing masks. This many argued, is the only protective measure that does not come with levels of corruption that will affect human rights and human liberties except that many people could get services at the right time as people started to prioritise their relatives and friends in access to amongst others government services that needed to be applied for as numbers of beneficiaries to visit offices have been reduced.

## **THEORETICAL FRAMEWORK**

This study is committed to the analytical school of thought. Analytical philosophy emphasises clarity and argument, which is often achieved through logical and linguistic analysis.<sup>23</sup> Frege is considered the father of analytical philosophy, a tradition that emphasises clarity of argument through the logical use of language in presenting thoughts.<sup>24</sup> Within this framework, Bertrand Russell found a space to argue for logicism and logical atomism.<sup>25</sup> According to Soames, Logicism and logical atomism refer to the practice of breaking the argument into basic propositions to understand its coherence as a whole.<sup>26</sup> Similarly,

<sup>16</sup> P. Joi, "Five Reasons to Wear a Mask Even If You Don't Have to," GAVI, 2022, <https://www.gavi.org/vaccineswork/five-reasons-to-wear-a-mask-even-if-you-dont-have?>

<sup>17</sup> Kingsland, William L. *Understanding Writing Communities: Examining Places for International Students in Higher Education*. University of Wyoming, 2020.

<https://www.proquest.com/openview/bf55b643dcf598f47f41d9d160996f0e/1?pqorigsite=gscholar&cbl=18750&diss=y>

<sup>18</sup> Lucia Martinelli et al., "Face Masks During the COVID-19 Pandemic: A Simple Protection Tool With Many Meanings," *Frontiers in Public Health* 8 (January 13, 2021), <https://doi.org/10.3389/fpubh.2020.606635>.

<sup>19</sup> N. Moodley, "SAPS Supplier Fined R3.55m for Price Gouging on Hand Sanitisers," *Daily Maverick*, 2023, <https://www.dailymaverick.co.za/article/2023-04-04-saps-supplier-fined-e3-55m-for-price-gouging-on-hand-sanitisers/>.

<sup>20</sup> M. Heywood, "Unconcionable: Competition Commission Says Red Roses African Marked up Hand Sanitisers Sold to the SAPS by 236%," *Daily Maverick*, 2023, <https://www.dailymaverick.co.za/article/2023-05-21-unconcionable-competition-commission-says-red-roses-africa-marked-up-hand-sanitisers-sold-to-the-saps-by-236/>.

<sup>21</sup> Heywood, "Unconcionable: Competition Commission Says Red Roses African Marked up Hand Sanitisers Sold to the SAPS by 236%."

<sup>22</sup> The Centre for disease control and prevention (CDCP). "Pandemics and control". *US Centre for disease and control*. (2020). <https://www.cdc.gov/index.html>

<sup>23</sup> C. McGinn, *The making of a philosopher: My Journey through Twentieth-Century Philosophy*. (Harper Collins Publishers, 2002).

<sup>24</sup> G Frege, "Begriffsschrift. Grunddzesetze Der Arithmetic," *London: Stanford*, 1906.

<sup>25</sup> S. Soames, *The Dawn of Analysis: Philosophical Analysis in the Twentieth Century 1*. (Princeton: Princeton University Press, 2003).

<sup>26</sup> Soames, *The Dawn of Analysis: Philosophical Analysis in the Twentieth Century 1*. .

Hallen and Sodipo argue for the analytical breakdown of issues into simpler and logical thoughts through the use of logic in simple ordinary language.<sup>27</sup> Soames seems to hold the view that philosophical problems arise from a misunderstanding of language and that all necessary truths are a priori, analytic, and true in virtue of the meaning of words depending upon how the world in fact is.<sup>28</sup> Analytic theory helps in producing philosophy that is not ideologically motivated but thought that is analytic and reflective.<sup>29</sup> Under Wittgenstein's inspiration, Rudolf Carnap sought to embed his analysis in logical positivism as a development of this tradition.<sup>30</sup> Wittgenstein's Logical positivism holds that there are no specific philosophical truths and that the object of philosophy is the logical clarification of thoughts.<sup>31</sup> Carnap and other scholars contributed to this tradition by rejecting the doctrines of their predecessors of constructing artificial language to solve philosophical problems.<sup>32</sup> They argued that the Vienna Circle was erroneous because the "quest for systemic theories of language worked as a misleading intrusion of scientific methods into philosophy."<sup>33</sup>

The analytic framework in this research work helps in acquiring a deeper or adequate understanding of the research problem prior to forwarding our own views. Since it is the framework that guides the methodology, it also helps to critically apply an analysis that cannot be accusable of any bias. This theoretical framework enables a researcher to be reflective and at the same time to be within guards of rationality while being critical of his or her thoughts. With the guide of logical positivism, the researchers were able to deal with dogmas and ideological speculations around the issue of social cohesion and violence while operating as a neutral being in the battle between parties against and parties for current barriers to social cohesion. As Soames argues, logical positivism holds that there are no absolute philosophical truths, but the object of philosophy is to clarify thoughts, and this helped researchers to simplify their thoughts.<sup>34</sup> This paper used ordinary language in producing critical thoughts while at the same time analysing the common thoughts that currently exist in the world. The use of ordinary language is due to the fact that this study deals with real issues that involve real human beings in the world other than some metaphysical fantasies. The analytic framework is adequately relevant when dealing with sensitive issues like this one of corruption, infringement of human rights, and civil liberties during the COVID-19 pandemic because many people talk about these issues in the emotional realm and do not rationalise them. Therefore, this paper adopted this theoretical framework in an attempt to do differently as Mahlo argues that is not of a potent scholar to emotionally weep in corridors without addressing the problems that humanity faces.<sup>35</sup>

## METHODOLOGY

This study was inspired by the narrative of Maphanga on the experiences of South Africans from 2019 to 2022.<sup>36</sup> Initially, 30 published articles, 3 books, 20 public videos, and 3 newspapers were designated as sources of reference. However, as the study advanced the analysis to the adoption of the triple analysis approach which was hereby used as an addendum to the traditional analytic theory, some of those sources were dismissed as they lost relevance. Irrelevance is informed by the fact that some are broader than the scope of this study, for example (a) 15 articles out of 30 discussed corruption in developing countries, (b) 2 out of the 3 books discussed human rights in a global context, (c) 10 out of 20 videos discussed civil liberties in developing and developed countries, and (d) then the 3 newspapers had sections that address South Africa during covid-19. The remaining 5 journal articles, 1 book, 10 videos, and 3 newspapers were

<sup>27</sup> B. Hallen and J. O. Sodipo, *Knowledge, Belief, and Witchcraft: Analytic Experiments in African Philosophy* (California: Stanford University Press, 1997), 44.

