

The Impact of Corruption on Poverty and Inequality: A South African Human Rights Perspective

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Abstract

This article examines the relationship between corruption, poverty, and inequality in South Africa through a human rights lens. It argues that corruption not only undermines the constitutional values of equality, dignity and human rights, but also erodes accountability, transparency, and good governance. Moreover, it compromises the state's capacity to fulfil socio-economic rights, thereby entrenching poverty and widening inequality. The analysis begins with a historical and conceptual context focusing on the history and meaning of corruption, poverty and inequality in South Africa. This is followed by a discussion on the legal framework, outlining the constitutional and legislative dimensions of corruption and inequality and the state's obligations to prevent corruption, reduce poverty, and advance equality. The article then explores the practical impact of corruption on poverty and inequality, demonstrating how corruption disproportionately affects vulnerable and marginalized groups. The article further evaluates the adequacy of existing anti-corruption measures, including legislative, institutional, and judicial mechanisms, and assesses their effectiveness and challenges in addressing human rights violations arising from corrupt practices. The article concludes with several recommendations including a human rights-based approach to anti-corruption strategies that prioritizes equity, accountability, and the advancement of socio-economic justice as indispensable to breaking the cycle of poverty and inequality.

Keywords: Corruption, poverty, inequality, human rights, South African Constitution, legislation.

JEL Classification: K38, K39

DOI: 10.62768/PLPA/2025/14/3/05

Please cite this article as: Mubangizi, John C. „The Impact of Corruption on Poverty and Inequality: A South African Human Rights Perspective”, <i>Perspectives of Law and Public Administration</i> 14, no. 3 (October 2025): 480-500.	Article History Received: 08 July 2025 Revised: 10 October 2025 Accepted: 15 October 2025
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1. Introduction

Corruption has long been recognised as one of the most serious impediments to social justice, economic development, and democratic consolidation. In South Africa, its impact is particularly acute, given the country's historical legacy of colonialism and apartheid both of which perpetuated exclusion and socio-economic inequalities. Despite

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the country's progressive 1996 Constitution² which enshrines dignity, equality, human rights and freedom as foundational values,³ corruption continues to erode state capacity, distort public policy, and undermine the realisation of human rights. By siphoning resources meant for the delivery of essential services such as housing, healthcare, education, and social welfare, corruption disproportionately harms the poor and marginalised, thereby perpetuating poverty and widening structural inequality. This dynamic does not only compromise democratic governance but also entrenches systemic exclusion and social injustice.

A lot has been said and written about the relationship between corruption, accountability and good governance. The relationship between corruption, poverty and inequality, particularly from a human rights perspective, has not enjoyed similar scholarly attention – yet it is equally important. Transparency International consistently highlights South Africa's troubling performance in its Corruption Perceptions Index⁴, while the World Bank has warned that: *'Corruption harms the poor and vulnerable the most, increasing costs and reducing access to basic services, such as health, education, social programs, and even justice. It exacerbates inequality and reduces private sector investment to the detriment of markets, job opportunities, and economies.'*⁵

Within the South African context, reports of the Zondo Commission (2018–2022)⁶ revealed the scale at which corruption undermines governance and diverts resources away from developmental priorities. Scholars such as Mbaku and Lodge emphasise that corruption does not operate in isolation but is deeply embedded within broader structures of political economy and inequality.⁷ This nexus raises critical questions about the extent to which corruption is not merely an issue of governance failure, but a violation of human rights, particularly socio-economic rights guaranteed in the Constitution.

A human rights perspective offers a distinctive analytical lens through which to interrogate the consequences of corruption in South Africa. While conventional approaches often frame corruption as an economic inefficiency or a governance deficit, a human rights-based approach underscores its human costs which include – but are not limited to – the denial of housing to informal settlement dwellers, the collapse of public healthcare systems that serve the poor, or the exclusion of disadvantaged children from quality education. The United Nations Office of the High Commissioner for Human

² Constitution of the Republic of South Africa 1996.

³ See sections 1(a), 7(1) and 39(1)9a) of the Constitution.

⁴ See Transparency International, Corruption Perceptions Index 2024 – South Africa, at <https://www.transparency.org/en/cpi/2024/index/zaf> (accessed 25 September 2025).

