

The Means to Live

Towards a Means to Live

Targeting poverty alleviation
to realise children's rights

Annie Leatt, Solange Rosa & Katharine Hall

December 2005



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Contents

1.	<u>Introduction</u>	1
2.	<u>The situation of children in South Africa</u>	3
3.	<u>Targeting poverty alleviation in South Africa</u>	6
3.1	<u>Means tests</u>	7
	<u>Verified means test</u>	7
	<u>Simple means test</u>	7
	<u>Proxy means test</u>	8
	<u>Community assessment</u>	8
3.2	<u>Categorical targeting</u>	8
3.3	<u>Self-selection targeting</u>	9
3.4	<u>Tariff and service level targeting</u>	9
4.	<u>The rights of children and other people living in poverty</u>	10
5.	<u>A method for analysing poverty alleviation targeting</u>	11
6.	<u>The methodology of the <i>Means to Live</i> Project</u>	14
7.	<u>Findings of the <i>Means to Live</i> discussion papers</u>	15
7.1	<u>The Child Support Grant (CSG)</u>	15
7.2	<u>The National School Nutrition Programme (NSNP)</u>	16
7.3	<u>The School Fee Exemption policy</u>	17
7.4	<u>Free health care policies</u>	19
7.5	<u>Free Basic Water policy</u>	20
7.6	<u>The Housing Subsidy Scheme</u>	22
8.	<u>Emerging themes</u>	23
9.	<u>Filling in the gaps: The <i>Means to Live</i> primary research</u>	25
10.	<u>Conclusion</u>	26
		27
	<u>Bibliography</u>	

Abbreviations

CRC	United Nations Convention on the Rights of the Child
IDASA	Institute for Democracy in South Africa
RDP	Reconstruction and Development Programme
VAT	Value-Added Tax

1. Introduction

The Children's Institute conducts policy research on the situation of children in South Africa, paying particular attention to the realisation of the rights of children made vulnerable by poverty and HIV/AIDS. They are in the majority.

This paper introduces a series written for the Children's Institute's *Means to Live Project*. The project's aim is to evaluate the government's targeting mechanisms used to ensure the realisation of the socio-economic rights of poor children and their families. Put more simply, it seeks to establish:

- whether current poverty alleviation initiatives are adequately designed and implemented to reach the poor, including children.
- who is included and excluded from poverty alleviation programmes, why, and with what consequences.
- what policies and programme recommendations need to be taken forward to ensure the realisation of children's socio-economic rights.

The research will be used to advocate for the necessary development or changes to government policies and programmes to ensure full realisation of these socio-economic rights.

This paper is accompanied by a CD-ROM which contains six discussion papers¹. These review the targeting of some of the most fundamental poverty alleviation policies that impact on children in South Africa. The papers are:

- Rosa S, Leatt A & Hall K (2005) *Does the Means Justify the End? Targeting the Child Support Grant*.
- Veriava F (2005) *Free to Learn: A review of the School Fee Exemption policy*.
- Kallman K (2005) *Food for Thought: A review of the National School Nutrition Programme*.
- Shung-King M, McIntyre D & Jacobs M (2005) *Healing Inequality: Targeting health care for children*.
- Mosdell T & Leatt A (2005) *On Tap: A review of the Free Basic Water policy*.
- Hall K (2005) *Accommodating the Poor? A review of the Housing Subsidy Scheme and its implications for children*.

Each of these papers is designed to stand alone as a review of a policy or programme. All of them take a look at the history, policy context, constitutional rights, poverty definitions, operational plans and, where possible, implementation of the various interventions. They all include analyses of the targeting mechanisms, pointing to areas that require more primary research and may need modification to be more effective or equitable.

Some readers will have an interest in one specific sector or policy or area. Local government readers, for example, may be interested in looking at the housing (Hall 2005) and water (Mosdell & Leatt 2005) papers in particular. Some of the papers cover ground that is reasonably well documented or researched in the children's sector, such as the one on

¹ If this paper is not accompanied by a CD-ROM, visit <http://web.uct.ac.za/depts/ci> to download the papers for free, or contact anthea@rmh.uct.ac.za to request a copy of the CD-ROM by post.

the Child Support Grant (Rosa & Leatt 2005), while others, despite being very important for children, have had less attention to date – for instance the School Fee Exemption policy. Apart from being reviews and a summary of evidence to date, the papers are also designed to be read as a series and together create a preliminary picture of the targeting of poverty alleviation for children in South Africa. Whether reading one or all, we suggest a look at the few pages on targeting below (pp. 6 – 10) for some background.

The *Means to Live* is a multi-stage project. The first phase comprised this series of policy reviews on selected poverty alleviation programmes and their targeting. The second phase is primary research conducted during the second half of 2005. This research is designed to assist in evaluating the effectiveness of targeting in the selected programmes and the consequences for children and their caregivers in getting access to basic services by surveying and speaking to implementers of the programmes, as well as programme beneficiaries. The final phase of the project will involve the use of the evidence from this research to support improved access to poverty alleviation for children so that they can live in dignity and grow to participate fully in South Africa's society and economy. The final research report will be released in 2006.

The project is founded on the assumption that all children² have a right to basic living conditions and environments that will support their survival and development. The form and content of these rights are set out in the South African Constitution and the United Nations Convention on the Rights of the Child (CRC). Children's access to the basic means of life and development – their socio-economic rights – are mediated through families, schools, other public institutions, and their physical environments. For this reason, programmes aimed specifically at children as well as those targeted more generally at the poor are essential elements for the delivery of children's socio-economic rights. Due to the significant levels of unemployment and high absolute levels of poverty for children in South Africa, social policy and access to public goods are vital to their survival and development.

This research is unique in its systematic focus on targeting across a wide range of policies and programmes affecting children. This allows for conclusions on integration and fragmentation, opportunity costs, multiple inclusions and exclusions, and cross-subsidisation. It also uses South African Constitutional Court jurisprudence and particularly the elements of the 'reasonableness test' from the *Grootboom* judgment that deal with targeting. Elements of this test are generalised to assist in evaluating the efficacy of the State in realising socio-economic rights in a context of poverty. It also seeks to introduce a specific child and child rights focus into an assessment of South Africa's poverty alleviation promise that has not yet taken children into consideration in a systematic way.

All policies and programmes that seek to assist the poor need to define poverty, establish mechanisms to identify the poor, select the poor, and then deliver the benefit to them. This is the targeting of poverty alleviation programmes. For this reason, effective poverty alleviation targeting requires appropriate conceptualisation, accurate articulation in programmes, just administration, and access for beneficiaries. This project deals with all phases of the selected policies and programmes from conceptualisation to access.

The next sections give some indication of the situation of children in South Africa, as well as their rights entitlements. Together these provide a rationale for the project and ground its activities and objectives. We give some background on the targeting of government programmes and how we can assess it. This is followed by an overview of the methodology

² Children are defined as people from birth to 18 years of age. This legal definition of children is contained in the South African Constitution and the United Nations Convention on the Rights of the Child.

of these policy reviews before turning to their contents. We highlight some key findings and point to themes that will be taken into primary research. Before concluding, the paper turns to the second phase of this project when we will research, using survey and qualitative methods, the consequences of the targeting of the selected poverty alleviation programmes for poor people and for the public services and other institutions tasked with their delivery.

2. The situation of children in South Africa

In an overview of chronic poverty and development policy in South Africa, the Human Sciences Research Council's Michael Aliber wrote: "A common scenario in South Africa involves the coincidence between poor health, meagre education, and fractured families, on the one side, with skewed resource distribution, inadequate infrastructure, and scarce employment opportunities on the other. The combination is more than sufficient to trap many people in poverty." (Aliber 2001:ii)

If we are to look for causes of child poverty in South Africa, three main culprits come to mind. The first is the colonial and then apartheid policies of systematic disenfranchisement and underdevelopment of the black majority. This was combined with poor education, almost non-existent primary health facilities, and exploitative wage labour in the migrant labour system, coupled with influx control that separated families. The second is the rapid emergence of the South African economy into the global marketplace at the end of the apartheid era and the sky-rocketing unemployment rates that followed. Unemployment continues to be staggeringly high and is the single biggest determinant of income poverty amongst children. The third cause of child poverty is the HIV/AIDS pandemic, which has deepened poverty and undermined many of the advances in South Africa's still new democracy. Together these have resulted in a middle-income country with high levels of absolute poverty and amongst the most unequal distributions of wealth in the world.