<sup>28</sup> Soames, *The Dawn of Analysis: Philosophical Analysis in the Twentieth Century I* .

<sup>29</sup> B. Hallen, *Contextualism in Philosophy: Knowledge, Meaning, and Truth* (London: Oxford University Press, 2005).

<sup>30</sup> L. Wittgenstein, "Mind Association," JSTOR 61, 1937, <http://www.jstor.org/stable/2252298>.

<sup>31</sup> Soames, *The Dawn of Analysis: Philosophical Analysis in the Twentieth Century I* .

<sup>32</sup> R. Carnap, *Logical Syntax of Language* (London: Routledge Publishers, 1961).

<sup>33</sup> Glock J. H., *What Is Analytic Philosophy?* (Cambridge: Cambridge University Press, 2008).

<sup>34</sup> Soames, *The Dawn of Analysis: Philosophical Analysis in the Twentieth Century I* .

<sup>35</sup> Lebohang Mahlo, "The Capabilities Necessary for Effective ICT Integration in Teaching at Two Public Primary Schools in Khayelitsha in the Western Cape" (Cape Peninsula University of Technology, 2020).

<sup>36</sup> C. Maphanga, "President's Spokesperson Khusela Diko Takes Leave of Absence in Face of PPE Procurement Scandal," News24, 2020, <https://www.news24.com/news24/southafrica/news/presidents-spokesperson-khusela-diko-takes-leave-of-absence-in-face-of-ppe-procurement-scandal-20200727>.

then subjected to a triple analysis method from which they were found to meet the 3 stages ie (a) textual which is the interpretation of the text as it appears, (b) contextual interpretation which relates the text to the context of what actually happens in a particular place, and (c) substantive interpretation which relates to the situational occurrence in a particular place with the impact on parties involved. This whole research was conducted using primary sources that are available in the public domain using the desktop method which is common in qualitative conceptual research. However, towards the end of this study, the researchers found it appropriate to go and hear the views of ordinary people from the village. At that point, the University of Limpopo research board was approached to grant the ethical clearance certificate. Therefore, the researchers used the published data with full acknowledgement, as well as some raw data from village views in which 10 lockdown victims of Covid-19 lockdown were purposively sampled from Polokwane city (where they were stuck and could not go home). Their views are hereby referred to as village views because their homes are located outside the Polokwane city where they work. To conduct this study, the University of Limpopo issued an ethical clearance certificate to eliminate any conflict of interest.

## PRESENTATION OF FINDINGS

- (a) National lockdowns during the COVID-19 pandemic (2019 to 2021) were haphazard decisions taken by the ruling party which resulted in unfair limiting of civil liberties.
- (b) Corruption thrived through the tender system during the period of the Covid-19 pandemic in South Africa.
- (c) Besides creating/ increasing unemployment, lockdowns infringed human rights and civil liberties illegitimately.

### The Human rights and Civil Liberties of communities in South Africa

Many human rights campaigners are eager to ensure that human rights and civil liberties are respected. According to the Institutional Research Information Services Solution (IRISS), civil liberties are the rights of people derived from the positive law.<sup>37</sup> These are state rights and enforced by the state. Human rights, on the other hand, are rights derived from natural law such as rights to life. However, the Constitution of South Africa Bill of Rights describes the Bill as a cornerstone of democracy in South Africa. This is according to the Constitution of the Republic of South Africa. The Bill of Rights enshrines the rights of all people and affirms the democratic values of human dignity, equality and freedom. This suggests that there are rights that all people are entitled to and that no person should be denied such rights. The following are some of the rights that all people have to enjoy:

**Equality:** In general, no one needs to be discriminated against whether directly or indirectly as this might be a direct infringement of human dignity according to Mwaura and Akpojivi.<sup>38</sup> Since the start of the COVID-19 vaccination programme in South Africa, the government introduced different vaccination centres accessible to all South African citizens.<sup>39</sup> This, being a good practice, was noted as a plausible act by esteemed health experts like Mkhize, Abdoolkareem, and Ramathuba.<sup>40</sup> However, for many in rural areas, these centres proved to be far from their residential or places of receiving medical attention.<sup>41</sup> Erasmus argues that there was a belief by many that all clinics were supposed to become vaccination

<sup>37</sup> Institutional research information services solutions (IRISS). "Civil liberties and humanity". *HREBA*. (2007) <https://hreba.ca/iriss-general-information/> [Accessed, 16 August 2023]

<sup>38</sup> J. Mwaura and U. Akpojivi, "As Covid Hit Kenya and South Africa, Race and Class Fears Amplified on Twitter," *The Conversation*, 2022.

<sup>39</sup> Catherine Albertyn and Rachel Adams, "Introduction: Special Issue on 'The Covid-19 Pandemic, Inequalities and Human Rights in South Africa', Part 1," *South African Journal on Human Rights* 37, no. 2 (April 3, 2021): 147–53, <https://doi.org/10.1080/02587203.2021.2022771>.

<sup>40</sup> Martinelli et al., "Face Masks During the COVID-19 Pandemic: A Simple Protection Tool With Many Meanings."

<sup>41</sup> Azwinndini Cecilia Mukwevho, Maria Sonto Mputle, and Dorah Ursula Ramathuba, "Growing Up with HIV: Experiences of Transition from Adolescence to Adulthood at Selected Primary Health Facilities in Limpopo Province, South Africa," *Children* 10, no. 5 (2023): 798.

centres.<sup>42</sup> Nonetheless, this was not possible at the beginning of the vaccination process, as vaccines could not be distributed to all clinics.

