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FORMER MINISTER BATHABILE DLAMINI PAYS COSTS OF SOCIAL GRANTS LITIGATION

The Black Sash Trust, the Centre for Applied Legal Studies and Freedom Under Law note that Bathabile Dlamini has paid the costs awarded against her personally by the Constitutional Court for her role in the social grants crisis almost three years ago. The former Minister of Social Development was ordered to pay a portion of the costs of litigation brought by civil society organisations in an effort to protect the social grants system.

In September 2018, the Constitutional Court handed down a [historic ruling](#), for the first time holding a sitting cabinet minister personally responsible for their failures in carrying out their duties. The judgment related to urgent litigation brought by the Black Sash Trust (represented by the Centre for Applied Legal Studies) and joined by Freedom Under Law, which sought to protect the social grants system. The Court found then-Minister of Social Development, Bathabile Dlamini, personally liable for her role in the crisis which led to the litigation.

The judgment found the Minister's conduct had been "reckless and grossly negligent" and went one step further by ordering her to pay a portion of the legal costs of the Black Sash Trust and Freedom Under Law from her own pocket. This sent an important message that public officials must be held to account for their actions and was widely applauded given how the Minister had put millions of people's lives and livelihoods at risk.

Yet, until recently, Ms Dlamini had made every effort to avoid paying the costs she owed of around R650,000 total – not only ignoring letters of demand but even going as far as to change attorneys in the process. Nevertheless, our organisations have persisted in holding her accountable and ensuring the Court's order is enforced, even approaching the Sheriff of the court for assistance. We have been gratified to note that in the past two weeks the order has now been complied with and Ms Dlamini has paid our costs.

"We have been very pleased to see our democracy at work in this case to hold even those occupying some of our highest offices accountable in their personal capacity," says Ariella Scher, attorney at the Centre for Applied Legal Studies. "We are confident that this is an approach that can be used in future to combat corruption at all levels of government, from local municipalities to cabinet."

"It is essential that government leaders entrusted with such important positions of care and responsibility for those most vulnerable in our society be required to face real reckoning when they so starkly fail to discharge their responsibilities," says Nicole Fritz, CEO of Freedom Under Law. "At the same time, litigation efforts are ongoing to ensure that the private actors involved – specifically Cash Paymaster Services (CPS) – fully comply with the Constitutional Court's orders in the social grants matter."

“The struggle to advance the right to social security is far from over,” says Lynette Maart, national director of the Black Sash Trust. “We continue to demand that government keep its promises of working towards a universal basic income grant, and we condemn the manner in which the special COVID-19 relief of distress grants and caregiver grants have been brought to an end despite the ongoing state of disaster and unparalleled time of hardship.”

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