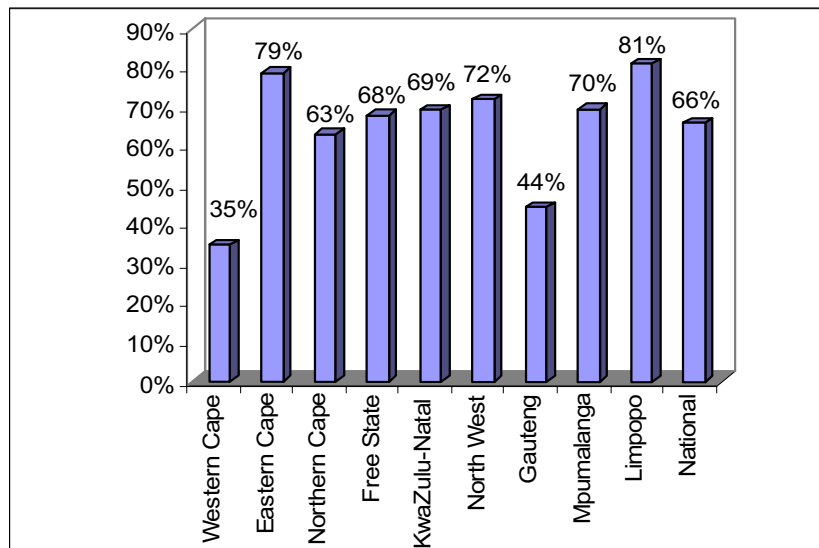
Only a few attempts at quantifying child poverty in monetary terms have been published. The Children's Budget Unit of the Institute for Democracy in South Africa (IDASA) commissioned Ingrid Woolard to do an analysis of the 2000 Income and Expenditure Survey (Statistics South Africa 2001) to quantify the extent of child poverty. She used two poverty lines in her analysis: R215 and R430 per person per month (Streak 2004:14).

Using the higher line, close to \$2 per day, the study found that 74.9% of children in South Africa were poor. This is more than 13 million children. Poverty is not, however, evenly distributed across the country. The provinces of KwaZulu-Natal, the Eastern Cape, and Limpopo together "were home to 60% of our income-poor children" (Streak 2004:17). With the lower poverty line, which is near \$1 per day, 54.3% of children across South Africa were identified as ultra-poor. This translates to some 9.7 million children, similarly distributed across the provinces (Streak 2004:18).

Some have argued that these poverty figures are too high, but there is general consensus that between 60 and 70% of South African children are income poor, albeit with stark provincial variation. This has been corroborated in a recent analysis of the 2004 General Household Survey by Debbie Budlender in calculating the proportion of children living in households with a total income of less than R1, 200 per month. By her calculations, 66% of children are living in such households. Their provincial distributions are given in the graph below. Only the Western Cape and Gauteng have relatively smaller proportions of children living in poverty by this measure. The remaining provinces all have more than 60% of their

children living in households with less than R1, 200 per month, from 63% in the Northern Cape to 81% in Limpopo.

Proportion of children living in households with less than R1, 200 per month income



Source: Statistics South Africa 2004. Analysis by Debbie Budlender, Centre for Actuarial Research.

The biggest, current contributor to household poverty is the very high rate of unemployment in South Africa. As of September 2004, 26.2% of the economically active population was unemployed. Given the apartheid legacy of racial discrimination, employment levels are highly differentiated by race. Black South Africans have a 31.3% unemployment rate, whereas White South Africans experience only 5.4% unemployment (Statistics South Africa 2004). Official unemployment definitions only partially reflect the situation. A more useful expanded definition includes those who would like to find employment but are discouraged, and who have therefore not actively sought work in the previous two weeks. By this expanded definition, unemployment levels are at a staggering 41%.

National economic policies, including macro-economic, fiscal, trade and industrial, as well as labour policies and programmes, have been developed. The latter include initiatives such as 'learnerships' and public works programmes, all of which have some effect on employment levels. These, in turn, have an effect on the resources available to children in households through income and asset levels. However, the failure of South Africa to address poverty and unemployment at scale, coupled with the massive inequalities inherited from the apartheid state and the impact of the global markets, have led to increased reliance on social policies to promote the realisation of socio-economic rights. Our focus on poverty alleviation for children at the household level is a result of the conclusion that poverty in South Africa is endemic, widespread and related to entrenched levels of unemployment that, while stabilising, remain at untenably high levels.

There can be no doubt that the extent of the HIV/AIDS pandemic has deepened poverty. The best data on the impact of HIV/AIDS come from the Actuarial Society of South Africa model. Estimates based on this model are that in 2004, five million South Africans of a total population of 44.8 million were infected (Dorrington, Bradshaw, Budlender & Johnson 2004:1). Some 63,000 children were infected at birth or shortly thereafter. The model also estimates that in the same year, some 245,000 children from birth to 14 years of age were HIV positive or had AIDS-defining illnesses (Dorrington et al 2004:14).

Average life expectancy that would be in the region of 63.9 years without the pandemic has been cut short by some 13 years. A child born now can expect to live to little more than 50 years of age. AIDS has made a substantial difference to infant mortality, with 40% of child deaths directly attributable to HIV/AIDS. {Bradshaw, 2003 #33}

A useful indicator of the impact of the pandemic is that of maternal and double orphans, defined as children from birth to 18 years who have lost either their mother, or both parents. Currently there are some 1.2 million such children in South Africa. More than 600,000 of these children were orphaned by the AIDS pandemic – i.e. about 3% of children (Dorrington et al 2004:23). Projections are that, without significantly increased access to treatment for adults with HIV/AIDS, this number will increase to nearly two million by 2015 (Dorrington et al 2004:28). The increase in the number of orphans is directly related to the failure to provide antiretroviral medication to adults and the increasing incidence (infection rate) of HIV.

It is clear that poverty and HIV/AIDS are integrally linked. Families with people infected with HIV/AIDS are more likely to fall into poverty as people get sick; are less able to work; prioritise medical and funeral costs over other expenses; and in some cases, are forced to sell productive assets to meet urgent and immediate needs. In the face of rising medical and funeral costs due to the AIDS pandemic, and in the context of extremely high unemployment, families are becoming less able to meet the basic needs of children in their care. Moore (2001:12) writes that, “like other illnesses MTC [mother-to-child] transmission increases poverty amongst already poor families as they spend time and money on care and as substitutes for lost labour, affecting the well being of other dependent household members”.

The greatest burden of HIV/AIDS, unemployment and hunger is of course borne by families and communities that support large numbers of dependants. The vast majority of orphaned children are being cared for within networks of close kin such as grandparents, aunts and uncles or siblings. Many poor households receive remittances from non-resident working members of the family. Literally thousands of faith- and community-based organisations support people financially and in terms of care. Many non-government organisations funded by government departments or international donors provide a wide range of statutory and other services. Aside from these local initiatives, the public service provides the bulk of education, health, housing, basic services and income support to South African citizens and residents. It is these public services and goods that the remainder of the paper addresses.

3. Targeting poverty alleviation for children

The *Means to Live Project* seeks to investigate how poverty alleviation programmes are targeted, and the consequences of this targeting for children. To do this we need to ask a range of questions:

Are children taken into consideration in the conceptualisation and implementation of policies and programmes? Are those most in need identified for programme delivery? Does the means of identifying and reaching the poor create obstacles or have unintended consequences? What are the opportunity costs of accessing poverty alleviation measures? How can these be minimised? Do the poor encounter a range of barriers to assistance and opportunities within the scope of poverty alleviation intended for their benefit?

In researching children and poverty alleviation, we have to recognise the various routes by which children are reached by government interventions. The most direct is where children receive direct benefits from a programme delivered to them. A free meal at school or an immunisation intervention would be an example of this. A second type of mechanism reflects the unique dependence of children on adults. Benefits can be mediated through parents and care-giving adults in a number of ways. The Child Support Grant, for example, is intended for use by a primary caregiver for the benefit of the child. The adult is therefore the recipient of the grant and the child is the beneficiary. A school fee waiver, in a similar way, relieves the primary caregiver or legal guardian of an expense, thereby improving the likelihood that children will attend school. These two benefits are explicitly directed towards the well-being of children, who are the stated targets, but are delivered through an adult who cares for them.