⁵ World Bank 'Corruption is a Global Problem for Development. To Fight It, We All Have a Role to Play' *Opinion* 13 June 2023, at <https://www.worldbank.org/en/news/opinion/2023/06/13/corruption-is-a-global-problem-for-development-to-fight-it-we-all-have-a-role-to-play#:~:text=Corruption%20harms%20the%20poor%20and,%2C%20address%2C%20and%20prevent%20corruption> (accessed 25 September 2025).

⁶ Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State.

⁷ See Mbaku, J. M. 2020. *Corruption in Africa: Causes, Consequences, and Cleanups* Lanham: Lexington Books and Lodge, T. 2019. *Corruption in South Africa: Politics, Patronage and Procurement* Cambridge University Press.

Rights has stressed that corruption corrodes human rights protections by undermining both state obligations and citizen entitlements.⁸ In South Africa, where more than half of the population continues to live in poverty,⁹ the link between corruption and socio-economic deprivation is particularly stark. According to Statistics South Africa (Stats SA), '[a] prominent aspect of South Africa's poverty is related to extreme income inequality. The country has the highest income Gini index globally at 63 percent as of 2023.'¹⁰

This article proceeds on the premise that combating corruption cannot be divorced from the broader project of advancing socio-economic transformation and distributive justice. The analysis begins with a historical and conceptual context of corruption, poverty, and inequality in South Africa. It then examines the constitutional and legal framework in the context of the state's duty to respect, protect, promote, and fulfil human rights. The discussion then turns to the practical impact of corruption on service delivery in key socio-economic sectors, demonstrating how its effects fall most heavily on vulnerable and marginalised groups. The article further interrogates the intersection between corruption, inequality, and systemic exclusion, situating South Africa's experience within wider debates on distributive justice. Finally, it assesses the adequacy (or otherwise) of anti-corruption measures and concludes by proposing a human rights-based approach that foregrounds the principles of 'participation; accountability and transparency; non-discrimination and equality; empowerment of rights holders; and legality'¹¹ as indispensable to fighting corruption and dismantling entrenched poverty and inequality.

2. Historical and Conceptual Context

2.1. Corruption

Corruption is not new – it is probably as old as mankind. In South Africa, it has deep historical roots, traceable to the colonial and apartheid eras, where governance was marked by systemic patronage, exclusion, and exploitation. Under apartheid, corruption was often institutionalised within racially discriminatory systems of land allocation, licensing, and procurement that privileged the white minority while disenfranchising the majority.¹² Steven Friedman questions why South Africans are shocked by

⁸ OHCHR 'The Human Rights Case Against Corruption' (2013) at <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/GoodGovernance/Corruption/HRCASEAgainstCorruption.pdf> (accessed 25 September 2025).

⁹ See Statistics SA 'National poverty line in South Africa as of 2024' at <https://www.statista.com/statistics/1127838/national-poverty-line-in-south-africa/#:~:text=As%20of%202024%2C%20an%20individual,as%2049.14%20percent%20in%202023> (accessed 26 September 2025).

¹⁰ Ibid.

¹¹ See Mubangizi, J.C. 2020. 'A human rights-based approach to fighting corruption in Uganda and South Africa: Shared perspectives and comparative lessons', (24) *Law Democracy and Development* 235. See also ENNHRI 'Applying a Human Rights-Based Approach' at <http://ennhri.org/Applying-a-Human-Rights-Based-Approach> (visited 26 September 2025).

¹² Lodge, T. 2002. *Politics in South Africa: From Mandela to Mbeki*. Indiana, University Press.

corruption when ‘it is perhaps the country’s oldest tradition.’¹³ Tracing its roots to Jan van Riebeeck’s arrival in 1652 and the legacies of colonialism and apartheid, he contends that ‘corruption has been a constant feature of South African political life for much of the past 350 years. It is deeply embedded, and it will take a concerted effort, over years, not days, to defeat it.’¹⁴

The advent of democracy in 1994 raised hopes for accountable governance, reinforced by constitutional guarantees of transparency and the establishment of oversight bodies such as the Public Protector, the Human Rights Commission, the Auditor-General and the Special Investigating Unit. Yet, the pressures of transformation, combined with the redistribution of resources in a highly unequal society, created vulnerabilities that facilitated corruption.