**Freedom of religion, belief and opinion:** Chapter 2 (15) of the Constitution of the Republic of South Africa provides that everyone has the right to freedom of conscience, religion, thought, belief and opinion. The Government established a committee to work with the health department in making decisions and determining the alert levels. Although there must be public participation before governmental pronouncements get acted upon, there was no platform for the general public to raise their views.<sup>43</sup> Therefore, this infringed on the freedom of expression of the people who then had to be directed to do this or that as per the alert levels and the lockdowns. Due to stringent conditions imposed by the COVID-19 pandemic, religious gatherings were restricted. As of 2021, the Zion Christian Church which is one of the biggest churches in Southern Africa was not operational and this felt like a seriously unfair limitation to religious freedom.<sup>44</sup> Mhandu and Ojong also argued that one of the issues that South Africans were not comfortable with, was the fact that more focus was paid to the use of western medicines with total denial of Indigenous medicine and practices.<sup>45</sup> Mphekgwana et al. add to this view as they present a narrative that *Traditional Health Practitioners* were sidelined and ignored.<sup>46</sup> To that end, none of the indigenous medicine for example Artemisia (Lingana) was ever tested, even at the time when the country struggled to get the western vaccines.<sup>47</sup>

**Freedom of movement and residence:** with reference to Chapter 2 (21)(i) which is also known as the Bill of Rights, everyone has the right to freedom of movement.<sup>48</sup> Although it was done to save lives, the South African government introduced different alert levels and at the same time introduced different levels of lockdown which par excellence limited the freedom of movement. According to Landa et al., the lockdown levels were intended to limit the movements of people, as people would share the virus in their travel from place to place.<sup>49</sup> This limitation was witnessed as the South African police and soldiers abused their power during their deployment to stop people from travelling. For instance, 40-year-old Collins Khoza from Ga-Modjadji in Limpopo Province was brutally killed by the soldiers for allegedly not observing National Lockdown rules meant to restrict the movement of people.<sup>50</sup> This surprised many as Khoza was with his friend Thabiso Mavhunga in the yard drinking their alcohol when he was killed at Alexandra township, North of Johannesburg.

**Health care, food, water, and social security:** Section 27 of the Bill of Rights states that everyone has the right to have access to health care services, sufficient food, and water. Bruce (2020) argues that, due to poor governance and at times corrupt activities, many rural areas in the country lack enough water. To some extent, this also affects those who live in cities, as Ndaw argues that “metropolitan areas also have stinking parts due to lack of hygiene, water, and proper sanitation.”<sup>51</sup> In 2020 when COVID-19 was detected in South Africa, efforts were made to distribute water storage tanks to areas that face high water

<sup>42</sup> N Erasmus, “Age Discrimination in Critical Care Triage in South Africa: The Law and the Allocation of Scarce Health Resources in the COVID-19 Pandemic,” *South African Medical Journal* 110, no. 12 (November 5, 2020): 1172, <https://doi.org/10.7196/SAMJ.2020.v110i12.15344>.

<sup>43</sup> N Maphazi et al., “Public Participation: A South African Local Government Perspective,” 2013.

<sup>44</sup> A. Powel, “South Africa Eases Restrictions on Religious Gatherings,” VOA News, 2020, <https://www.voanews.com/a/covid-19pandemic-south-africa-eases-restrictions-religious-gatherings/6190039.html>.

<sup>45</sup> John Mhandu and Vivian Ojong, “Covid-19 and the South African Pentecostal Landscape: Historic Shift from Offline Liturgical Practice to Online Platforms,” *Journal for the Study of Religion* 34, no. 2 (January 21, 2021): 1–25, <https://doi.org/10.17159/2413-3027/2021/v34n2a5>.

<sup>46</sup> P. M. Mphekgwana, L. N. Mabila, E. Maimela, “Indirect and direct effects of factors associated with diabetes amongst the rural black population in the Dikgale Health and Demographic Surveillance System, South Africa.” *African Journal of Primary Health Care & Family Medicine*. (2021) 13(1):1-6. <http://dx.doi.org/10.4102/phcfm.v13i1.2819>

<sup>47</sup> ASSAF, “Traditional Medicine for Covid-19,” *Quest* 16, no. 3 (2020).

<sup>48</sup> Republic of South Africa (RSA), *Constitution of the Republic of South Africa No. 108 of 1996* .

<sup>49</sup> Nhlanhla Landa, Sindiso Zhou, and Newlin Marongwe, “Education in Emergencies: Lessons from COVID-19 in South Africa,” *International Review of Education* 67, no. 1–2 (April 28, 2021): 167–83, <https://doi.org/10.1007/s11159-021-09903-z>.

<sup>50</sup> Sunday Times. “Covid-19 lockdowns and RSA government”. *Sunday Times*. (2020) <https://www.timeslive.co.za/e-edition/> [Accessed, 20 October 2023]

<sup>51</sup> Ndaw, F., “Covid-19: Solving Africa’s Water Crisis Is More Urgent than Ever,” World Bank, 2020, <https://blogs.worldbank.org/nasilikiza/covid-19-solving-africas-water-crisis-more-urgent-than-ever>.

challenges.<sup>52</sup> In that regard, water tanks were sent to different areas to deliver water. According to the National Department of Water and Sanitation, over 17,000 tanks were distributed across the country.<sup>53</sup> However, many of these tankers were “stolen” allegedly by the companies hired to distribute them, thus leaving communities vulnerable as they could not wash their hands as per the COVID-19 safety protocols.<sup>54</sup>

**Education:** Everyone has the right to basic education. Due to Covid-19, learners missed many lessons as they had in many schools to adhere to rotation attendance to keep a safe distance.

### **The Impact of corruption on health services amidst Covid-19**

According to the reports, South Africa’s pandemic corruption did not end with R5bn of the R10bn spent in relief efforts to more that investigation still reveals.<sup>55</sup> The report continues to add that this is a course of concern to the South African parliament’s standing committee of public accounts. Covid-19 corruption is believed to be committed mainly by top government politicians and officials.<sup>56</sup>

Recently, the Public Protector investigated three cases involving Eastern Cape Transport, Safety and Liaison Member of the Executive Committee (MEC) Weziwe Tikana-Gxothiwe.<sup>57</sup> On one hand, the Gauteng Province MEC for Health, Dr. Bandile Masuku also stepped down from his position due to allegations of corruption levelled against him in connection with inflating prices of PPE including face masks in 2021.<sup>58</sup> On the other hand, the then spokesperson of President Cyril Ramaphosa, Khusela Diko’s company was investigated by the Special Investigative Unit (SIU) for having conducted some extortion. Diko’s company had “mark-up” prices of R7 a piece of face mask when they bought them at 75c each.<sup>59</sup> Although the two were later not found guilty of these allegations, this has the potential to make face masks too expensive for the government, and this causes resources to easily get depleted. Incidentally, under investigation is the allegation that Diko’s company was granted the PPE distribution contract illegally.<sup>60</sup>

Dr Benni K Lekubu, an anticorruption specialist and senior lecturer at the University of South Africa reported that the South African government took a gamble and introduced relaxed emergency public procurement measures in the fight against COVID-19. That in itself directly had a serious and negative impact on the healthcare system and the economy. In his PhD dissertation, Dr Lekubu found that the healthcare sector and environmental sector should be improved to handle COVID-19. This comes as those sectors are fraught with corruption and malpractice in the procurement and supply of personal protective equipment (PPE) at the expense of community access to full protection from COVID-19 devastations.<sup>61</sup>

Adding to this, the Corruption Perception Index (CPI) 2020 indicates that corruption diverts funds from essential services such as healthcare, living a better life, and education to personal gains. According to Bohler-Muller and Roberts, corruption makes the government vulnerable and remains under pressure to deal with the pressures of meeting set goals related to human rights as enshrined in the constitution of South Africa.<sup>62</sup> COVID-19 has indeed reminded all citizens about the consequences of corruption in

<sup>52</sup> E. Ellis, “Covid-19: Exposing a Water Crisis in the Making,” Daily Maverick, 2020, <https://www.dailymaverick.co.za/article/2020-05-14-covid-19-exposing-a-water-crisis-in-the-making/>.

