

Audit paints grim picture of Khayelitsha toilets
City, contractor failing community
Cape Times, Friday, 10 May 2013

This Freedom Day, 27 April 2013, the Social Justice Coalition (SJC) hosted a public hearing on 'Mshengu' toilets. The SJC is a social movement based in Khayelitsha that campaigns for safe, healthy and dignified communities. Mshengu Services is a company that the City of Cape Town pays to provide chemical toilets in the City's informal settlements.

The hearing was an opportunity for us to talk about our own experiences with 'Mshengu' toilets and present our findings from the social audit we had helped conduct earlier in the week. The audit was conducted with the help of Ndifuna Ukwazi, the International Budget Partnership and the Society for Social Audit, Accountability and Transparency in India.

The audit investigated whether the terms of the contract between Mshengu Services and the City of Cape Town – which has paid Mshengu R126 million to date to install and maintain chemical toilets across the City – were being met.

Living and working in Khayelitsha on issues of basic service delivery, we know that there are major challenges in the provision of clean and safe sanitation. The findings of the audit only serve to reinforce our calls for action to be taken to address these problems.

The audit exposed a number of very serious violations of the rights to dignity, privacy, health, equality and access to sanitation. Both Mshengu Services as well as the City of Cape Town are failing everyone who makes use of these toilets. Mshengu Services has not fulfilled its contractual obligations and the City's failure to adequately monitor the situation on the ground means that money is being spent on a service that is not being delivered. The fact that it is for a service as basic and vital as sanitation only makes the situation worse.

During the physical verification of the 256 toilets we inspected, we found that more than half were in an unusable state and two thirds were damaged. Toilets were not regularly cleaned and many were extremely unhygienic. Residents complained about illness as a result of the dirty toilets and that children often got diarrhoea and skin rashes. Not a single toilet was secured to the ground and residents complained that they could easily topple over from a strong wind or be pushed over by a criminal. In one area, 26 families – or more than 100 people – were making use of a single toilet. Despite the contract stipulating that Community Liaison Officers are meant to be hired to ensure that the system runs smoothly and facilitate engagement, we could not find anyone doing this job.

Residents reported that there was no meaningful consultation when toilets were first installed and that the coordination and distribution of toilets is unfair resulting in some people having a toilet for their family, while others are forced to share with dozens of families. Further, toilets are placed far from homes forcing people to walk long distances to relieve themselves. At night and early in the morning, a lack of lighting exposes people to attack, robbery and rape when they make their way to a toilet. Residents also told us that it was not always clear how to log faults and that repairs took very long.

We recognise that some of these are issues that reflect the general problems related to sanitation provision. However, the failures of Mshengu Services and the City are clear and action needs to be taken to rectify this situation. The City of Cape Town has started the remedial process but much more action is needed to ensure that meaningful corrective action is taken.

Given the serious nature of our findings, we demand the following:

The City of Cape Town must:

1. Take immediate action to ensure that all chemical toilets that it has paid for:
 - are in their proper locations;
 - are where possible not being used by more than five families;
 - are cleaned regularly as per the cleaning schedule;
 - are secured to the ground;
 - if damaged, are repaired so that they are in a good working condition;
 - are cleaned by labour recruited from the local community;
 - are monitored and coordinated by the Community Liaison Officer as per the contract terms; and
 - are managed in a transparent manner, and relevant financial and project-related information is disclosed to anyone seeking such information.
2. Produce plans and timelines detailing how it will review the complaints lodged against Mshengu Services
3. Produce plans and timelines regarding how it will ensure that other outsourced providers of basic services to informal settlements meet the obligations outlined in their contracts
4. Produce plans and deadlines regarding how it will make publicly available– in accordance with the Municipal Finance Management Act - all necessary information (on its website and in hard copy when necessary) related to all outsourced service providers including contracts and invoices

In addition, we call on our Chapter Nine institutions to take action and investigate and therefore we further demand the following:

The Auditor General of South Africa must:

1. Immediately conduct a performance and expenditure audit of the contract between the City of Cape Town and Mshengu Services to provide chemical toilets to informal settlements

The Public Protector must:

1. Launch a time-bound investigation into the management of the chemical toilets contract. Appropriate action should be taken against City officials found responsible for mismanagement. Recovery proceedings should be launched and criminal action should be taken against the contractor, if the investigation finds that person responsible for violating the terms of the contract.

The South African Human Rights Commission must:

1. Launch an immediate investigation into possible human rights violations arising from the poor quality of chemical toilets provided by Mshengu Services

The Western Cape Provincial Government, as well as the national departments of Cooperative Governance and Traditional Affairs and Treasury must:

1. Submit plans and deadlines - in line with their oversight responsibilities - regarding how they plan to investigate whether the City of Cape Town and other municipalities/provinces are failing to monitor outsourced service providers to prevent further rights violations and wasteful expenditure

We view this process, both the social audit itself and the demands made here, as laying the foundation for action by informal settlement residents across our country. This will help ensure transparency, accountability and improve monitoring of allocated funds that will ensure that there is value for money. In turn this will result in people receiving better services.

We view the social audit as an indispensable tool for communities to hold government and private companies to account. Given government's recognition that it cannot adequately monitor these services and that it requires the assistance of communities, such processes will be extremely important going forward.

We commit to continue being active citizens and to work with government, while at the same time being critical when necessary, to ensure that the provision of basic sanitation is achieved. Communities must play a role in the planning, implementation and monitoring of basic service provision. However, the City must acknowledge its mandate to ensure that the system is operational and not shift the burden of responsibility onto those whose rights have so blatantly been violated.

Signed by:

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| Khanyiswa Gxotani | (BM) |
| Welcome Makele | (RR) |
| Isaac Mbadu | (Mfuleni) |
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Social Justice Coalition Community Advocates