Corruption reached unprecedented levels during Jacob Zuma’s presidency (2009 – 2018), a period widely associated with ‘state capture.’ The Zondo Commission (2022)¹⁵ detailed how private interests, notably the Gupta family, exerted undue influence over appointments and procurement within state-owned enterprises such as Eskom, Transnet, and South African Airways. This systemic looting eroded the capacity of state institutions, weakened the rule of law, and cost the economy billions.¹⁶ Scholarly analyses have described this period as the institutionalisation of corruption, where networks of patronage became embedded in governance.¹⁷ Very little seems to have changed as many of the recommendations of the Zondo Commission have not been implemented and further serious claims of corruption have led to the establishment of yet another judicial commission – the Madlanga Commission (2025).¹⁸

As a concept, corruption is multifaceted and its meaning is shaped by cultural context, societal values, and the perspective of those defining it. As Aled Williams notes, ‘there is no universally accepted definition of corruption, but it is often defined in terms of individual actions that abuse entrusted power for private gain.’¹⁹ Rose-Ackerman similarly emphasises its relativity, observing that ‘one person’s bribe is another person’s gift. A political leader or public official who aids friends, family members and supporters may seem praiseworthy in some societies and corrupt in others.’²⁰ Despite such variations, most definitions agree with the formulation advanced

¹³ Friedman, S. 2020. ‘How corruption in South Africa is deeply rooted in the country’s past and why that matters’ *The Conversation* 28 August 2020, at <https://theconversation.com/how-corruption-in-south-africa-is-deeply-rooted-in-the-countrys-past-and-why-that-matters-144973> (accessed 6 September 2025).

¹⁴ *Ibid.*

¹⁵ Zondo Commission (note 6 above).

¹⁶ Chipkin, I., & Swilling, M. 2018. *Shadow State: The Politics of State Capture*. Wits University Press

¹⁷ Dassah, M.O. 2028. ‘Theoretical analysis of state capture and its manifestation as a governance problem in South Africa’, *The Journal for Transdisciplinary Research in Southern Africa* 14(1), a473.

¹⁸ Judicial Commission of Inquiry into criminality, political interference, and corruption in the Criminal Justice System arising from the specific allegations made public by Lieutenant-General Nhlanhla Mkhwanazi on 6 July 2025.

¹⁹ Williams, A. 2021. ‘Corruption Definitions and their Implications for Targeting Natural Resource Corruption’ *Topic Brief*, August 2021, at <https://www.cmi.no/publications/file/7849-corruption-definitions-and-their-implications-for-targeting-natural-resource-corruption.pdf> (accessed 3 September 2025).

²⁰ Rose-Ackerman, S. 1995. *Corruption and government: causes, consequences and reform*, Cambridge University Press, 37.

by the World Bank and International Monetary Fund, which define corruption as ‘the abuse of public office for private gains.’²¹ This approach has become the dominant reference point in governance and development discourse.

For present purposes, however, Myint provides the most pertinent definition: ‘the use of public office for private gain, or in other words, use of official position, rank or status by an office bearer for his own personal benefit.’²² He elaborates by identifying examples such as bribery, extortion, fraud, embezzlement, nepotism, cronyism, misappropriation of public assets, and influence peddling.²³ Scholars and practitioners have since expanded this catalogue to include kickbacks, money laundering, conflicts of interest, collusion, sextortion, political interference, and vote buying. Taken together, these variations reveal corruption not as a narrowly defined phenomenon, but as a dynamic and context-sensitive practice whose many forms consistently erode integrity, undermine governance, and hinder development.

