



#PayTheGrants



# STATEMENT

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## IEJ and #PayTheGrants to legally challenge unfair exclusion of millions from SRD grant

*Joint Institute for Economic Justice (IEJ), #PayTheGrants, and Socio-Economic Rights Institute (SERI) statement*

*27 July 2023*

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On Friday, 21 July 2023, the Institute for Economic Justice (IEJ) and #PayTheGrants (#PTG), through their lawyers at the Socio-Economic Rights Institute (SERI), filed court papers challenging regulations that unlawfully and unconstitutionally exclude millions of people living in poverty from receiving the Social Relief of Distress (SRD) grant. The papers filed in the North Gauteng High Court include 79 supporting affidavits from people directly impacted by these regulations. The respondents named in the case are the Minister for Social Development, and the South African Social Security Agency (SASSA).

The founding papers highlight how the regulations that govern the R350 SRD grant's value, eligibility criteria and application procedures, as well as the manner in which the grant has been implemented, have excluded millions of people, violating their right to social assistance and food as guaranteed by section 27 of the South African Constitution. The Constitution requires the state to progressively realise social assistance for those unable to support themselves.

Fewer people have access to the grant today than was the case at its peak in March 2022. Research estimates *at least* 16 million people should be eligible for the SRD grant. Yet, in May 2023, while 14.4 million applied for the grant, only 8.4 million were approved, with 7.1 million people actually being paid. This is a dramatic decline from 10.9 million people in March 2022. In addition, the real value of the grant has been eroded due to inflation. Together this constitutes a retrogression of the constitutional right to social assistance. As 93% of grant recipients spend their grant on food, it also negatively affects the right to food.

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Government estimates suggest that 18.3 million individuals aged 18 to 59 live below the food poverty line, without access to adequate nutrition. Additionally, 20.4% of South African households experience food insecurity, with 20.9% sending a member to beg for food. Apart from the SRD grant, there is no permanent social assistance available to able-bodied individuals aged 18 to 59 without income.

This marked difference between those in need and the number of beneficiaries paid, in the context of worsening poverty and hunger, is a direct consequence of deliberate actions taken by government to make it as difficult as possible to access the SRD grant. We outline these below. In response, the IEJ and #PTG are challenging the myriad ways rightful beneficiaries and millions of people living in poverty, who are unable to support themselves, are prevented from accessing the SRD grant.

The court papers outline various reasons why eligible people are excluded from receiving the SRD grant, including: (1) the over-broad definition of income used to measure whether an applicant falls below the means-test threshold, (2) unlawful questions in the online application form, (3) the exclusionary online-only application process, (4) flawed bank and database verification processes, (5) a narrow appeals process that excludes relevant new evidence, (6) an arbitrary exclusion of qualifying applicants when funds are depleted, (7) a reduction in the grant's value over time, (8) an irrational and retrogressive income threshold, and (9) widespread and systemic non-payment of approved beneficiaries.

The applicants, alongside many civil society organisations, have repeatedly raised these impediments to access in good faith with government, in meetings and submissions over the last two years, in the hope that they would be resolved and rectified. Unfortunately, the barriers remain while the situation deteriorates further.

South Africa's crisis of hunger and deprivation is only growing. Social assistance is our most direct and effective tool for fighting hunger, and the Constitution demands that government progressively realise the right to social assistance and to food.

IEJ Executive Director, Dr Gilad Isaacs, notes that: "Government's failure to meet its constitutional obligations has forced our organisations to bring this court case. It is hoped the legal proceedings will highlight and secure solutions to the unfair and unlawful exclusion of millions of vulnerable, poor, and hungry people from accessing, and benefitting from the SRD grant."

In a supporting affidavit, Joleen Sampson, a resident of Eldorado Park in Gauteng underscores how access to the grant, and not individual need, has changed: "Early in 2020, I applied for the social relief of distress grant and my application was approved. Payments came regularly until March 2023. After this, my application status changed to declined due to the system erroneously detecting an alternative source of income, but I am unemployed."

Vanessa Reece, an SRD grant beneficiary who has also submitted a supporting affidavit, further highlights the inadequacy of the grant's value: "I have been unable to secure work due to chronic illness. Since developing diabetes, it has been harder to keep in good health. The grant ... helps me buy the right food to manage my diabetes. However, it is too little to cover my food and toiletries. No one in my household is employed, this makes it even harder to manage both my health and financial situation."

For a more detailed account of the applicants' argument a synopsis of the founding papers can be accessed [here](#), the Notice of Motion [here](#), and the Founding Affidavit [here](#).

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