<sup>53</sup> Business Day. “RSA lockdowns due to COVID-19 increase in cases”. *BusinessDay*. (2020). <https://www.businesslive.co.za/bd/> [Accessed, 16 October 2023]

<sup>54</sup> D. Stewart, “Sihle Zikalala Explains Why a Municipal Water Tank Was Servicing His Home,” The Citizen, 2022, <https://www.citizen.co.za/news/south-africa/government/sihle-zikalala-explains-why-a-municipal-water-tank-was-servicing-his-home/>.

<sup>55</sup> Medical Brief. “Illegal procurement of PPE’s in RSA during COVID-19 lockdowns”. *MediBrief*. (2021). <https://medi-techintl.com/wp-content/uploads/2020/08/MEDIBRIEF-Disposable-Mesh-Briefs.pdf> [Accessed, 18 October 2023]

<sup>56</sup> Stewart, “Sihle Zikalala Explains Why a Municipal Water Tank Was Servicing His Home.”

<sup>57</sup> S. Maliti, “Eastern Cape MEC Exposed by Angry Rant at Staff,” Dispatch Live, 2020, <https://www.dispatchlive.co.za/news/2020-08-13-eastern-cape-mec-exposed-by-angry-rant-at-staff/>.

<sup>58</sup> Z. Bdawi, “Diamonds, Gold and Greed, History of Africa,” BBC News Africa, October 18, 2020, <https://www.youtube.com/watch?v=fLL5xt2c-0l>.

<sup>59</sup> Maphanga, “President’s Spokesperson Khusela Diko Takes Leave of Absence in Face of PPE Procurement Scandal.”

<sup>60</sup> Medical Brief. “Illegal procurement of PPE’s in RSA during COVID-19 lockdowns.”

<sup>61</sup> B. K. Lekubu, “A critique of South African anti-corruption strategies and structures : a comparative analysis”. (2019). UNISA Institutional repository. South Africa. <http://hdl.handle.net/10500/26426>

<sup>62</sup> N. Bohler-Muller and B. Roberts, “Analysis: Ubuntu, Covid-19 and Human Rights Sacrifice in South Africa,” News24, 2021, <https://www.news24.com/news24/opinions/analysis/analysis-ubuntu-covid-19-and-human-rights-sacrifice-in-south-africa-20210507>.

public service delivery and the harmful impact on people's lives.<sup>63</sup> CPI argues that efforts to achieve universal health coverage are significantly undermined by the widespread corruption in frontline healthcare service delivery.<sup>64</sup> CPI 2020 continues to show that the emergency need for PPEs and the danger of the pandemic served as the perfect excuse to present transparency and anti-corruption measures as an obstacle to a quick and effective government response. Among all challenges, high corruption levels fuel a decline in democracy which facilitates the demand for transparency and the fight against corruption.

According to Majavu, the South African government reported that the SIU welcomes the arrest of the Mpumalanga man for "bribing" an SIU investigator over a PPE tender corruption investigation.<sup>65</sup> The "bribe" follows an intensive PPE tender corruption investigation in the Mpumalanga Department of Public Works, Roads and Transport which uncovered procurement irregularities.<sup>66</sup> It seems that as corruption and human rights violation statistics escalate in South Africa, some corrupt officials grow the courage to deal with the anticorruption members of the South African community. In one gross violation of all human rights and civil liberties, the senior procurement official of the Gauteng Health Department, who was a key witness in COVID-19-related corruption cases, was brutally killed at her house in August 2021.<sup>67</sup> Babita Deokarn was gunned down outside her home in Modeor, Johannesburg.<sup>68</sup> By far, this shows a serious determination of corrupt bodies (individuals and companies) to deal with anyone who stands against corruption agents in South Africa.

The pandemic seems to have enlightened many state governments that there needs to be measures taken to advance healthcare departments and services. Geddes reports that many governments around the globe continuously assess the COVID-19 situation and introduce safety measures.<sup>69</sup> These include the introduction of regulations on travelling, among others. In fact, Bucus clearly mentions that COVID-19 tests are also part of the required safety measures.<sup>70</sup> According to Smith, this is one of the factors that led to the investigation of the exorbitant charges by different laboratories in South Africa.<sup>71</sup> In News 24 reports, it is reported that the pathology groups have been earning significant profits of up to R1000 since March 2020.<sup>72</sup> These high prices prove to be a burden to tourists entering South Africa. However, since then the Competition Commission of South Africa held talks with different pathologists and agreed that none should charge more than R500 in total.<sup>73</sup>

## **Socio-economic Impact of Corruption on People's Rights**

### ***Impact on Learners' Education***

Even though some funds meant for education programs were re-directed to the fight against COVID-19, in most schools, particularly in rural areas in particular, the Department for Basic Education failed to

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<sup>63</sup> Consumer Price Index (CPI), "Statistical Release P0141," Stats SA, 2020, . [www.statssa.gov.za/publications/P0141/P0141December2020.pdf](http://www.statssa.gov.za/publications/P0141/P0141December2020.pdf).

<sup>64</sup> Consumer Price Index (CPI), "Statistical Release P0141."

<sup>65</sup> N. Majavu, "Mpumalanga Officials Nabbed for R1.38 Million PPE Procurement Corruption," CityPress, 2022, <https://www.news24.com/citypress/news/mpumalanga-officials-nabbed-for-r138-million-ppe-procurement-corruption-20220928>.

<sup>66</sup> S. Duba, "Mpumalanga Businessman Who Tried to Bribe SIU Investigator in Covid-19 Probe Sent to Jail for Four Years," IOL, 2023, <https://www.iol.co.za/news/crime-and-counts/mpumalanga-businessman-wh>.

<sup>67</sup> T. Kuiper, "Trailer Silenced: Why Babita Deokaran Was Murdered," News24, 2023, <https://specialprojects.news24.com/silenced/index.html>.