2.2 Poverty and Inequality

South Africa’s contemporary patterns of poverty and inequality are deeply rooted in its colonial and apartheid past. The accumulation of land, water, minerals, investment capital, and human capital over centuries was concentrated largely in white hands, setting structural foundations for inequality.²⁴ With the formal onset of apartheid in 1948, policies intensified the spatial, social, and economic exclusion of non-white populations. The Bantustan (or ‘homeland’) system racially segregated urban planning, restrictions on mobility, and discriminatory education perpetuated poverty especially in rural and designated non-white urban areas.²⁵

After the end of apartheid in 1994, there was some progress in reducing poverty and inequality via social grants, expanded public services, and formal removal of explicit legal discrimination. However, according to Francis Wilson: *‘Despite its best intentions, despite every effort to develop the most effective policy and despite the firm expectations of its voters, the democratic government of the new South Africa has been able to do little to shift the levels of poverty, of unemployment and of inequality which it inherited from the apartheid regime in 1994.’*

Recent empirical studies also show that many individuals continue to suffer multidimensional poverty (including deprivations in health, education, living standards), and that both income and wealth remain highly skewed.²⁶ According to the

²¹ World Bank. 2020. ‘Anticorruption Fact Sheet’ 19 February 2020, at <https://www.worldbank.org/en/news/factsheet/2020/02/19/anticorruption-fact-sheet> (accessed 3 September 2025).

²² Myint U. 2000. ‘Corruption: Causes, Consequences and Cures’ 7(2) *Asia-Pacific Development Journal* 35.

²³ Ibid.

²⁴ Wilson, F. 2011. ‘Historical Roots of Inequality in South Africa’. *Economic History of Developing Regions*, 26(1), 1–15. <https://doi.org/10.1080/20780389.2011.583026>

²⁵ Ibid.

²⁶ Ataguba, J. E., Akazili, J. & McIntyre, D. 2011. ‘Socioeconomic-related health inequality in South Africa: evidence from General Household Surveys’ *International Journal for Equity and Health*, doi: 10.1186/1475-9276-10-48.

World Bank, 'more than two thirds of South Africans live in poverty, with the poverty rate estimated at 68% in 2025.'²⁷ This figure highlights that about two-thirds of the population lives in poverty, a situation exacerbated by low economic growth and ongoing structural challenges within the country.²⁸

By way of definition and in simple terms, poverty is the state of lacking basic resources like money, food, clean water, shelter, and clothing, to meet a decent standard of living. As such, it is multifaceted. That's why, according to the World Bank, 'Poverty is hunger. Poverty is lack of shelter. Poverty is being sick and not being able to see a doctor. Poverty is not having access to school and not knowing how to read. Poverty is not having a job, is fear for the future, living one day at a time.'²⁹ There are several other definitions of poverty including gendered ones – particularly in the African context. A former World Bank Vice President for the Africa region once described it as follows: 'The face of poverty [in Africa] is female ... She is 18.5 years old. She lives in a rural area. She has dropped out of school. She is single but is about to be married or be given in marriage to a man approximately twice her age. She will be the mother of six or seven kids in another 20 years.'³⁰

From a human rights perspective, the definition of poverty provided by the UN Committee on Economic, Social and Cultural Rights is probably most appropriate. The committee defined poverty as 'a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.'³¹

Inequality, in simple terms, means 'the state of not being equal, especially in status, rights, and opportunities.'³² It refers to the uneven distribution of resources, opportunities, and outcomes among individuals or groups within a society, often resulting from structural, institutional, and historical factors. In the South African context, inequality refers to the persistent and multidimensional disparities in income, wealth, and access to opportunities that reflect the enduring legacies of colonialism and apartheid. It embodies both economic and social hierarchies that are deeply racialised, gendered, and spatially defined. According to Seekings and Nattrass, inequality in South

²⁷ World Bank, 'The World Bank in South Africa' at <https://www.worldbank.org/en/country/southafrica/overview#1> (accessed 7 September 2025).

²⁸ World Bank, 'Macro Poverty Outlook - October 2025' at <https://thedocs.worldbank.org/en/doc/bae48ff2f6fc5a869546775b3f010735-0500062021/related/mpo-zaf.pdf> (accessed 7 October 2025).

²⁹ World Bank, quoted in in M Sanal and L Zare. 2015. 'End poverty with true management' 6(9) *International Journal of Business and Social Science* 98.

³⁰ Obiageli Ezekwesili, addressing the conference on Women and the Changing Global Outlook (Washington DC, USA, 8 May 2009. See World Bank, 'In Africa, 'poverty has a female face' at <https://reliefweb.int/report/ethiopia/africa-poverty-has-female-face> (accessed 6 October 2025).

³¹ United Nations, 'Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights' *Statement of the Committee on Economic, Social and Cultural Rights*, Adopted on 4 May 2001), UN doc E/C.12/2001/10E/C.12/2001/10.