The third way in which poverty alleviation is delivered includes the provision of goods and services targeted primarily at household units. These also confer important benefits on children as well as on other household members. These usually fall outside the social services framework and are often not taken into consideration in policy work in the children's sector, despite being essential to children's survival and to freeing up adults and children from time consuming and potentially harmful chores. The Free Basic Water policy would exemplify this kind of indirect intervention. The importance of safe water to childhood survival is well documented. Adequate and affordable water also has a range of other benefits, including contributing towards adult health and the freeing up of adult and child time from collecting water from unsafe sources. Similarly, adequate housing and access to land and productive assets benefit both adults and children, albeit in different ways, and this needs to be taken into consideration in assessing poverty alleviation for children. The papers in this series cover examples of poverty alleviation programmes delivered in all three ways.

Targeting can be defined as a way of identifying who or what is eligible for a benefit or good. In the broadest sense, targeting can be universal, by, for example, government spending on items that reach a wide swath of society, including the poor. Spending on universal free primary health care would be very broadly targeted. Narrower targeting would seek to identify specific categories of individuals, households, communities or entities to whom scarce resources or public goods can be transferred. These narrower targeting mechanisms require more specific mechanisms to identify intended beneficiaries, and are put in place to maximise the use of scarce budgetary and other resources.

Targeting is subject to two potential errors: of inclusion and of exclusion. Errors of inclusion are found where those who are above the threshold criteria set by the targeting

mechanisms are able to access the benefit. With respect to poverty alleviation programmes, this error would be found if the non-poor were able to access a benefit. Errors of exclusion are found where people (such as the poor) who ought to be able to access a benefit are excluded because the test is at an inappropriate level or establishes unjustifiable barriers to access. Errors of exclusion are more serious from a rights perspective, since they often imply a right violated or not realised.

Three broad types of targeting mechanisms are used to identify who should receive a benefit. They are outlined in some detail below, and are often used in combination in poverty alleviation programmes.

3.1 Means tests

Means tests are most-commonly used to assess the income or means at the disposal of the individual or the household to support themselves and others. A means test requires that the eligibility criteria for access to the benefit are defined in monetary or asset terms that are measurable. There are a variety of forms of means tests which depend on the kinds and levels of verification of income and assets, which determine eligibility.

Verified means test

This kind of means test is most often found in developed welfare states. Take for example the case of an individual who goes to a welfare office to claim unemployment benefit. The person would have to complete an application that includes a verifiable means test. Such a test would include questions about income or other benefits (s)he might receive as well as about savings, assets and private insurance, for example. The tests are then verified by officials who seek to confirm the details in the application through access to the records or requests for information from banks, previous employers, parallel benefit agencies or asset registers. Since the details in the application are checked thoroughly against a range of institutions, verified means tests have the advantage of reducing benefit fraud and false claims. However, they are very expensive to administer if verification is taken seriously, are data hungry, and tend to be highly stigmatising.

Simple means test

South Africa employs simplified means tests widely in its social grants system. With this kind of test, levels of income or assets are set, and applicants are required to provide proof that their means are below this level. For a wide range of reasons, the information provided by the applicant is not verified by the administering officials. We saw above that verification is very expensive and time consuming, and is also heavily dependent on data which can theoretically be made available in a systematic way through banks, property registers, and employers. However, in South Africa, the majority of people who qualify to receive Child Support Grants on behalf of the children in their care, or who are eligible for the Old Age Pension for example, are not part of the formal systems required by these standards. Many of the poor in South Africa are unbanked, are unlikely to hold title deeds on property, and may never have been in the kind of formal employment that would provide them with payslips or allow them to approach previous employers for letters about their employment status.

Nevertheless, applicants are responsible for getting affidavits stating their employment or lack thereof, and have to identify their income and its sources. The advantages of the non-verified means test are that it is relatively cheap and fast to administer. However, it creates incentives for potential beneficiaries to lie, and requires many documents that households have difficulty in accessing. These can include proof of occupancy at their stated address

when there is no formal lease agreement; proof of maintenance or non-maintenance from the child's father; proof of a spouse's income which is especially difficult when not living together; or a declaration of support from whoever does so if the applicant has no income. These requirements can be administratively demanding for potential beneficiaries.

Proxy means test

One way of getting around the data barriers and problems in accessing documentation is by applying a proxy means test. Given that there are very high correlations between, for example, income and dwelling type, it is possible to take dwelling type as a proxy for income in some targeting. This has the advantage of reducing the costs of the administration of grants and other benefits, and the applied proxy measure is usually easily and visually verifiable by officials. It also means that applicants who are illiterate, for example, are not required to provide complex documentation about their situation. This kind of means test is used as an additional mechanism within the test for the Child Support Grant.

Community assessment

This last type of individual or household assessment is where a recognised leader, perhaps with the help of a group of selected community members, facilitates the identification of particularly needy households or individuals within their constituency or area. This type of targeting assumes that communities can be well defined, that people within the community know each other, and that all the households within that community have sufficient knowledge of each other so that those most in need can be identified.

In practice, however, implementation of this kind of targeting has been marred by the problem of local elites wanting to capture the benefits for themselves or their supporters. Unless decisions made on the basis of community assessment are subject to scrutiny by the relevant community, it could be open to abuse and damaging to relations within the community. This kind of targeting is particularly insensitive to gender dynamics, and is not used in South Africa except in some public works programmes, and sometimes in the People's Housing Process.

3.2 Categorical targeting

Forms of targeting under this heading are also known by the terms 'statistical targeting', 'tagging' or 'group targeting'. This mechanism uses some basic characteristic of the person or household or area as grounds for inclusion in a beneficiary group. The most common characteristics used are individual demographics. In South Africa, both young children and the elderly are identified as in need of support on the grounds that they are not able to provide for themselves by way of wage labour. Therefore age categories are applied to benefits, sometimes in conjunction with gender. The Old Age Pension applies, with a means test, to women from the age of 60 and men from the age of 65. Similarly, children in poor households under the age of 14 are currently eligible for the Child Support Grant.

Although not used in grants targeting in South Africa at the moment, it is also possible to use categories of ethnicity, race or language in targeting benefits. The apartheid policies of group areas, coloured labour preference areas, and protective labour policies for White Afrikaners were all based on such criteria. This points to the fact that none of these categories for targeting are politically neutral, and can have significant implications for equity. It appears that some municipalities use female-headed households as a category for automatic inclusion into an indigents register, and child-headed households are also sometimes taken into consideration. Orphans are another category sometimes targeted for

school feeding or in the provision of school fee waivers, even though this category is not specified in the relevant regulations.

The last grounds for categorical targeting are household or geographic characteristics. The one most often referenced in the literature is urban versus rural. Similarly, much local development planning and finance has been targeted towards the spatial development programme of the Presidential nodes. This type of targeting, based on geography or settlement type, is in practice very similar to the proxy means test. In this way the urban poor in informal settlements are targeted for food, housing subsidies or electricity and water, and rural areas are targeted for agricultural subsidies. Geographic targeting may have consequences for population migration, and may constitute a pull towards urban informal settlements for example. During apartheid, people were attracted to homeland areas by pensions provided there and not in urban areas.

3.3 Self-selection targeting

“Within some interventions, although eligibility is universal, the design intentionally involves dimensions that are thought to encourage the poorest to use the programme and the non-poor not to do so” (Coady et al 2003:12). In other words, the design of interventions that rely on self-selection targeting recognises the private participation costs of potential beneficiaries, and the relative value of the benefit. There are many examples of such self-selection targeting types. Some public work schemes, for example, pay such low wages that those who are likely to be able to find formal employment or are successful in the informal sector would have no incentive to apply for employment. Otherwise, some schemes require people to queue for long periods during work hours, or have payment points only in very poor areas. One of the arguments for removing the means test for the Child Support Grant is that the amount is so small that it is only very poor households that would elect to apply for and collect the benefit.

There are a wide range of quality-related self-selection targets. Food subsidies, for example, rely on consumption choice so that only those who cannot afford better quality food at higher prices will purchase subsidised goods. Aside from quality, it is also possible to provide a universal subsidy on certain goods that are most likely to be consumed by the poor. South Africa's practice of zero rating certain goods for value-added tax (VAT) is such an example. Universal targeting of this kind does not stigmatise goods and has no effect on their quality. For goods that are used almost exclusively by the poor, such as paraffin for stoves, this kind of universal targeting can be very effective. Where there are overlaps in consumption between rich and poor, such as in the use of bread, milk and eggs, self-selection is not a very progressive targeting mechanism.