<sup>68</sup> SABC News/ Newsroom. "Gauteng Health calls for heightened policing in Coronationville as crime continues to affect Rahima Moosa Hospital". *SABC Newsroom*. (2021). <https://www.gov.za/news/media-statements/gauteng-health-calls-heightened-policing-coronationville-crime-continues>

<sup>69</sup> L. Geddes, "Covid-19 Is No Longer a Public Health Emergency of International Concern. Does This Mean the Pandemic Is Over?," GAVI, 2023, <https://www.gavi.org/vaccines-work/covid-19-no-longer-public-health-emergency-international-concern-does-mean-pandemic-gclid>.

<sup>70</sup> C. Bucus, "Western Cape to Spend R1.2bn to Reverse Covid-19 Learning Losses, Says Education MEC. ." News24, 2023, <https://www.news24.com/news24/southafrica/coronavirus>.

<sup>71</sup> C. Smith, "Medical Schemes Want SA's Biggest Private Labs to Refund 'Excessive' Prices for Covid-19 Tests," News 24, 2023, <https://www.news24.com/fin24/companies/medical-schemes-want-sas-biggest-private-labs-to-refund-excessive-prices-for-covid-19-tests-20230302>.

<sup>72</sup> News24. "Covid-19 pandemic and related conditions". *News24*. (2020).

<https://www.news24.com/news24/video/southafrica/news/watch-2020s-top-news-in-6-minutes-20201231> [Accessed, 10 November 2023]

<sup>73</sup> G. Theunissen, "Pathology Labs Agree to Slash Covid-19 Rapid Antigen Test Prices," Business Day, 2021, <https://www.businesslive.co.za/bd/companies/healthcare/2021-12-23-pathology-labs-agree-to-slash-covid-19-rapid-antigen-prices/>.

improve schools' infrastructure.<sup>74</sup> There was a dire need to improve schools' infrastructure to be able to accommodate all learners at a time and still keep social distancing as stipulated by government regulation. The lack of adequate classrooms forced learners to attend their classes rotationally during different alert levels.<sup>75</sup> The curriculum also had to be trimmed for learners to be able to finish their syllabus on time and get to examinations.<sup>76</sup> Maree also reported that the Basic Education Department also managed to issue one mask and in some instances one face shield per learner.<sup>77</sup> Although that was helpful, it meant that parents should add more money from their own pockets. According to Duby et al, parents also needed to wash a single mask daily, as there was a call to use clean masks at all times.<sup>78</sup>

The need to wash face masks was because these are parents and many of them struggled to feed their children. That is the narrative to which the Minister of Basic Education referred when she spoke of the importance and relevance of the National School Nutrition Programme (NSNP) policy of the department.<sup>79</sup> NSNP policy directs the department to assist the poor and vulnerable learners in national schools. With all types of corruption reported in South Africa since the manifest of COVID-19, it can be argued that corruption is contributing to limiting the rights of learners to education.

### **Jobs affected**

One of the catalysts of the growth of the economy in the country is when there are jobs for citizens.<sup>80</sup> This means that when more citizens get jobs, they improve living conditions in their families and communities. In a substantive approach, it is expected that when people have jobs, then they will be able to get food, shelter, and other commodities. Alternatively, this means that when there are limited jobs, there is also more possibility that people will look at other ways of making income. According to Lindeque, this leaves open space for the possibility of some going to criminal activities and drug abuse.<sup>81</sup>

Although more funds were provided as relief during the COVID-19 pandemic, it is reported that South Africa's economy continued to drop.<sup>82</sup> Funds meant to assist closed industries that were affected by COVID-19 levels of lockdown either took too long to be released so that jobs are secured or are not yet released.<sup>83</sup> This leaves many employees retrenched from their work, especially in the tourism and alcohol sales industries.<sup>84</sup> Some business leaders are beginning to lose hope as they blame government officials for the high cases of corruption. News24 reported that the South African unemployment rate was 44% and was indicating an increase in the coming years. Surprisingly, as Minister of Social Development, Ms Zulu, reports, the government received over 8000 illegal applications for the COVID-19 Social Relief amount of R350 from people using details of dead people. This further accounts for the rise in cases of corruption and fraud.<sup>85</sup>

<sup>74</sup> Bekithemba Dube, "Rural Online Learning in the Context of COVID 19 in South Africa: Evoking an Inclusive Education Approach," *Multidisciplinary Journal of Educational Research* 10, no. 2 (June 15, 2020): 135, <https://doi.org/10.17583/remie.2020.5607>.

<sup>75</sup> Ronicka Mudaly and Vimolan Mudaly, "Exploring How the National COVID-19 Pandemic Policy and Its Application Exposed the Fault Lines of Educational Inequality," *Journal of Education*, no. 84 (November 25, 2021): 1–19, <https://doi.org/10.17159/2520-9868/i84a06>.

<sup>76</sup> C. Soudien, V. Reddy and J. Harvey, The impact of COVID-19 on a fragile education system: The case of South Africa. *Primary and secondary education during COVID-19: Disruptions to educational opportunity during a pandemic*. Switzerland: Springer publishing. (2022). 303-25. <https://doi.org/10.1007/978-3-030-81500-4>

<sup>77</sup> J. G. Maree "Innovating and contextualising career counselling for young people during the Covid-19 pandemic." *South African Journal of Psychology* 51(2). (2021). Pp 244-55. <https://doi.org/10.1177/0081246321999507>

<sup>78</sup> Zoe Duby et al., "Navigating Education in the Context of COVID-19 Lockdowns and School Closures: Challenges and Resilience among Adolescent Girls and Young Women in South Africa," in *Frontiers in Education*, vol. 7 (Frontiers Media SA, 2022), 856610.

<sup>79</sup> A. Motshekga, "Minister Angie Motshekga on Basic Education Sector Plans to Support Learners during Covid-19 Lockdown," Newsroom, 2020, <https://www.gov.za/speeches/minister-angie-motshekga-basic-education-sector-plans-support-learners-during-covid-19>; M. Le Cordeur, "After Covid, South African Education Is at Crossroads as We Enter 2023," *Daily Maverick*, 2023, <https://www.dailymaverick.co.za/article/2023-02-02-education-in-south-africa-is-at-crossroads-it-enters-2023/>.

<sup>80</sup> J. Lister, "How Does Hiring Additional Employees Affect the Economy?," *CHRON*, 2019, <https://smallbusiness.chron.com/hiring-additional-employees-affect-economy-31964.html>.

<sup>81</sup> M. Lindeque, "In Recovery? As Covid-19 Recedes, SA's Growing Substance Abuse Problem Revealed," *EWN*, 2022, <https://ewn.co.za/2022/03/07/in-recovery-as-covid-recedes-sa-s-growing-substance-abuse-problem-revealed>.