³² Adapted from Hornby, A. (ed). 2020. *Oxford Advanced Learner's Dictionary* 10th ed (Oxford University Press) at 435.

Africa is not only a product of market dynamics but also of historical institutions and state policies that entrenched racial and class divisions.³³

From a human rights perspective, inequality refers to the persistent and systemic disparities in access to resources, opportunities, and social goods, that undermine the equal enjoyment of human rights. In South Africa, these inequalities are deeply rooted in the historical legacies of colonialism and apartheid and continue to reproduce socioeconomic and racial hierarchies despite formal equality. It should be noted that South Africa, with a Gini coefficient of 63.0%, is widely recognised as the most unequal country in the world in terms of income distribution.³⁴ This profound disparity stems from entrenched patterns of racial, gender, and geographic inequality, where white males and urban workers continue to earn substantially higher incomes than the rest of the population.³⁵

The relationship between inequality and poverty is particularly significant in the context of the impact of corruption on both. This is because the intersection between corruption, poverty, and inequality represents one of the most entrenched and mutually reinforcing challenges to social and economic justice, particularly in developing contexts. Corruption diverts public resources from essential services such as education, healthcare, and infrastructure, thereby exacerbating poverty and widening inequality.³⁶ It distorts policy priorities and undermines redistributive mechanisms designed to promote equity, leaving the most vulnerable populations further marginalised. Conversely, high levels of poverty and inequality can create fertile ground for corruption by weakening institutions, eroding public trust, and compelling individuals to engage in corrupt practices as survival strategies.³⁷ Thus, the relationship is cyclical: corruption intensifies inequality and poverty, while poverty and inequality sustain corrupt systems.

It is against the background of the foregoing historical and conceptual context that the constitutional and legal framework relevant to corruption, poverty and inequality must be seen, particularly in the context of the state's duty to respect, protect, promote, and fulfil human rights. It is to that aspect that we now turn our attention.

3. Legal and Constitutional Framework

3.1. Constitutional Dimension

Although the South African Constitution does not explicitly mention the term

³³ Seekings, J., & Nattrass, N. Class 2005., *Race, and Inequality in South Africa*, Yale University Press.

³⁴ Hayes, A. 2025. 'Understanding the Gini Index: Global Income Inequality Insights' *Investopedia* 8 August 2025, at <https://www.investopedia.com/terms/g/gini-index.asp#:~:text=What%20Country%20Has%20the%20Highest,with%20the%20highest%20income%20inequality> (accessed 7 October 2025).

³⁵ Ibid.

³⁶ Gupta, S., Davoodi, H., & Alonso-Terme, R. 2002. 'Does corruption affect income inequality and poverty?' *Economics of Governance*, 3(1), 23–45.

³⁷ Justesen, M. K., & Bjørnskov, C. 2014. 'Exploiting the poor: Bureaucratic corruption and poverty in Africa' *World Development*, 58, 106–115.

‘corruption’, several of its provisions directly or indirectly address it by establishing mechanisms to promote transparency, accountability, and integrity in public administration. The Constitution creates oversight institutions such as the Public Protector and the Auditor-General to prevent and investigate improper conduct in public affairs.³⁸ Key anti-corruption provisions include section 32, which guarantees access to information; section 33, which ensures lawful, reasonable, and procedurally fair administrative action; and section 182(1)(a), which empowers the Public Protector to investigate misconduct in state affairs. Similarly, section 188 mandates the Auditor-General to audit and report on the financial management of all government institutions. Section 195 sets out fundamental values and principles governing public administration, emphasizing transparency, accountability, and ethical conduct. In addition, section 215 requires public budgets and financial processes to promote effective financial management, while section 217 provides the constitutional framework for fair, equitable, transparent, and cost-effective public procurement. Collectively, these provisions constitute a robust constitutional foundation for combating corruption and ensuring ethical governance in South Africa.