3.4 Tariff and service level targeting

One of the ways of targeting the poor for a poverty alleviation programme is to reduce or eliminate the costs of essential services or benefits. This removes a barrier to access, and usually has long-term benefits for the poor as well as for the society and fiscus. In South Africa, the provision of free primary health care is one such example. People accessing primary and preventive health services and certain kinds of treatment reduce the cost of providing secondary and tertiary health interventions when ill-health has struck.

South Africa's Free Basic Water policy is implemented through a combination of tariff and service level targeting (Mosdell & Leatt 2005). It is national policy to provide six kilolitres (6,000 litres) of water at a zero tariff to every household that is billed for water services. A tariff is set for blocks of increasing consumption thereafter, such that the higher the consumption levels, the greater the relative expenditure per litre of water. This is a

progressive pricing policy. It requires sophisticated billing information, accurate data on individual household stands for billing purposes, and a good municipal infrastructure. Another mechanism used in South Africa is service level targeting. A communal tap is one example of service level targeting, as is a flow restrictor on a domestic tap. This is discussed in detail in the section on the Free Basic Water policy below.

4. The rights of children and other people living in poverty

The South African government's socio-economic rights obligations to children can be found in two important legal instruments: the Convention on the Rights of the Child and the Constitution of the Republic of South Africa. The CRC influenced the design of socio-economic rights and the related obligations in the South African Constitution.

South Africa ratified the CRC in June 1995. This means that the government is legally bound to uphold the socio-economic and other rights underwritten by the Convention. These include socio-economic rights of children, such as:

- the right to benefit from social security, which includes social insurance (Article 26);
- the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27(1));
- the right to education, including free basic education (Article 28);
- the right to health and health services (Article 24); and
- the right to be protected from harmful work practices, and to be paid adequately for any work conducted (Article 32).

The CRC places the responsibility for the material well-being of the child primarily with his or her parents, but qualifies that responsibility to be "within their abilities and financial capacities".³ States parties, on the other hand, are under an obligation to provide material assistance and support "within their means" and "in case of need" for the realisation of such responsibilities, in particular regarding nutrition, clothing and housing.⁴ Article 18 (2) of the CRC states that, "for the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children". Furthermore, States are obliged to undertake legislative, administrative and other measures for the implementation of the economic, social and cultural rights in the CRC.

The socio-economic rights in the South African Constitution include the following:

Housing

26. (1) *Everyone has the right to have access to adequate housing.*
- (2) *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.*
- (3) *No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.*

³ Article 27 (2).

⁴ Article 27 (2) and (3).

Health care, food, water and social security

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

Children

28. (1) *Every child has the right:*
- c. *to basic nutrition, shelter, basic health care services and social services; ...*
- (2) *A child's best interests are of paramount importance in every matter concerning the child.*

Education

29. (1) *Everyone has the right:*
- a. *to a basic education, including adult basic education; and*
 - b. *to further education, which the state, through reasonable measures, must make progressively available and accessible.*

5. A method for analysing poverty alleviation targeting

How can we draw on the socio-economic rights jurisprudence of the Constitutional Court to develop a method of evaluating the targeting of poverty alleviation programmes in realising children's rights? Although the interpretation of children's socio-economic rights is still unresolved through the jurisprudence of the Constitutional Court, the *Means to Live Project* has chosen to use the 'reasonableness test', crafted by the Court in the *Grootboom* case and refined in the *TAC* case, to provide a loose framework for evaluating the State's targeting mechanisms for its poverty alleviation programmes in relation to the rights of children.

In the *Grootboom* case, the Constitutional Court elaborated the content of the qualifications on socio-economic rights. In particular, it focused on the fact that it is incumbent on the State to institute a *reasonable programme* in order to 'progressively realise' the socio-economic rights enumerated in Sections 26 and 27 of the Constitution. The Court laid out a number of criteria against which to measure the 'reasonableness' of a government programme.⁵ Firstly, policies and programmes must be *reasonable* both in their *conception* and their *implementation*.⁶ Other criteria include:

- the need to establish a co-ordinated and comprehensive programme that is "capable of facilitating the realisation of the right"⁷;
- ensure that the programme does not "exclude those in desperate need and living in intolerable conditions"⁸;
- to be reasonable, measures cannot leave out of account the degree and extent of the denial of the right they endeavour to realise;

⁵ *Government of the Republic of South Africa v Grootboom and Others* 2000 (11) BCLR 1169 (CC) paras 40-44.

⁶ *Ibid*, para 42.

⁷ *Ibid*, paras 40-41.

⁸ *Ibid*, paras 43-44, 68.

- those whose needs are the most urgent and whose ability to enjoy all rights therefore is most in peril, must not be ignored by the measures at achieving realisation of the right;
- if the measures, though statistically successful, fail to respond to the needs of those most desperate, they may not pass the test;⁹
- a reasonable programme must be one that is balanced and flexible;
- it must pay attention to short, medium and long-term needs; and
- must not exclude a significant sector of society.

This means that the State is obliged to ensure that a programme aimed at realising the socio-economic rights of children must consider the needs of the most vulnerable children.

The Constitutional Court's requirement that programmes must also be reasonable in their *implementation* of the socio-economic right allows one to conclude that, if the benefits of the government's social assistance programme for example do not reach the people who are eligible for such assistance, the programme may not pass constitutional muster and barriers to accessibility must be reduced (Liebenberg 2001:241-245). Although it is up to the Legislature and the Executive to decide on "the precise contours and content of the measures to be adopted", they must ensure that the measures adopted are reasonable.¹⁰

Against this background, the *Means to Live Project* seeks to use a socio-economic rights analysis to assess whether the State's various poverty alleviation programmes for children are in fact being appropriately targeted at the poor, and that the poor are, as a result, able to access poverty alleviation. Using a rights-based framework alongside social and economic policy analysis is not a simple task, but it will assist in monitoring the State's progressive realisation of its constitutional obligations to the poor, and ultimately by holding the State accountable to these obligations.

Rights-based analysis is increasingly featuring in monitoring and advocacy related to the government's responsibilities by using the language of rights as guiding principles and obligations and as a methodological tool for measurement (Streak 2004:3). One example of such an approach has been developed by the Children's Budget Unit at IDASA to monitor the way in which the government has conceptualised and implemented programmes aimed at delivering four of the socio-economic rights of children in the Constitution. The monitoring approach that the *Means to Live Project* will use is based on the construction of the reasonableness test. This means we will look at both the *conception* and *implementation* of targeting mechanisms for government poverty alleviation programmes in line with the criteria developed by the Constitutional Court.

We will analyse the reasonableness of the key poverty alleviation programme/s relevant to the socio-economic rights, set out on pages 10 and 11, by asking the following questions about the design of the targeting mechanism for the poverty alleviation programme and its implementation:¹¹

⁹ Ibid, para 44. The Constitutional Court reaffirmed these principles in *Minister of Health and Others v Treatment Action Campaign and Others* 2002 (10) BCLR 1033 (TAC case) para 68.

¹⁰ *Government of the Republic of South Africa v Grootboom and Others* 2000 (11) BCLR 1169 (CC) para 41.

¹¹ The 'reasonableness test' is adapted and used here to enhance the value of the use of constitutional analysis of government programmes with respect to their obligations in realising socio-economic rights, in particular for children. This is not to say that we support an interpretation of qualified children's socio-economic rights but that, in our attempt to standardise the targeting analysis, we chose to use the reasonable measures test as a guideline for all the rights.

Has the programme been conceptualised in such a way that all children in need are targeted beneficiaries, and that the most vulnerable children are specifically targeted? The programme will be deemed to have a successful poverty alleviation mechanism if the following characteristics are met (Haarmann 1998:100):¹²

- The target population is explicitly defined.
- The targeting mechanism is explicitly defined and easily determinable or observable.
- Identification of the targeted population is evidence-based and inclusive of those who are most in need.
- The mechanism does not create perverse incentives must not exclude a significant sector of society.
- There is an appropriately allocated budget.
- There are no unreasonable administrative barriers.
- The application must be clear and easy to handle for the applicants.
- The regulations must be simple and easy to handle for the officials.
- It is possible to reach high proportions of the targeted group.

Is programme implementation taking place in such a way that services are being rolled out to all children in need, particularly those whose needs are most urgent? The following will be criteria for successful implementation:

- There is an effective targeting mechanism.
- There is sufficient administrative capacity to deliver the benefit to 100% of the target population.
- The test is difficult to manipulate and not open to subjective interpretation (Haarmann 1998:100).