<sup>82</sup> StatsSA/ Third quarterly report. "Quarterly labour force survey". *StatSA Q3*. (2021). [https://www.statssa.gov.za/publications/P0211/Presentation%20QLFS%20Q3\\_2021.pdf](https://www.statssa.gov.za/publications/P0211/Presentation%20QLFS%20Q3_2021.pdf) [Accessed, 20 October 2023]

<sup>83</sup> D. Naicker, "Covid-19 and Retrenchment: What You're Owed," *Sygnia*, 2020, <https://www.sygnia.co.za/press/covid-19-and-retrenchment-what-youre-owed> (2020) Covid-19 and retrenchment: What you're owed. *Sygnia*. <https://www.sygnia.co.za/press/covid-19-and-retrenchment-what-youre-owed>.

<sup>84</sup> K. Pashiou, "Labour Dynamics: Retrenchment as a Result of Covid-19," *Lexis Nexis*, 2021, <https://www.lexisnexis.co.za/lexis-digest/resources/covid-19-resources-centre/practice-areas/labour-law/labour-dynamics-retrenchment-as-a-result-of-covid-19>.

<sup>85</sup> News24. "Covid-19 pandemic and related conditions".



**Daily Maverick; SA's shocking unemployment rate remains unchallenged. (Phill Magakoe, Gallo images). This message is taken from a public newspaper which is referenced in this study.**

In one report on corruption, the Department of Education in Gauteng Province saw its decontamination programme in schools stalled as the Special Investigation Unit (SIU) investigated and froze R40.7M worth of assets of 14 firms following irregular procurement procedures.<sup>86</sup> It was also reported that there are many employees in the Government who took the opportunity and abused the “work from home” situation allocated to people with comorbidities.<sup>87</sup> Joseph and Williams posit that this was mainly because there was a lack of control mechanisms and poor technology facilities in many government institutions.<sup>88</sup> By far, this led to poor service delivery to beneficiaries of government services and many employees getting paid for doing nothing.

### **Freedom of Movement**

On 27 March 2020, the South African Government declared a complete lockdown across the country. This followed the announcement made during the parliament sitting on the 23<sup>rd</sup> of March 2020.<sup>89</sup> The Lockdown was announced to take place from 26<sup>th</sup> March to 16 April 2020, a period by which only those doing what was described as essential work were allowed to go to work and come back home.<sup>90</sup> During that period, it was important for all those found on roads and streets to have documents to prove they were indeed on essential duties, while others were allowed only to go for essential needs such as health and food. In addition to strict regulation against movement, there was a complete ban on alcohol sales across the country. With the ban on alcohol, the sale of cigarettes was also forbidden as even churches were closed until it was announced that people could attend but in stipulated numbers. With all those limitations in place, contact sports activities were also completely closed.

The lockdown and other COVID-19 alert levels, imposed degrees of restrictions on freedom of movement which is one of the rights enshrined in the South African constitution. This was done to save the lives of all the citizens according to the report by the South African president under the advice of health experts like Dr Zweli Khize, Prof Abdool Karim, Dr Phophi Ramathuba, and others.<sup>91</sup> However, it also opened the door for acts of corruption from both government officials and ordinary South Africans like those who fraudulently applied for COVID-19 relief grants. The statement by the South African

<sup>86</sup> News24. “Covid-19 pandemic and related conditions”. *News24*. (2020).

<sup>87</sup> Jan Christian Schlüter et al., “Anticipating the Impact of COVID19 and Comorbidities on the South African Healthcare System by Agent-Based Simulations,” *Scientific Reports* 11, no. 1 (April 12, 2021): 7901, <https://doi.org/10.1038/s41598-021-86580-w>.

<sup>88</sup> Juliet Joseph and Robyn Williams, “A Retrospective Analysis: ICT for Improved Municipal Service Delivery amidst COVID 19,” *EUREKA: Social and Humanities*, no. 2 (March 31, 2022): 70–85, <https://doi.org/10.21303/2504-5571.2022.002284>.

<sup>89</sup> SABC News, “Pretoria’s Homeless Update during Lockdown,” Youtube, 2020, <https://www.youtube.com/watch?v=50suMC4G7d4>.

<sup>90</sup> H. Giokos, “Calls to Scrap Covid-19 Regulations,” ENCA, 2022, <https://www.youtube.com/watch?v=lox98xhWs>.

<sup>91</sup> S. et al Naik, “Health Experts Call for Calm amid New ‘Vicious’ Covid-19 Strain,” IOL, 2022, <https://www.iol.co.za/saturday-star/news/health-experts-call-for-calm-amid-new-vicious-covid-19-strain-12f47bb6-9646-4e28-bff1-51afc808d9c>.

government released on 31 May 2020 reported the arrest of a soldier for possession of a load of illegal cigarettes in a car next to Seshego Township, a few kilometres from the City of Polokwane.<sup>92</sup>In another narrative, many people started introducing their own “homemade” alcohol which led to some people dying after having consumed poisonous staff.<sup>93</sup> This also contributed to damaging the economy of the country and loss of jobs. At the end of the hard lockdown, some practitioners continued with the illegal sale of alcohol and cigarettes which was damaging the economy of the country.



*Just about any type of booze for sale in South Africa. (Business Insider South Africa).*

### ***Freedom of religion, belief and opinion***

As stipulated in Chapter 2(15), everyone has the right to freedom of conscience, religion, thought, belief, and opinion. During COVID-19, attendance at religious functions was limited. The number of people to attend these functions was time and again stipulated and up to December 2021, no full attendance was allowed, to keep on social distancing as one of the safety measures against the spread of COVID-19. Many pastors complained that they are denied opportunities to comfort many people who indeed need comfort during the pandemic. Gerber (2021) reported that faith-based organisations complained that they are singled out as COVID-19 super spreaders. In response, the Minister of Cooperative Governance and Traditional Affairs (COGTA), Ms. Nkosazana Dlamini-Zuma indicated that the government cannot have special COVID-19 dispensation for faith-based organisations. On the other hand, the critics believe many pastors are more influenced by the need to continue to generate revenue in the churches. Some pastors however resolved to use technology to run the sessions.

Also affected were the beliefs and cultures of many in the country. The majority of blacks in the country had adopted the notion of making sure funerals were attended by as many people as possible. This view suggests that prior to the -COVID-19 pandemic funerals were known to happen at least a full week after someone’s death which allowed all relatives and friends to attend the funeral. This however is believed by Traditionalist and Traditional Health Practitioner, Dr Mashudu Dima as the anti-culture of many South African black communities especially Vhavenda who initially believed in running funerals as soon as possible after death and subjecting the function only to close relatives. It can be argued though that perhaps conditions that included not having present storage, and poor transport systems for relatives while working away left them adapting to the new ways of doing things.