As with the term ‘corruption’, the South African Constitution does not expressly mention the word ‘poverty’. However, its spirit, structure, and substantive provisions reflect a clear constitutional commitment to poverty eradication. This is reflected in the democratic values of human dignity, equality, human rights and freedom mentioned in the Preamble and set out in sections 1(c), 7(1), 36(1) and 39(1)(a) of the Constitution. It has been opined that ‘the repetition of these values in various sections of the Constitution serves the purpose of emphasising their centrality to a new democratic order’³⁹ aimed at the improvement of the quality of life for all citizens. The Bill of Rights gives concrete expression to these aspirations by enshrining socio-economic rights essential for poverty reduction. These include the rights of access to adequate housing,⁴⁰ health care services, sufficient food and water, and social security⁴¹ as well as the right to basic education.⁴² The equality clause in section 9 prohibits unfair discrimination and promotes substantive equality, addressing the systemic disadvantages that sustain poverty. Section 195 further requires that public administration be development-oriented and responsive to people’s needs, ensuring accountability in service delivery to the poor. In addition, section 214 mandates equitable sharing of national revenue to enable all spheres of government to meet constitutional obligations, including those directed at socio-economic upliftment. Collectively, these provisions impose a positive duty on the state to adopt reasonable legislative and policy measures to progressively realise socio-economic rights, as affirmed in *Government of the Republic of South Africa v Grootboom*⁴³ and several other

³⁸ The so-called Chapter 9 institutions established under section 181 of the Constitution.

³⁹ Mubangizi J.C. 2013. *The Protection of Human Rights in South Africa: A Legal and Practical Guide*, Juta & Co. at 62.

⁴⁰ Section 26.

⁴¹ Section 27.

⁴² Section 29.

⁴³ 2001 (1) SA 46; 2000, (11) BCLR 1169

cases.

Although, like ‘corruption’ and ‘poverty’, the word ‘inequality’ is not mentioned anywhere in the Constitution, its antithesis – equality – is mentioned more than twenty times and plays a central and foundational role in the Constitution. As mentioned earlier, the achievement of equality as one of the democratic values mentioned in several sections of the Bill of Rights. More importantly, section 9 guarantees the right to equality before the law and the right to equal protection and benefit of the law.⁴⁴ It prohibits both direct and indirect discrimination by the state or private actors on several enumerated grounds, including race, gender, and disability.⁴⁵ Importantly, section 9(2) affirms the legitimacy of ‘legislative and other measures designed to protect or advance persons disadvantaged by unfair discrimination,’ thus embedding substantive rather than merely formal equality.⁴⁶ It could be argued that other provisions, such as section 27 (access to health care) and section 29 (education) are directly linked to the prohibition of unfair discrimination and the promotion of substantive equality. Read together, these provisions reflect the Constitution’s transformative ambition: to redress historical injustices, dismantle structural inequalities, and advance a more inclusive, egalitarian society rooted in human dignity and social justice.⁴⁷

3.2. Legislative dimension

In so far as corruption is concerned, the main statute in South Africa is the Prevention and Combating of Corrupt Activities Act (PCCA),⁴⁸ which recognizes in its preamble that corruption undermines constitutionally protected rights, sustainable development, democratic institutions, ethical values, and the rule of law. The PCCA criminalizes general and specific corrupt activities, imposing duties on individuals in positions of authority to report such offences. It establishes corruption offences related to public officers, legislators, judicial officers, members of the prosecuting authority, and employment relationships. Sections 11 – 15 extend these provisions to witnesses, tenders, contracts, auctions, and sporting events. The Act further establishes a Register of Tender Defaulters⁴⁹ so that individuals or entities convicted of corruption in procurement or contracts are restricted from future participation in public tenders.

Complementing the PCCA, the Prevention of Organized Crime Act (POCA)⁵⁰ targets organized crime, racketeering, money laundering, and related offences, while

⁴⁴ Section 9(1).

⁴⁵ Section 9(3).

⁴⁶ Albertyn, C. & Goldblatt, B. 1998. ‘Facing the Challenge of Transformation: Difficulties in the Development of an Indigenous Jurisprudence of Equality.’ *South African Journal on Human Rights* 14(2), 248–276.

⁴⁷ See Liebenberg, S. 2005 ‘The Value of Human Dignity in Interpreting Socio-Economic Rights.’ *South African Journal on Human Rights*, 21(1), 1–31.

⁴⁸ 12 of 2004.

⁴⁹ Chapter 6 – sections 29–33.