In using this guide, we suggest that if the targeting mechanism does not fulfil the above criteria, it will be declared unreasonable, and alternatives will be suggested. A comprehensive primary research methodology was developed, based on the information gathered from the policy reviews in the six sector papers and the kinds of analysis that is necessary to assess targeting using these criteria.

¹² Some of the criteria are based on the suggestion by Haarmann (1998:100) that targeting mechanisms should have particular qualities in order to minimise some of the problems associated with them.

6. The methodology of the *Means to Live Project*

This project is ambitious in its review of a range of poverty alleviation programmes within certain sectors which may benefit children. It would be impossible to assess all poverty alleviation programmes that have some impact on children, however indirectly. For example there are the municipalities' Integrated Development Plans, or the national government's Expanded Public Works Programme, or some of the VAT exemptions mentioned above. We therefore employed a rationale for selecting programmes for review based on both conceptual and logistical elements.

The following criteria were applied:

- We included only those areas that are most key to the survival and well-being of children – health, schooling, housing, water, nutrition and income support.
- We used the socio-economic rights framework which provides for those areas where the South African government is obliged to support children living in poor families. The only socio-economic right that was left out was the right to social services. While social services are essential in the context of poverty, they are not primarily poverty alleviation programmes.¹³
- We chose only one type of programme per sector or right to ensure a somewhat representative collection of social policy interventions.
- We chose only the most extensive poverty alleviation programme per right.

Some poverty alleviation programmes are intentionally excluded. We have not, for example, addressed the targeting of the Old Age Pension, despite its importance in households where there are no adult income-earners. We have also not addressed those programmes targeting children with special needs, most notably disabled children through the Care Dependency Grant for example, or HIV-positive children, or homeless children, or orphans. The primary research will of course encounter many households in which chronically ill or disabled parents and children live, and this will be taken into consideration in assessing the households' ability to access poverty relief.

Another significant exclusion is that we have not primarily focused on the *quality* of the poverty alleviation programmes that were chosen. Although there are occasional comments about the amount of the Child Support Grant or the quality of the Reconstruction and Development Programme (RDP) houses, for example, the discussion papers focus almost exclusively on *who* is eligible, *why*, and with *what consequences*. These papers will inform future work at the Children's Institute, and some of the quality issues are addressed in other research undertaken by the Institute.

Once the programmes were selected, the authors of this paper drew up a matrix of data that would be necessary in the review of the targeting of the chosen poverty alleviation programmes. All the papers include a short introduction to the scale of need and social and political context before providing a rationale for the programme and its targeting, its policy and legislative framework, and programme plans. The latter include numeric targets, budgets and expenditure, and any upcoming policy or programme changes.

¹³ We will not examine the right to social services as defined in Section 28 of the Constitution as this right does not have a clear poverty alleviation programme attached to it. Furthermore, for the purposes of this project, the right to social services is not defined as including the right to social assistance for children, whereas others have interpreted it that way. We support an interpretation of the right to social assistance as specifically referring to grants whereas social services refer to welfare services including the work of social workers in the protection system.

All the papers conclude with an analysis of the targeting mechanism by drawing on whatever evaluation research is available, including an overview of data sources, issues of beneficiary access and administrative justice, and issues that need further exploration using primary research methodologies.

With the help of an excellent reference group of academics and others, experts were identified to undertake the writing of these papers. The paper on the Housing Subsidy Scheme was written by Katharine Hall, who also co-authored the paper on the Child Support Grant with and Solange Rosa and Annie Leatt, all from the Children's Institute. The paper on free primary health care health was written by Dr. Maylene Shung-King and Prof. Marian Jacobs of the Children's Institute in conjunction with Prof. Di Macintyre of the Health Economics Unit at the University of Cape Town. The paper on the Free Basic Water policy was written by Tim Mosdell of the Palmer Development Group and Annie Leatt from the Institute. The two papers on the National School Nutrition Programme and School Fee Exemption policy were written respectively by Karen Kallman, formerly with the Black Sash, and Adv. Faranaaz Veriava from the Education Law Project of the University of the Witwatersrand. All the papers were reviewed by other members on the research team, the reference group and other experts in the relevant areas. The peer reviewers are acknowledged at the beginning of each paper.

7. Findings of the *Means to Live* discussion papers

Having outlined the background, rationale and methodology of the project, let us now turn to the papers in this series. What follows points to some of the findings, which lead to a discussion of some of the emerging themes that have informed the methodology of the primary research.

7.1 The Child Support Grant (CSG)

Non-contributory social assistance is the biggest single poverty alleviation measure in South Africa, and the rapid expansion of the safety net of cash grants to over nine million people is a marked contribution to income security and redistribution in this post-apartheid era. The CSG, established in 1998, provides regular contributions to the caregivers of more than six million children. (Department of Social Development 2005)

This means-tested cash grant of R180 per month¹⁴ is paid to the primary caregiver of the child, using the principle of the 'grant follows the child'. It was initiated for children from birth to age six, and has been progressively rolled out over the past few years so that, as of April 2005, poor children up to the age of 14 are eligible.

There can be no doubt that the Child Support Grant provides some financial security to families, and supports spending on children's food, school fees and clothing. The regularity of payment also supports planning and risk management.¹⁵ Despite the many successes of the programme in reaching large numbers of poor children, there are also some problems in the conceptualisation and implementation of the grant.

Many of these focus on the means test used to assess eligibility for the grant. For those living in rural areas or informal settlements in urban areas, the monthly income threshold

¹⁴ As of 1 April 2005.

¹⁵ For a comprehensive assessment of the impact of social assistance on poverty reduction in South Africa, see: Samson, Lee, Ndlebe, Mac Quene, Van Niekerk, Gandhi, Harigaya & Abrahams (2004).

for the primary caregiver and their spouse is R1,100. For those in formal housing in urban areas, the threshold is R800. The primary caregiver of a child who is age eligible is required to show proof of identity, employment income and other means of supporting the child. The means test is unverified in the sense that the departmental officials processing applications do not contact banks and employers and remitters for corroboration, primarily because many of the eligible do not hold bank accounts and work in the informal sector, if they are working at all.

The means test threshold levels have not increased since the introduction of the programme in 1998. While the benefit amounts have been linked with inflation each year, the thresholds have not, even though inflation levels have run up to 9% during this period (Budlender, Rosa & Hall 2005). The implicit definition of who is poor has therefore been reduced in real terms over this time, as, in 2004, the grant was worth R570 and R784 respectively in purchase parity. Just as significant is the fact that the number of children in a household is not taken into account in the means test. In practice, a rural woman with an income of R1,000 per month looking after one child is eligible, while a woman in the same area with an income of R1,200 per month but with five children in her care, is not.

There is increasing evidence that those who are most poor are unable to access the grant for a combination of reasons that have to do with having insufficient cash to negotiate the bureaucratic government systems. It is generally the most poor who do not have birth certificates, are unable to travel to home affairs offices for identity documents, police stations for affidavits and the Department of Social Development for grant application processes. This department and civil society organisations, such as the Alliance for Children's Entitlement to Social Security (ACCESS) and church groups, have worked together to establish mobile units which go some way in addressing these problems of access in the rural areas.

In addition to the problem of the means test requiring certain documentation, the progressive roll-out of the age eligibility has caused a lot of confusion. It has also resulted in large numbers of children becoming eligible for the grant for a short period before losing their eligibility at a later birthday, and having to wait for the next age extension before re-applying for the grant.

Another problem is the very poor assessment of eligibility by the department, which results in over-reported take-up rates. Current research (Budlender, Rosa & Hall 2005) that replicates the means test using household survey data shows much higher eligibility levels than those used by the department in its planning and resource allocation. In other words, this programme, while undoubtedly having an important impact on child poverty, also shows some errors of exclusion.

7.2 The National School Nutrition Programme (NSNP)

Like the free primary health care discussed below, the school feeding scheme (as this programme is more commonly known) has been in operation since 1994 when it was introduced as one of the RDP lead projects. It moved from the jurisdiction of the Department of Health to the Department of Education in 2004, and is currently being consolidated and standardised nationally. It aims to provide a meal or a snack during school days to primary school children in need of nutrition and education support. Kallman's discussion paper in this series outlines the background, operation and extent of the programme.

The paper highlights the lack of information about children's nutritional status in South Africa, and therefore the need for school feeding. This makes it difficult to assess whether the programme is managing to meet the existing needs. There are also very large gaps in information about how the programme is operating at both provincial and school levels.