The people and companies assisting in funerals were exposed to challenges at the time when the COVID-19 death toll rose towards the last part of 2020. This led to the funeral directors of different

<sup>92</sup> T. Luthuli, “ Illicit Trade in Cigarettes and Alcohol Has Thrived during Lockdown,” Daily Maverick, 2020, <https://www.dailymaverick.co.za/opinionista/2020-06-05-illicit-trade-in-cigarettes-and-alcohol-has-thrived-during-lockdown/>.

<sup>93</sup> E. Schutz, “Covid-19: Alcohol Ban Will Increase ICU Capacity, but Not a Long Term Solution – Experts Say,” Spotlight, 2020, <https://www.spotlightnsp.co.za/2020/07/17/covid-19-alcohol-ban-will-increase-icu-capacity-but-is-not-a-long-term-solution-experts-say/>.

companies deciding the dates and times of funerals for the families. Families were also not allowed to bring more than the stipulated number of people to the meeting. At times, some families, depending on their status disobeyed the decision made by the funeral directors or chose to pay additional money to have the bodies of their relatives stay longer than stipulated. It was, however, observed that many funerals conducted by the government failed to observe COVID-19 safety protocols that included putting up masks and observing the stipulated social distancing. Some of these government officials received serious punishment which people believed was equal to the embarrassment. They were mostly requested to apologise. Thus, by December 2021, over 17, 000 ordinary citizens with no influence in government structures have been arrested in South Africa for contravening Covid-19 lockdown rules.<sup>94</sup>



**On Top: Premier of Mpumalanga Refiloe Motsweng addressing people at the funeral of late Minister Jackson Mthembuwith without a face Mask during COVID-19. Right: Then Minister of Communication Stella Ndabeni-Abraham contravened the safety protocol after arranging family and friends gatherings during the lockdown, and so did Minister of Social Development Lindiwe Zulu who also contravened the rules. (Independent Newspapers 23 January 2021, South Africa)**

The Contravention of COVID-19 safety protocols as set by the national government was also contravened in the local sphere of Government. Local Councillor in Makhado Local Municipality, Tebogo Mamorobela was also captured by local media parting with friends and relatives with no masks, and no social distancing while drinking alcohol. She also was requested to apologise.

<sup>94</sup> L. Mtya, “ Allegations of PPE Tender Corruption Could Have Been Avoided: Public Service Accountability Monitor,” SABC News, 2021, <https://www.sabcnews.com/sabcnews/allegations-of-ppe-tender-corruption-could-have-been-avoided-public-accountability-monitor/>.

# Oh no councillor!

## Party may have dire consequences for top ANC lady

*By our News Desk*

A video that started circulating on social media early this week was found out to be a major misrepresentation for local ANC structures. One of Tloane's foremost political leaders allegedly defied the Covid-19 lockdown rules to host a birthday party at a friend's house. In another matter, the video shows the partygoers singing songs mocking the minister of justice, Dikwa Cde.

The video that started circulating on Monday shows a birthday party at a house in Makhado where a number of the executive committee of the Makhado Municipality, Cde Thabisa Masekela, is present. Cde Masekela can be seen dancing in the video, next to a table filled with liquor bottles. She celebrated her 50th birthday on Tuesday.

"They... they have never looked this good - beautiful!" Masekela can be heard saying. Others there cheer "Sporobing girl" (Dancing) when Thabisa Masekela Cde is the belle (Belle) Cde might mean to say "Yes?" Another more laughter, she partygoers say: "Yes! Cheers for Cde! Masekela Cde! Cheers!" "It's a big problem, Masekela... come see the problem!"

While dancing, Cde Masekela then sings "... what is the video?" This is when "What is it that Cde is saying" that in context can mean "What will Cde do to us?" The party goers sing at the Makhado Makhado a prominent local businessman.

Masekela holds a very senior position in the council and on occasion, performed duties as acting mayor of the Makhado Municipality. She is part of the executive committee where she is Head of Corporate Services. She is also a Council Member and on Tuesday she held a birthday party for her 50th birthday.

The partygoers were seen at the South African Youth Council (SAYC) and the South African Students Congress (SASC). She served in the ANC's Provincial Executive Committee of Limpopo as an executive member from 2012 to 2014. She has served as the deputy chairperson of the ANC Makhado sub-region since 2016 and is the chairman of the ANC's Young Women's League of Limpopo.

Once Limpopo Minister became aware of the video, the Makhado Municipality's spokesperson, Mr. Louis Bhebe, was contacted for comment. He suggested at first that Cde Masekela be contacted for comment. When the paper pointed out to him that she is a member of the house of the municipality and, as such, represents the province, Bhebe proposed that the question be sent to him. This was done early on Tuesday.

By Wednesday, when Bhebe still had not responded, the newspaper's agents, the paper said that he did not directly call and requested that the question be sent again via WhatsApp. This was done, again which he only responded that the council would conduct an own investigation and respond at a later stage. He also confirmed that the councillor had not been suspended.

What became clear was that the matter had become a real burning issue for ANC structures in the district government. When the ANC's media liaison officer for the Makhado region, Mr. David Mkhabela, was contacted, he indicated the party to the regional spokesperson for the ANC, Mr. Ndlovu said this was not available and could only be traced the next morning. Mr. Ndlovu indicated Limpopo Minister in the ANC regional secretary, Adv. Ndlovu said this way.

Adv. Ndlovu also proposed by saying that their own team investigating the matter said that their social media action, should that be necessary.

Several calls were made to try and contact Cde Masekela on Tuesday, she did not answer, and questions were sent to her via WhatsApp. These were not answered either. Late on Tuesday afternoon, Cde Masekela's attorney general, Mr. Jacques Masekela, had charges at the Makhado police station against Masekela for violating the lockdown regulations. A copy of the video was also handed to the SAPS.

"We decided to lay the charges after Minister Ndlovu's spokesperson clearly stated that the ANC will not discipline their own members in accordance with the provisions of the effective constitution. Furthermore, as one to observe the law and the lockdown regulations are there to save lives and must be taken seriously," said Masekela.

The DA also called upon the councillor to apologise publicly for her behaviour.

On Wednesday, the ANC's regional spokesperson, Mr. Ndlovu said, said that a press conference would be held on Thursday at 10:00 in The Republic, starting with the issue would be discussed.

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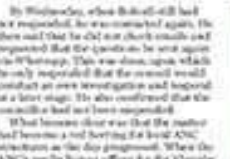
There clearly was no shortage of liquor, as the clip shows.