⁵⁰ 121 of 1998.

creating a duty to report suspicious financial activities.⁵¹ The Protected Disclosures Act (PDA)⁵² enhances transparency by protecting employees in both public and private sectors who disclose information on unlawful or irregular conduct. It ensures remedies for occupational detriment suffered as a result of such disclosures.

The Public Finance Management Act (PFMA)⁵³ and Municipal Finance Management Act (MFMA)⁵⁴ reinforce anti-corruption objectives by promoting transparency, accountability, and sound financial management at national, provincial, and municipal levels. They define the responsibilities of financial managers and establish frameworks for integrated supply chain management to prevent misuse of public funds.

Additional statutory measures include the Companies Act,⁵⁵ which addresses whistleblowing and anti-corruption duties in the corporate sphere, and the Public Service Act,⁵⁶ which regulates conduct in the public service. Section 41(1)(b)(v) of the latter mandates a Code of Conduct requiring honesty in handling public funds and prohibiting unapproved outside employment. Similarly, the Executive Members' Ethics Act (EMEA)⁵⁷ provides for a Code of Ethics for members of the executive, aimed at upholding integrity and public accountability.

Finally, transparency and administrative fairness are advanced through the Promotion of Access to Information Act (PAIA)⁵⁸ and the Promotion of Administrative Justice Act (PAJA),⁵⁹ which respectively give effect to constitutional rights to access information and to fair administrative action. Subsidiary legislation such as the PFMA and MFMA Regulations and the Preferential Procurement Policy Framework Act Regulations, provides practical mechanisms to ensure ethical, competitive, and transparent public procurement processes.

In so far as inequality (or equality) is concern, South Africa's main statute is the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).⁶⁰ This legislation was enacted 'to give effect to section 9 of the Constitution ... so as to prevent and prohibit unfair discrimination and harassment; to promote equality and eliminate unfair discrimination.'⁶¹ While the Act does not explicitly prohibit discrimination based on socio-economic status or poverty, it proscribes 'the provision or continued provision of inferior services to any racial group, compared to those of another racial group.'⁶² This provision bears significant relevance to discussions of corruption and poverty, as the majority of South Africa's poor population belongs to

⁵¹ Sections 2–6.

⁵² 26 of 2000.

⁵³ 1 of 1999.

⁵⁴ 56 of 2003.

⁵⁵ 71 of 2008.

⁵⁶ 103 of 1994.

⁵⁷ 82 of 1998.

⁵⁸ 2 of 2000.

⁵⁹ 3 of 2000.

⁶⁰ 4 of 2000.

⁶¹ Preamble to the Act.

⁶² Section 7(d) of the Act.

historically disadvantaged racial groups. Furthermore, the Act prohibits ‘the denial of access to opportunities, including access to services or contractual opportunities for rendering services,’⁶³ a prohibition that resonates strongly in contexts where corruption undermines equitable access to public resources and exacerbates inadequate service delivery in impoverished communities.

Other equality related statutes, of which mention can only be made, include the Employment Equity Act⁶⁴ which focuses on eliminating unfair discrimination in employment and implementing affirmative action to promote equal opportunity and fair treatment in the workplace. They also include the Broad-Based Black Economic Empowerment Act,⁶⁵ which seeks to advance economic transformation and increase the participation of black people in the economy, addressing structural inequality rooted in apartheid, and the Restitution of Land Rights⁶⁶ which provides for the restitution of land to individuals or communities dispossessed due to racially discriminatory laws, promoting substantive equality and redress.

The constitutional and legislative framework discussed here reflects the state’s overarching duty to respect, protect, promote, and fulfil human rights by establishing mechanisms that prevent corruption, reduce poverty, and advance equality. Through these provisions, South Africa’s legal order not only criminalizes corrupt practices and mandates accountability but also affirms socio-economic and equality rights as essential to human dignity and social justice. Taken together, these instruments embody a transformative vision of governance that integrates anti-corruption, poverty alleviation, and equality promotion as interdependent components of the state’s human rights obligations. It is in that context and against that background that the practical impact of corruption on poverty and inequality is examined next.