The NSNP has a dual targeting mechanism. First, schools eligible for funding for the programme are identified. The paper shows the very wide range of provincial practices to identify eligible schools that have taken place to date, as well as the Department of Education's plans to standardise school selection. Some schools have used categorical targeting, including all schools on farms or in informal settlements, for example. The new standardisation takes into account both the condition of school facilities as recorded in the schools register of needs, as well as the characteristics of the school's parent body. This includes some demographic data from the area, which in turn means that some schools in middleclass areas are not targeted, even if the pupils are poor.

The second part of the targeting strategy is to identify which learners within a school get access to meals. Here the information is even more scant, requiring much more investigation in the primary research phase of this project. Again, there seem to be very different practices to date, with some eligible schools feeding all their learners, while others select half or a quarter of the total number learners for feeding.

The paper outlines debates about how many children have been and should have been targeted since the introduction of the programme. Kallman writes that, "Over the past 10 years, the number of children actually reached by this programme has decreased by nearly one million. This represents a decrease of around 20%, not allowing for population growth" (Kallman 2005:10).

One of the most notable targeting exclusions is that learners in secondary schools and those not enrolled in or attending school do not receive food through the programme. There are new plans to include some secondary schools in the scheme and it seems that some provinces are already including school feeding at such schools in their education budgets.

The primary aim of the NSNP is to foster better quality education by enhancing children's active learning capacity, alleviating short-term hunger, providing an incentive for children to attend school regularly and punctually and addressing certain micro-nutrient deficiencies. To assess whether this goal has been reached, it would be necessary to compare the educational performance of participating children and schools with those who have not been chosen. This would require that an evaluation take into consideration the range of other factors that affect school performance, drop-out rates, enrolment and concentration. There is not enough research evidence to do this analysis. The review points to the need for close monitoring of the National Schools Nutrition Programme and substantial new research into hunger and malnutrition amongst children and the impact of the programme in its amelioration.

7.3 The School Fee Exemption policy

This policy attempts to deal with the situation of the many South African families that are unable to pay school fees because of income poverty and the high unemployment levels. It aims to give at least partial measure to the right to free compulsory primary education set out in Article 28 of the Convention on the Rights of the Child.

Each school, through its governing body, is responsible for determining the fees it will charge learners' parents, as well as the details of its exemption policy – within certain regulations of the national Department of Education. The current Regulations set out a mandatory *means test* for the granting of full and partial exemptions that individual schools are obliged to abide by when determining their exemption policies.¹⁶ It reads as follows:

If the combined annual gross income of the parents is less than ten times the annual school fees per learner, the parent qualifies for full exemption; and if the combined annual gross income of the parents is less than thirty times but more than ten times the annual school fees per learner, the parent qualifies for a partial exemption.

The Regulations also place other duties on schools to protect parents who cannot afford to pay school fees, such as that parents should be informed about their right to apply for an exemption. The school governing bodies are also responsible for processing and granting school fee exemptions, both full and partial. And this, as the author sets out, is the reason for this policy being almost entirely un-implemented. Government subsidies for teachers, books, electricity, telephones, water and building maintenance are simply not enough to guarantee adequate education without substantial additional support from the parent body. And in poor communities where parents are unable to pay school fees, whether or not the School Fee Exemption policy is appropriately applied, the quality of schooling is likely to deteriorate. The most pernicious effect lies in increased student-teacher ratios as schools are not able to hire additional teachers. No compensation is provided to schools for the loss of revenue created by the exemption policy; so the majority of schools don't enforce it.

Veriava (2005) documents many cases where learners whose parents have not paid school fees are denied admission to schools or schooling activities. She gives examples where learners had their report cards withheld, or were told to go home until their fees are paid. She also documents cases where parents, eligible for exemptions, have been handed over to debt collectors, or have been denied exemptions. There is also a growing body of written work to show that learners are stigmatised if their fees are not paid, or if they are known to be fee exemption learners.

Veriava concludes that the policy has failed in that it has reached a negligible proportion of eligible learners and their families. It is clear that there are substantial errors of exclusion in this intervention, with the majority of people who qualify being denied access to the benefit of school fee waivers. It does appear that some of the concerns about the implementation of the policy may have been taken into consideration in a set of draft regulations published in February 2005. These strengthen the obligations on schools to inform and help parents and other caregivers to apply for exemptions, and give the caregivers greater legal protection. The new draft regulations also ban registration fees, discrimination against children whose parents don't pay fees, and "prohibit a School Governing Body from attaching a parent's home unless alternative accommodation is made available to the parent" (Veriava, 2005:17). The draft regulations also allow for automatic grant fee waivers to orphans, learners in foster care and Child Support Grant beneficiaries – a move that is welcomed.

It is clear from this discussion paper that, unless the State also provides additional finance to schools to cover the revenue that is lost in the granting of exemptions, the policy will not be implemented at scale.

¹⁶ See Regulation 3 (1) (a) as read with 5 (3).

7.4 Free health care policies

Another area of South African public service delivery has, however, implemented fee waivers in an extremely effective way. One of the first provisions made by the government in 1994 was to remove user fees for primary health care for children under the age of six and for pregnant women. This was later extended to include free primary health care for everyone in the public sector, which serves about 80% of the population (Shung-King, McIntyre & Jacobs 2005). In a more recent move, children living with disabilities have had health fees waived for secondary and tertiary care too.

The provision of free health care is an internationally accepted and appropriate mechanism to alleviate the burden of health care costs for the poor. The authors of this paper use examples from other African countries, which show that the removal of user fees increases the utilisation of health care and frees up scarce household income for other uses. The case studies also show that the poor do enjoy proportionally greater benefit from the removal of user fees. It has to be assumed that the demonstrated overall benefit to poorer households of health service fee removal also benefits the children living in those households.

Although the exact beneficiaries of fee removal policies have not been established in South Africa, it is likely that it has benefited the lowest income groups, given that they are the primary users of public sector health services. Shung-King et al conclude that the initial emphasis on young children and pregnant women was an appropriate start for the more universal policy that followed.

The current application of free health care in South Africa is a mixture of a targeted and a universal intervention, where it progressed from a narrower policy targeted initially at children under six years and pregnant women, and then expanded to universal free health care at a primary level for all non-medical scheme members using public sector facilities. The current policy for children is still targeted, where younger children and children with moderate to severe disabilities benefit from free health care at all levels of care, whilst children older than six and with no or mild disabilities have to pay for hospital access according to a sliding scale based on a means test.

Sung-King et al note that practices regarding user fees are being appropriately applied at the primary level. However, of concern is the anecdotal evidence that children older than six, whose caregivers are unable to pay, are still being turned away at hospitals. This is clearly contradictory to the spirit of the policy and indeed to the commitment of ensuring children's right to health and health care. Based on recent Burden of Disease estimates (Bradshaw, Groenewalde, Loubser, Nanna, Nolijsana, Norman, Pieterse & Schneider 2003), children older than five years primarily suffer from health conditions relating to trauma, HIV and chronic health conditions, amongst others. These are all conditions that are likely to require some degree of hospital treatment on a once-off or ongoing basis.

Aside from potentially increasing access by removing user fees for children, many other barriers to health care still exist. Addressing these barriers is particularly important in ensuring that the poorest and most vulnerable children benefit from free care. Transport to and from health services is one of the key considerations.

The removal of user fees as a means to improve access to health care for children living in poverty is a good policy intervention. The authors argue that it is however, not enough. Unless there is sustained budgetary commitment to ensure the continued availability of good quality health services, children will not necessarily have access to the required health interventions. The South African health budgetary analysis reflects a worrying trend in this

regard given that the health budget, including that for primary health care, has stagnated since the late 1990s in real terms.

This is especially of concern in the face of the growing HIV/AIDS pandemic. The provision of free health care practically coincided with the rise of the pandemic in the country. Whilst there has not yet been a formal evaluation to assess the impact of HIV/AIDS on children and their utilisation of health services at all levels of care, many reports (including anecdotal ones) point to a health service that is ill-prepared to cater adequately for children in this regard. Given that children with HIV/AIDS require health services on a long-term basis, require more complex care and treatment and require health workers to have additional skills and expertise to address their needs adequately, the potential impact on health service provision at all levels is significant. The impact of the HIV/AIDS pandemic, in relation to the impact of free health care provision, requires further analysis.