There clearly was no shortage of liquor, as the clip shows.



There clearly was no shortage of liquor, as the clip shows.



There clearly was no shortage of liquor, as the clip shows.



There clearly was no shortage of liquor, as the clip shows.



**This ANC Councilor was captured by Local Newspaper, The Mirror (17 April 2020) in Makhado town contravening the COVID-19 Safety Protocol and sanctioned to apologise in public. She hosted a party at her home during Covid-19 lockdown. (Mirror 17 April 2020, South Africa)**

**Ordinary Community Members' Views**

Most of the old community members in rural areas seem not very much worried about the corruption that came with the COVID-19 pandemic. They are preoccupied by the zeal to get vaccinated and wear the masks they buy for themselves. At times, they do not even get bothered about the prices of face masks, the majority of which are made at home.

“Ndo vha pfa kha radio vha tshi ri hu na vhanwe vha no khou tswa tshelede ya muvhuso nga zwa heli dwadze” meaning, “I heard on the radio that there are those stealing funds through the name of Covid-19,”

This was a statement made by an old lady in the village of Musunda in Limpopo Province in her language, Tshivenda. Although she overheard it, she did not see it affecting her, and she was not aware of many jobs lost due to the pandemic and corrupt activities around it. She was not aware there was a shortage of medications in her local clinic and that this may be because of corruption. This is an old lady who received two jabs of vaccine after taking two taxis to about 80 clinics as her local clinic was not providing

the service. When asked if she would like to be vaccinated next to home, she said “Yes! Without a lot of travelling”. Many elderly people lamented, “We are vulnerable as elders but again they want us to travel in public transport with many people” (As translated).

On the contrary, another senior citizen had this to say in Northern Sotho “This corruption is too bad for the country. I heard we borrowed a lot of money and stealing it will cause problems. How are we going to pay it back?” (Translated). This is an old man who understands the damages caused by corruption that comes with siphoning funds meant to treat COVID-19. In his understanding, corruption stands a chance of leaving South Africa with a debt that the country cannot repay. The youth, however, from rural areas and urban areas are aware and worried about the corruption activities coming with COVID-19.<sup>95</sup> Those interviewed agreed that South Africa is one of the corrupt countries and it was no surprise for them to receive information about the corrupt activities that come in the name of ‘*the fight against the Covid-19 pandemic*’. Moche, “We are used to the corruption of the ANC-led government.<sup>96</sup> This government used to be known for service delivery, but in the last ten years, all has changed. In this regard, we are not working as young people. There are no jobs partly because of corrupt activities.”

Generally, most people in urban areas are aware of the corruption that is deeply affecting communities. They even cite what is reported on different television stations. There is a general agreement that since the start of COVID-19 in the country, the government has abandoned other challenges such as the fight against the spread of HIV/AIDS, TB and comorbidities such as High Blood pressure and sugar diabetes.<sup>97</sup> One medical practitioner in Millpark Hospital in Johannesburg had this to say,

*“It is vital not to abandon these programmes as they make people vulnerable to the strength of COVID-19 and its variants. We need to keep encouraging people to keep adhering to a healthy lifestyle. Now is like there are easy ways to make more money in COVID-19 and get side payments, the main focus is on COVID-19 and Personal Protective Equipment (PPEs)”*

This is good advice to consider the continuation of other health programmes, but it contains an indication that corruption has a negative impact on health service delivery programmes in general, not only in strengthening the fight against COVID-19. At the same time, Wang et al. argue that social media and other social platforms are to blame for spreading what is believed by the government to be wrong messages about vaccination.<sup>98</sup> Experts in Communication also find it difficult to dispel the thinking that some media platforms are making money regardless of spreading anti-government COVID-19 messages. This marks the fact that besides corruption and limitation or infringement of human rights with associated liberties, many mysteries and challenges came to light with the COVID-19 pandemic.

## RECOMMENDATIONS

- Stringent rules must be put in place to always guard against the abandonment of state procurement procedures to the extent of establishing an agency that can enforce them.
- More research about what can be done to always abide by the South African constitution even in times of disasters like the COVID-19 pandemic rather than deploying soldiers that end up engaging in more violations of human rights.
- More research must be done about strategies to curb the desire to engage in any act of corruption regardless of being a large company, businessman, governmental officer, or a powerful individual.
- Impartiality in dealing with crime and corruption must be adopted to instil fear in anyone who thinks of engaging in crime or any human rights violation.
- The government must devise more strategies to spread awareness about the negative outcomes of corruption and abuse of state funds. In a way that would create more accountability for public officials

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<sup>95</sup> T. Holmes, “Fraud and Corruption in the Covid-19 Era,” Mail & Guardian, 2020, <https://mg.co.za/special-reports/2020-08-26-fraud-and-corruption-in-the-covid-19-era/>.

<sup>96</sup> T. Moche, “Timeline: Covid-19 Food Parcels, PPE Corruption Timeline,” SABC News, 2020, <https://www.sabcnews.com/sabsnews/time-covid-19-food-parcels-ppe-corruption-timeline/>.

<sup>97</sup> Hanjia Lyu et al., “Social Media Study of Public Opinions on Potential COVID-19 Vaccines: Informing Dissent, Disparities, and Dissemination,” *Intelligent Medicine* 2, no. 01 (2022): 1–12.

<sup>98</sup> Wang et al., “Public Opinions on COVID-19 Vaccines—A Spatiotemporal Perspective on Races and Topics Using a Bayesian-Based Method.”

## CONCLUSION

It is important to indicate that this study indicates how deep corruption has been practised during COVID-19. It is important then to indicate that corruption during the pandemic had a serious impact on Human rights and civil liberties. From the onset of this pandemic, many organisations and powerful state agents engaged in serious forms of corruption that have a dire impact on human rights as well as civil liberties. Although this study focuses on South Africa, it is noteworthy that corruption emanating from mismanaging COVID-19 funds during the pandemic has become a global challenge and more research can be done on that. The study has also shown that corruption and abuse of public office for personal gains have eroded social contracts and corroded the government's ability to help grow the economy to benefit the state. By far, this study shows that the South African government played a key role in protecting people from the COVID-19 pandemic and that a lot of funds were used. However, it can be argued that there has been a lack of adherence to the Public Finance Management Act (PFMA) or the relevant rules have been overlooked. COVID-19 has exposed greed and spurred long-needed action against corruption that has caused serious damage to both human rights and civil liberties. This study also shows that COVID-19 exposed the horrible realities that come along with ignorance of procurement protocols, the overspread of corruption, and infringement of human rights and civil liberties.

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