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## AFRICA RIGHTS TALK - SEASON 2 EPISODE 7

### COVID-19 and the impacts of concomitant government regulations on women *In conversation with Ms Patience Mungwari*

*Africa Rights Talk* is a Centre for Human Rights podcast series exploring human rights through conversations with academics, practitioners and activists. The *Africa Rights Talk* series is hosted by Tatenda Musinahama. Each episode offers insight into the African human rights system and the state of human rights in Africa, and globally.

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Tatenda: In today's episode we have Ms Patience Mungwari from the Centre for Human Rights, and she works at the Women's Rights Unit. I'd just like her to just introduce herself and the nature of her work.

Patience: Thank you very much for having me. So as you rightly say I work in the Women's Rights Unit at the Centre for Human Rights. And what we do in the Women's Rights Unit is generally to protect and promote the rights of women and girls on the African continent. And we do this by monitoring the implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol). And one of the ways that we monitor its implementation is through training state parties to the protocol to report on how they have implemented the rights contained in the Protocol. And then the other thing that takes a bit of our time is that we support the mandate of the Special Rapporteur on the rights of the women in Africa, and we support her by doing research on her behalf, and also providing her with any other technical support that she needs. Also, generally we try to be responsive to the major issues that are happening on the African continent. And so you'll find that we've done a lot of research and advocacy work as well as capacity building work on issues such as child marriages. Currently we also have an age with rights campaign; looking at the protection of the rights of older

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women on the African continent. We also do a lot of work in South Africa around ending gender based violence.

Tatenda: What challenges are women facing in the protection of their rights, particularly in the face of the COVID-19 pandemic?

Patience: So Tatenda, the COVID-19 pandemic has affected women and girls in a number of ways that undermine their rights. And I must say, of course, that the COVID pandemic itself was unprecedented and so no one was prepared to deal with a pandemic of this magnitude. And so you find that state parties have had to respond to the pandemic using guidelines provided by the World Health Organisation and some of these guidelines require that states take very stringent measures such as the lockdown of nations; so we see nations closing their borders and also really locking people in their homes. And of course this restriction of movement has a lot of impact on the welfare of women and girls. So just on the very basic level, and I'm sure you might also be experiencing this: that when we are locked down it really interrupts our life as usual. So the routines that we set for ourselves are really interrupted. But also even the social support networks that we've developed for ourselves to be able to cope with different needs of our families, of ourselves have really been shut off. So for example, you'll find that a lot of women take their children to day care centres, even if they're not working but to allow them to do work in the house and so forth, or even to go somewhere else. But those day care centres are closed, women go to church to meet with friends to, you know, just move out from the home [and] all these things have really been shut down so the usual support systems that women have, the usual coping mechanisms that they have, they do not have them.

And also what has happened with the lockdown is that women have lost their jobs. Some women are the heads of households themselves or they are the breadwinners in their homes and staying at home has meant that they can't go to work. Some women are also self-employed and so because of the lockdowns they have really been impacted in their ability to take care of themselves, to put food on the tables [etc]. And if you think about it in South Africa, women [make up] the large component of the most vulnerable forms of employment that we see. So for example, women are domestic workers, they are informal traders, they are sex workers, they are cross border traders- all these things, that they can't do now with the lockdown. And so it has really impacted on their ability to look after themselves.

And then ,of course, the other thing is that the lockdowns have come with limitations around accessing social services and basic needs. So, you know, going to the hospital to collect to ARVs or contraception is now limited. Of course, on paper, we know that you are allowed to go out and access these

services but what we found on the ground is that there is conflicting information around what it is that people can go out to do and how they must go about doing it.

Also, the presence of police and the army on the streets in itself is a deterrent for many people going out but also the very real fear of actually catching the virus is also something that has made people stay at home and not be able to access these basic services. If you think about rural [based] women-they cannot go out to collect their usual forms of fuel such as firewood; water is usually not in the home so they have to go outside to collect water for their households. And so all these things have really been impacted by the lockdown.

What we are also seeing and struggling with as women is the increased burden of care that has come to the lockdowns. So women are usually the ones who do the unpaid care work in the home, i.e. cleaning the house, taking care of everyone in the home, making sure they are bathed, fed, occupied, especially children. This burden has really fallen on women, most of the time and for some of them, they get some relief when the children go to school [or] when the husband goes out to work but now everyone is closed in in their homes. And so, the reliefs that we meant previously had when they either went out to work themselves, or the family itself is out is no longer there. So 24/7 they are locked down with their family and you have to do the duties of care and so that has really placed an additional burden on women.