Previous research in South Africa has shown that user fees for patients in the H0 – H2 categories (the no- or low-income categories) generate extremely little revenue. At the same time the costs of administering the means test and collecting fees from low-income patients (who frequently need to be sent repeated accounts before payment) translate into very low net revenue levels (Dangschat & McIntyre 1996). It would be valuable to evaluate whether this is still the case.

The paper also raises the problem of preventative services being crowded out by the drive to deliver curative services. This is of particular concern for children's health, as they need good preventative services such as immunisation, growth monitoring, nutrition programmes and health promotion outside of health facilities, such as school health promotion activities.

The paper recommends investigation into the impact of free health care in South Africa with attention on hospital practices for charging fees for older children and the impact on preventative services at primary level, as well as further investigation into who is benefiting most from free health care services. Elements of the first two issues will be explored further in the primary research phase of this project.

7.5 Free Basic Water policy

While health policy and health financing managed the double move of significantly expanded service delivery at the same time as almost completely eliminating user fees, local government has taken a different approach.

South Africa has developed a dual strategy around the cost of water and other basic services since 1994. As services have been extended to a greater proportion of South Africa's residents, the government has initiated cost-recovery policies and the principle of 'the user pays'. At the same time, it has developed poverty alleviation programmes that acknowledge that the greater proportions of South African households are too poor to pay for basic services.

The Free Basic Water policy provides for 6,000 litres (6 kilolitres) of free water per household per month. The intended beneficiaries of the policy are poor households. Children are not directly targeted by the policy but benefit through access to water in their households. Given the importance of adequate, clean water – especially for young children and households affected by HIV/AIDS – this policy is absolutely key to the survival and development of children, their time use, and their school attendance.

In the majority of places where the policy has been implemented, it operates by not charging for the first 6kl of water, while the remaining consumption is charged using a rising block tariff. There is quite a lot of discretion at local government level in how the policy is implemented, and in some cases an 'indigent policy' is applied so that households can apply for a tariff waiver if they are too poor to pay. This policy is administered through a means test. In other areas, only a limited service is provided, usually referred to as service level targeting, where usage is physically restricted to this free amount. Alternatively, water is only supplied via communal taps, with an assumption that households will not want to carry more than 200 litres a day.

Of course, this method of delivering poverty alleviation is dependent on the poor having access to adequate water services in the first place. The poorest, including those without a formal *erf* (plot), those living in rural areas, or those not yet serviced by water infrastructure, cannot access this key poverty alleviation measure. One consequence of the poor implementation of this and other free basic service policies is a politicisation of municipal services. New social movements are forming in South Africa against the lack of services, the maladministration of municipal bills and the use of cut-offs and evictions for unpaid bills, and interrupted water and electricity supplies.

"The 2003 Intergovernmental Fiscal Review noted the early successes in implementing the policy to provide free basic services, particularly water. However, of the 27 million people receiving free basic services, only 12 million were poor. The challenge remains to extend these services to poor people, particularly those without access to piped water and electricity" (National Treasury 2004:35). The discussion paper by Mosdell and Leatt (2005) highlights some interesting debates about the targeting of free basic water and a degree of confusion amongst implementers as to whether this is a universal or more narrowly targeted intervention. It also points to emerging policy development related to means testing for poverty assistance at the Department of Provincial and Local Government, and the emergence of a national 'indigents' policy.

There are very substantial errors of both inclusion and exclusion in this key poverty alleviation programme, which is regressive in its implementation. In most parts of South Africa, more non-poor than poor are able to access the benefit of the Free Basic Water policy. It is very difficult to estimate the impact of the exclusion on children since there are no administrative data at local government level that take children into account in their reporting provisions. It is not hard to deduce, however, that children are disproportionately represented among those not accessing free basic water. This is because children are more likely to be in income-poor households in rural areas, of which many are not benefiting from this policy.

Child-centred statistics on infrastructural programmes such as housing and basic services are simply non-existent. We do not know how many of those intended beneficiaries who yet have to access free basic water are children. We also do not know the extent and depth of poverty amongst those who are not receiving water services in comparison to those who do. And, perhaps most importantly, we do not know the financial impact of the dual introduction of cost-recovery measures and free basic services at household levels across South Africa in the long term, and the consequences of this on expenditure, and for children.

7.6 The Housing Subsidy Scheme

The Housing Subsidy Scheme, like free primary health care and the delivery of municipal services, is a massive poverty alleviation measure – and the only one with an explicit focus on building assets in poor communities. The programme has been successful in progressively delivering large numbers of subsidised houses over the past 10 years, and delivery figures suggest a significant proportion of subsidised housing being accessed by women and households with children. Over the 10-year period from 1994 to 2004, nearly 2.5 million subsidies were approved. A total of 1.6 million housing units had been completed or were under construction (Hall 2005).

There are three levels of targeting of housing subsidies. In the first, the relative need for housing is assessed across provinces, and this forms the basis of funding for housing from the national fiscus. The second tier involves the identification of communities or sites for housing development. In the last, individual households need to pass a means test and other screening processes to prove eligibility.

Within provinces, the geographic and community-based level of targeting is informed not only by statistics but also by on-the-ground identification of communities or areas in need of housing development. It is unclear what considerations drive departmental decisions about the location of housing projects, and there does not seem to be a specific or standard formula for targeting or prioritising particular areas. Some local authorities use aerial photography as a means to identify areas of high density, and the prevalence of shacks is generally indicative of inadequate housing and overcrowding. Some housing development projects are undertaken in an effort to regain land that has been illegally invaded. Informal settlement upgrading (referred to as *in situ* upgrading projects) have been prioritised in most recent policy statements.

To access a housing subsidy, a household usually needs to be part of an organised community where housing development has been initiated, or located in an informal settlement that has been identified for upgrading or relocation to a housing development. There are six main criteria for eligibility, all of which must be fulfilled before a subsidy is granted. Beneficiaries must be first-time home owners and must be married or in a permanent partnership and/or have proven dependants. The joint income of the applicant and their partner must be under R3,500.

The consequences for and experiences of children in housing development schemes is significantly under-researched. There is virtually no reference to children in South Africa's housing policy documents – children are simply implied in the general category of 'dependants'. Neither the Department of Housing's administrative data nor the existing national datasets can provide appropriate child-centred data to enable an analysis of children's access to the housing subsidy.

The absence of policy review and programme evaluation from the perspective of children further indicate that children, as a category of beneficiaries, have tended to be overlooked by policy-makers and commentators alike. The work by Hall in this research begins to map out some of the conceptual and practical consequences for children as a result of this programme. Just two of her conclusions are noted here. The first is that, in applying for housing, applicants must identify whether they have dependants. Yet there are only two spaces for capturing details of dependants on the administrative forms, which assume and reinforce the idea of a four-person nuclear family. Furthermore, the houses built in this scheme are all more or less the same small size no matter how many people are to live in it. The principle of targeting existing household units is based on an assumption that

households take the form of small, static nuclear families. This is not necessarily true to social realities in South Africa. It has been shown that the targeting mechanism can result in the division of households and of communities, while the consequences of this for children remain to be explored (Hall 2005).

Hall also points to policy developments that focus on informal settlement upgrading. There is evidence from household survey data that children whose parents are living in informal settlements are very likely to be living with extended family members in rural areas or in formal housing in urban areas. This points to the need for town planners to consider the very likelihood of increased household sizes when a housing unit is upgraded to a formal house. It is likely that the children of that family will return to it from rural areas (Hall 2005). This, of course, requires the necessary plans and resources to provide these children with schools, clinics and places of play in these new settlements.

8. Emerging themes

Many of the considerations about the poverty alleviation programmes raised in the *Means to Live* discussion papers are similar in the case of adults and children living in poverty. Strong and well-funded institutions for delivery, the importance of identity documents to access government support, adequate financing, the ability to spend, and good planning are repeatedly highlighted in the policy reviews.

This paper has also pointed to one instance in which a key programme to children is simply not funded at all. This was the case of the School Fee Exemption policy, which in practice requires schools with very few resources to subsidise poor children. This further compromises the quality of facilities and teaching at those schools.

Some general programme faults don't appear to have particularly negative consequences for children at first glance. To give just one example, the concentration of infrastructure services linked to housing in urban areas would seem to be age neutral except for the fact that children are disproportionately represented in the rural areas. Rural children, who are in the majority, are still more likely to walk long distances to collect water and attend school. In other words, some programmes, because of their conceptualisation, fail to benefit children. This urban bias has been counteracted in some ways by the great lengths to which the Department of Social Development has gone to ensure access to the Child Support Grant in rural areas, setting up mobile units and simplifying procedures for access.

There are also some specific considerations in implementing effective interventions to support children in resource-poor settings. The most significant of these is that policies directly targeted at children, as well as those aimed at households, need to take families and their workings into consideration – even in very crude ways. We have found a conceptual weakness in developing regulations and programme implementation strategies that do not take children's circumstances within families and households into account. For example, the number of dependants that a parent or primary caregiver supports. In the means tests discussed above, the dependency ratio is not taken into consideration. This is the case in the means test for the CSG, for the fees for secondary and tertiary health care and for school fee waivers, where it is applied at all. Similarly, the national housing subsidy operates in a context of 'one size fits all', both in the calculation of income for the means test, and in the product that is delivered – the same small houses are built, no matter how many children will live there. Due to the often small stand sizes and the lack of a market for subsidy houses, there is no possibility of extending these 'starter homes' to cater for family growth.

We have also seen one attempt to target children in context of mobility and fluidity, as well as the limit of this attempt. The principle of 'the grant follows the child' is implemented in the Child Support Grant programme. However, an under-representation of caregivers who are not biological parents in the up-take of this grant shows that more efforts should be made to facilitate wider access.

In the sectoral reviews, the research team has found that a lack of access to one socio-economic right is often directly related to the lack of another. There may be good quality education provided at little or no cost, and yet there are children who don't go to school if there is not enough money for uniforms or transport. Without access to the Child Support Grant, especially for poor children older than 14 for whom there is no such financial support from the State, families may decide not to enrol children in school so that they can care for other children and adults. If children are not able to access schooling, they will be without the support of the school feeding scheme. We have seen that access to water and sanitation facilities is largely dependent on a housing or settlement type; hence shelter and survival are closely linked. These themes will be explored in the primary research of this project. The discussion papers refer to many more themes, and reading the range of papers together highlights issues of equity, integration, and the lack of links between programmes.

For the purposes of this overview it is important to note that, across all the sectors, the poorest experienced the greatest barriers to accessing the benefits that ought to be delivered through poverty alleviation programmes. This can be related to a lack of specific information about eligibility compounded by low levels of literacy amongst potential beneficiaries, and little public education about the poverty alleviation programme, particularly the availability of school fee exemptions. It also relates to problems in accessing identity documents from the Department of Home Affairs. One reason for this is the relatively high cost to the poorest, with the most remote families having to make multiple trips to government departments.

Aside from these programme specific issues, there are two fundamental weaknesses of co-ordination. The first is that South Africa does not have a national poverty alleviation strategy or plan. As a consequence, government departments have programmes that attend to the situation of the poor, but these programmes are not planned, budgeted for or monitored together. This leads to complex and multiple administrations, and high opportunity costs and inequities in access to poverty alleviation for the poorest. This is related to a lack of co-ordination between national, provincial and local levels of government across a wide range of basic social and infrastructural services.

The second weakness of co-ordination is the lack of a coherent and consensus decision about a multi-dimensional measure of poverty. For example, each of the poverty alleviation programmes reviewed has a different threshold level for household income. This makes co-ordination very difficult, and results in anomalies such as income thresholds in some programmes not being increased in line with inflation. We mentioned one example of the means test threshold for the Child Support Grant, which has not been raised since 1998. The many threshold access levels in these programmes require poor households to go through multiple application processes. The lack of a single poverty measure or even a central idea of what is meant by poverty is an essential element of establishing a co-ordinated and integrated fight against poverty in South Africa. This must take into consideration both an improvement in the conditions of people living in poverty, as well as a strategy to lift people out of poverty through access to income, livelihoods, assets and capabilities. And any such strategy must give central consideration to children.

9. Filling in the gaps: The *Means to Live* primary research

Policy reviews can only take us some way towards an assessment of the targeting of poverty alleviation. We also need to investigate whether what is written in policy and regulation is actually being delivered in a just and equitable way. The purpose of the primary research is to find out whether poor people are accessing the poverty alleviation aimed at realising their rights, and what factors determine successful access to these programmes. In acknowledging the location of children and the targeting of infrastructural programmes in particular, we will do research in one rural and one urban site. As resources of provinces vary, we have chosen the Western and the Eastern Cape to highlight a range of delivery practices and strategies.

The primary research will include four components, undertaken in two phases. The first phase is mostly descriptive, and the second is more exploratory. It starts with a representative survey in each site to quantify eligibility and up-take for the six programmes. The survey instrument asks a range of questions that will allow us to determine eligibility and up-take of various programmes. These include a wide range of variables on income, care arrangements, billing information, housing type, schooling, documentation, etc. In other words, we will be able to establish whether the targeting strategies employed by these programmes result in their intended beneficiaries accessing the goods and services. In addition, researchers will conduct interviews with relevant government officials, implementers and mediating agencies for each programme to document the implementation of the programme at the site. These will include provincial and local government implementers as well as school governing bodies and their nutrition committees. It is envisaged that the interviews will raise some conceptualisation, finance, capacity and administrative justice themes.

The second phase of the research will include a number of qualitative interviews (individual and/or focus groups, depending on the theme) with beneficiaries and non-beneficiaries. The household survey in the first phase will help us to identify those that are eligible and who have and have not been able to access each programme. In other words, caregivers will be purposively selected from the survey sample to explore themes identified in the household survey data and from the policy reviews. These will include elements such as how much is known about eligibility, whether community members think the appropriate people are being targeted, how people were and weren't able to access assistance for which they are eligible, and who helped them. We will get data to assess how easy or hard it is to access benefits for which they are eligible. We will also explore some of the consequences for the health and schooling and well-being of the children in the household that come with access. The design of the research will also allow us to identify families or caregivers that have been able to access most of these programmes or none at all, as we are also interested in how both scenarios might happen. These may include interviews with children where appropriate. The phase will include ethnographic or more in-depth qualitative research with a small number of households in each site to investigate themes at household level further.

Interviews with implementing agents will provide greater insights into the institutional and funding constraints in providing these programmes, and will point to a range of interventions or policy adjustments that might substantially improve delivery. The household survey will help to establish the actual take-up rates of programmes *in situ* in poor communities, and will provide data on the determinants of access and lack of access at the level of children and their caregivers. These may include income, access to documents, networks, care and kin arrangements, education or a range of other factors. These will be explored in greater depth amongst caregivers and older children, where issues of

information, community assessments of eligibility criteria, and consequences will be probed.

In the final instance, the discussion papers and primary research will provide the basis for an analysis of the conceptualisation and implementation of each programme in accordance with the 'reasonableness' criteria outlined above, as well as an evaluation of the linkages and gaps in programme access across the whole set of poverty alleviation programmes.

10. Conclusion

This brief overview of findings of the first phase of this project shows that the very poorest often encounter the greatest barriers to access to poverty alleviation. In analysing why this is the case, we find the devil in the detail. While legislative or policy measures may be astute or well-intentioned, they often miss the poorest communities and children by not taking into consideration their needs in reality, or by implementing the programmes in such a way as to exclude the poorest.

There is no doubt that reaching those with the fewest resources, and in the remotest places, is a very difficult but essential task for South African public administration, which is required to deliver against the Constitution, and which holds duty-bearer obligations in terms of the Convention on the Rights of the Child.

We hope that the *Means to Live* discussion papers have given some insight into the need for thorough conceptualisation of poverty alleviation programmes and their targeting in an integrated manner. The principle of the indivisibility of rights has a public administration parallel: the need for government departments to work together to deliver more effective services. As Ewing stated in the IDASA publication on the monitoring of children's socio-economic rights, "interventions targeted at any one right are only likely to realise their objectives if government simultaneously designs and implements measures to deliver, together, the entire set of basic child socio-economic rights in the Constitution" (Streak 2004: 37).

The papers were originally written or commissioned as supporting documentation for the primary research of the *Means to Live Project*; they were programme overviews intended to assist in the development of a methodology and research instruments. Once the papers were reviewed, the research team concluded that the previous lack of attention to these elements of childhood and targeting in many sectors more than justified their publication in a collection. We hope they are of use in your work.

The results of the primary research and the final reports will be available on the Children's Institute web site in 2006. The address is <http://web.uct.ac.za/depts/ci>. The authors of the papers welcome comments or suggestions – their e-mail addresses are available on the title page of each paper.

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