They(Women) also complain now about how they have to home school their children- which is something they never had to do. If you are not a home schooling parent, your children would be at school. And you know, that is also created extra burdens on women. And for some of them they still have to continue to do their work, so if your formal employment allows you to work from home you still have to do that work. You still have to take care of the family and now you have the added responsibility of home schooling. So those are some of the challenges. But I guess the greatest one that would be really remiss if we don't talk about it is the issue of gender based violence.

So women have been saying that the lockdowns are not safe for them because they are now sometimes locked up with the perpetrators of the violence. So it could be a spouse, it could be a family member who is violent and now they have to stay with them 24/7. They also can't come out to go and report these violations. And also for parents who are co-parenting and not living together there's been an increase of reports where one party withholds the children and does not allow them to go back home. And so those are some of the challenges that women have really been facing as a result of the lockdown.

Tatenda: So do you think the government is doing enough in its planning and implementation to reduce the risk of the cases of gender based violence?

Patience: Well, I think the government is trying. I cannot say that they are doing enough. I mean, as long as there's still one person who has failed to get help when they are in a crisis situation then we think that the government is not doing enough. But I must say that, as I said in the beginning, this pandemic was unexpected. And also, its spread was quite fast. So, governments were not prepared to cope with such a pandemic. But I think what the pandemic has done is that it has also travelled along the fault lines of social injustice to really expose some of the weaknesses in our government systems.

So governments have really been exposed in some ways but the South African government, I think, is one of the governments that really tried to react very seriously, to try to mitigate the impact of the virus on the population. So we saw government locking down the country; we saw them also trying to, give a social release in times of distress grants; we also saw them trying to facilitate workers getting UIF (the Unemployment Insurance Fund). We've also seen the government through the solidarity fund, trying to assist families with food parcels, and also of course we have a national [Gender Based Violence Command Centre](#) that has been trying to field calls of domestic disturbances in an effort to curb the impact of the COVID-19 crisis. But is that enough? Well, I certainly think not because if you look at all these interventions, you'll see that most of them have been having problems in their implementation and so the desired goal of the projects have not been met. If you think about the Social Relief Distress Grants- if you were reading the newspapers you will know that they had said that this grant would be given recipients by the 15th of May and up to today, which is almost the end of May, only t10 people have received the grant, and these 10 people, apparently, were a pilot for the disbursement of these funds.

So, the question is we are over 60 days into the lockdown- where are people getting resources to feed themselves if they can't work anymore? And so two months later they have not received the distress grant. I think that is very concerning and so while on paper there are interventions that the government has done; in practice the rolling out of this interventions have been problematic. If you look at the food parcels as an another example, The Centre [for Human Rights], working with other civil society organisations has been part of civil society organisations that have been distributing food. So we were involved in the distribution of food parcels in Mamelodi. And I'll say to you [that] what we saw there was quite disturbing in terms of some of the dire situations in which people are living in. But also when you look at the food parcel itself, you start to raise questions around, whether it is enough for the families that it is being given to? When you look at its contents, you also ask yourself who decided

what should be in these packages? Did they take into consideration the varied nature of households in South Africa? their dietary needs, and so forth. So you start to ask those kinds of questions and also you are worried about whether it is enough for the millions of people or the millions of households in South Africa that actually need the grant. Are people getting it on time? And also, the question that has been on the top of my mind, which I also have not been able to get real answers to is, "Is this going to be once off- so this box of foods that we gave this family in May- is it going to be the totality of the food parcels or are they going to be getting this parcel at the end of every month"? I don't know, but it really raises questions around the adequacy of the government intervention.

We've also seen the same problems with the Unemployment Insurance Fund. So UIF is supposed to be an insurance fund for people who have been working and contributing to UIF. So as an employee, a certain percentage of your salary is taken to contribute to UIF. Your employer also has to contribute a certain amount to UIF and they have to register you. So now, when people are no longer at work. Despite that, they have been contributing to UIF they suddenly learn that the employer did not register them for example. But also for the many thousands of women, the kinds of work that they were doing do not necessarily make them recipients of the UIF grants. So it's not just employment, such as domestic work, but also if you think of retail, a lot of women who are employed in the retail sector are casual workers, so they don't qualify for UIF grants as an example. So we've seen some of those kinds of weaknesses.

And then of course one group of women that has been particularly vulnerable and that has kind of been left out to these interventions are migrant women. So migrant women do not have the necessary ID document that is needed to access the social relief of distress grant. They are also being targeted to not receive the food parcels in communities. So we are seeing again the rearing of the xenophobia problem that we've always had simmering in the country. So because you're migrant, you are not able to access the food parcels and of course you surely are not able to access the UIF. And then with regards to gender based violence more specifically, we have the function in command centre, which has been running for some time now, so it didn't start as a result of the COVID pandemic. This command centre allows you to either call in [through] a toll free number, which you can either call, send an SMS or WhatsApp to this particular number, and the command centre is supposed to be able to direct you [or] to assist you. So if you need the police, they're supposed to dispatch the police, if you're in need of ambulance services, then you should be getting that.

But the problem that we've always had with this is that it doesn't use geolocation functions. So for example if you're in the middle of a call and may be the perpetrator walks in and you have to put that call down, they are not able

to trace where the call came from and dispatch the police to you. So you really have to be on the call long enough to give them all the necessary information for them to be able to intervene. But of course when people are locked together now the perpetrator, I think it is safe to imagine that sometimes you will not have that opportunity to be by yourself and to be able to give the information that is needed for you to get support from the call centre. We've also had women who have said that if you don't have money in your phone, despite the fact that this is supposed to be a toll free number, you cannot make the call. So, it means that if you don't have the money in your phone, then you are also going to struggle to access this command centre.

Also, one of the other problems that we've seen with the COVID pandemic is that women who are in need of protection orders cannot get them because the courts are not functioning as they would do ordinarily although civil society has really been pushing to try to get the courts to issue virtual protection orders so that you don't need to necessarily go into the courthouse to get the protection order but maybe through calling the courts, one can be able to get a protection order and we haven't seen that, so that's also a challenge.

And then of course, another challenge is the provision of shelter services for survivors or women who are at risk of Gender Based Violence. So, in some cases, shelters are full and in other cases, the shelters, themselves are saying that they are not equipped to handle a new intake in line with COVID restrictions so they don't have the necessary space to isolate women to test them. Also, they don't have the personal protective equipment for their workers to be able to protect themselves as women come in who might be potentially positive for the COVID virus. So it has meant that some shelters have turned away women because they can't handle new intakes as a result of the COVID pandemic and others are also full at this time so.

So those are some of the challenges that we have witnessed and so when you ask the question "Is government doing enough?" I think there is more that could actually be done. I also would want to say [however] that the government has tried and so as we are thinking of a response to the COVID pandemic, I think it is important that everyone should be involved and that we shouldn't be leaving it's just to the government. Even personal protection should be the responsibility of individuals. I also think that we need to see other players coming in and also buttressing the efforts of government.

Tatenda: So you mentioned very interesting points there. At the beginning of your answer you mentioned the issue of food parcels and you were wondering whether or not those food parcels were adequate enough to cater to the needs of the



families. Out of curiosity, are there any sanitary towels provided in these food parcels for women and girls?

Patience: So in the food parcels that I have seen I haven't seen a sanitary wear. I've certainly seen tissues [and] I've seen soap. I have seen in some cases toothpaste, and then food. I haven't seen sanitary wear. And so, you see, it goes to the question of how we came to this kind of parcel? Was there a gender Analysis of the needs of households? Was there even an analysis of families that have very small [young] children that need formula milk and then there are families that don't need that. Those are essential services in times of a lockdown when you can't buy nappies for your child because you're out of work. Somebody must be providing that but we don't see all those things in the, in the parcels. They are essentially food parcels.

Tatenda: In terms of gender based violence, aren't the women who are already admitted to the into the shelters exposed to secondary victimisation by the service providers who might be at the shelters? Have there been any cases of secondary victimisation once they get to the shelters?

Patience: So I wouldn't doubt that maybe some women have experienced secondary violence at the shelters, and sometimes it is not necessarily the staff, but it could also be other women who are in the shelters, themselves, because if you think about it, we are the product of the societies we come from. So, our attitudes or behaviours are shaped by what we have been taught consciously and unconsciously. So somebody who comes from a violent background sometimes internalises violence and so their reaction to situations may be violent. So it is it is very possible but I must say that for the large part, shelter services have really been by workers who are trained to handle cases of gender based violence because they are supposed to be providing that service. And so it hasn't been rampant.

I also know that some shelters, as a result of government regulation, do not accept foreign women. Some have taken in foreign women and issues of xenophobia have been reported but they are also isolated. So I think to the large part, shelter services are really geared towards protecting women who are in distress, but it is possible that that women can be violated there too.

Tatenda: What are your recommendations to ensure that gender based violence is reduced during the pandemic?

Patience: Overall, I think we should all do our bit to ensure the protection of women and girls during the pandemic. One of the things that I know that civil society has been doing, or trying to do is to put inside the food parcels, pamphlets that give information around where one can go to access services or what one can do if

they're in a situation of violence. So a lot of information sharing and awareness raising is really needed to ensure that women who find themselves in violent spaces are able to access the services.

I also know that civil society that works directly with victims and survivors of gender based violence have also been categorised as essential services, and they've been able to go into communities to evacuate women who are at risk. But it is only the women who have been able to actually reach out to civil society that get that support. As I have said, in some situations [the question is] where do you put the women, after you have evacuated them from their home if shelter services are full or unable to host them? So I think we need to see a rethinking of shelter services in line with the COVID pandemic. Definitely the size of our shelter services do not allow them to put women in quarantine. So we need to see the government thinking about what alternatives, can be put in place to ensure that women in need of shelter are able to get the shelter services.

We also need to think a little bit more around what we put in the food parcels. Maybe they should be care parcels as opposed to food parcels so that the items such as sanitary wear that we've been talking about also find themselves in those parcels. So I think we really need to rethink what is in the food parcels so that we are really meeting the needs of the communities that we are serving. We also need to think about migrant women, and other very vulnerable people who have been failing to access the social relief of distress grant. How can we assist them? It could be a South African without an ID, because for you to access the grant portals, they need your ID number and we know that there are many people who don't have ID documents for whatever reason. It means that these people are not able to access those grants so we need to think about other ways of also reaching out to, to the vulnerable people out there.

We should also be thinking of other ways of looking into the homes to see if women are safe and I think the community health workers who are going into homes to do the testing should also be trained to identify signs of gender based violence or child abuse. Or if they can't be trained, then I think they should also be paired with maybe a social worker or someone who has the capacity to identify signs of abuse in the home, and then be able to take the necessary action and also the necessary referrals. I think that is one thing that is important to do.

There is also the need to think about continually training our police and army as they are manning the streets. At some points they have also been the perpetrators of the violence. So far I think we need to sensitise them on gender based violence. We also need to sensitise them on identifying potential violence spaces so that they are also able to direct women to the right services. So that



we try to deal with the problem of underreporting of gender based violence, during the COVID pandemic.

Tatenda: Thank you so much Patience for such an insightful discussion we've had. I just like to ask you if there any concluding remarks or any personal reflections you have as far as gender based violence and the COVID 19 pandemic is concerned?

Patience: Well, personally, I really think that the COVID pandemic has really exposed, some of the challenges that we face as a country, in terms of our response to disasters. So today's it's COVID and maybe tomorrow it's a flood. The most vulnerable always the same, or they're always very similar and women and girls are a large component of that group. And in any disaster situation, women and girls are at higher risk of violations because they are usually in fragile positions.

We must think about a framework that can be used at any given time, to ensure that we protect the most vulnerable in our communities in times of need. So we shouldn't be thinking on our feet, every time there is a disaster. But we should already have structures that are effective and that work to handle cases or have violations of rights, particularly the rights of women and children.

I also think that we also need to think about how we do life as we come out of the COVID pandemic. We have learned and seen from this pandemic how vulnerable our populations are; how vulnerable women and girls are in times of crisis. It just highlights the vulnerability that they were already in. As we think of the country post COVID, can we also take a gender lens around the interventions that we are going to be coming up with? So if it's issues around resuscitating the economy we must think about women and what that would mean for them. What are the measures are we going to put in place to ensure that the security of women in terms of economic security, social security is strengthened in the interventions that we are going to come out with? We need to also put a lot of effort to researching responses to the COVID pandemic for women and girls. So, we've been receiving calls to the GBV command centre, for example, how have these calls been responded to? What were the challenges that we faced in responding to these calls and so forth? We need to do that kind research so that we understand our situation better. And also, we improve the facilities that we have, so that we protect the rights of those that are most vulnerable all the time.

I really think that we should be learning a lot of lessons from the COVID epidemic. And if indications are that it is here to stay for a while, then I think how we are going to start living our lives again is going to be important to ensure that certain segments of the population are really taken care of. And I also think that it is important for us as a country to remember that in South

Africa, you know we are a signatory to many Human Rights Treaties, which speak specifically to the protection of refugees and migrants, that are living within our country or within the borders of our country. I think we also need to really think about how we cater for the needs of non-South Africans that are living in South Africa to ensure that in times of crisis, they also do not become destitute and very vulnerable.

Tatenda: Thank you so much Patience for that it was lovely having you for today's discussion.

Patience: Thank you. I also enjoyed speaking to you. I do speak too much sometimes, but I enjoyed it nonetheless.