4. Practical Impact of Corruption on Poverty and Inequality

Corruption impacts human rights in many ways. One of these is by weakening public institutions and eroding trust in government, thereby diminishing the state’s capacity to fulfil its obligations. In South Africa, where socio-economic rights such as access to housing, healthcare, education, water, and social security are constitutionally guaranteed, corruption directly frustrates their realization. It should be noted that by their nature, socio-economic rights ‘have important social and economic dimensions as most of them reflect specific areas of basic needs or delivery of particular goods and services.’⁶⁷ By diverting public resources into private hands, corruption compromises service delivery, entrenches inequality, and perpetuates social and economic exclusion. It systematically erodes the redistributive function of the state, undermining efforts to reduce poverty and advance substantive equality.

⁶³ Section 7(e).

⁶⁴ 55 of 1998.

⁶⁵ 53 of 2003.

⁶⁶ Act 22 of 1994.

⁶⁷ Mubangizi, J.C. 2013. *The Protection of Human Rights in South Africa: A Legal and Practical Guide*, Juta & Co., 129.

One of the most damaging effects of corruption is its production of unequal and discriminatory outcomes. When corruption restricts access to essential services such as housing, healthcare, education, water, or justice, it not only undermines the enjoyment of these rights but also constitutes a form of discrimination. Corruption distorts public resource allocation, favouring the privileged and politically connected, while marginalising the poor.⁶⁸ In this way, corruption becomes both a cause and a consequence of structural inequality, violating the principle of equal access to public goods and opportunities.⁶⁹

The misappropriation of public funds intended for infrastructure, healthcare, education, or social programmes directly perpetuates inequality by denying disadvantaged communities the means to improve their living conditions. As scholars have observed, when public funds are siphoned from state budgets into private accounts, the result is the perpetuation of inequality and further impoverishment of those who depend on state services for their survival.⁷⁰ Corruption thus weakens the state's developmental capacity and exacerbates poverty by impeding equitable economic growth and social justice.

Because corruption undermines economic development, it also represents a direct assault on socio-economic rights. The protection and realization of human rights are intimately connected to sustainable development; when corruption diverts public resources, it deprives citizens of the material and institutional conditions necessary to live with dignity. Corruption can also violate individual rights more directly, for instance, when a public official accepts a bribe to decide a case unfairly, or when law enforcement officers are bribed to ignore wrongdoing.⁷¹ Similarly, the rights to food, water, health, and housing are compromised when corruption disrupts their equitable distribution or delivery.

In the health sector, corruption manifests in numerous ways, ranging from the bribery of medical professionals and regulators to the manipulation of procurement processes, diversion of medical supplies, and embezzlement of health budgets. In the words of Bacio-Terracino, 'corruption in the health sector can take many forms, such as bribery of regulators and medical professionals, manipulation of information on drug trials, the diversion of medicines and supplies, and corruption in procurement.'⁷² These practices directly undermine the right to health and its underlying determinants, including safe drinking water, sanitation, adequate nutrition, and environmental health. Comparable violations occur across other socio-economic rights. For example, the right to work is violated when employment decisions are made on the basis of bribery or

⁶⁸ Auriol, E., & Blanc, A. 2009. 'Capture and corruption in public utilities: The cases of water and electricity in sub-Saharan Africa' *Utilities Policy*, 17(2), 203–216.

⁶⁹ Heywood, P. M. 2017. 'Rethinking corruption: Hocus-pocus, locus and focus' *The Slavonic and East European Review*, 95(1), 36.

⁷⁰ Mubangizi J.C. & Sewpersadh, P. 2017. 'A Human Rights-based Approach to Combating Public Procurement Corruption in Africa' 10(1) *African Journal of Legal Studies* 66-90.

⁷¹ Ngugi, J.M. 2010. 'Making the Link between Corruption and Human Rights: Promises and Perils', 104 *Proceedings of the Annual Meeting of the American Society of International Law* 246-250.

⁷² J Bacio-Terracino. 2008. 'Corruption as a Violation of Human Rights' (January 2008) *International Council on Human Rights Policy* at <https://ssrn.com/abstract=1107918> (accessed 9 October 2025).

nepotism rather than merit. Property rights are undermined when access to land or housing is granted discriminatorily through corrupt practices. The right to water is violated when citizens must pay bribes for connection to municipal services; the right to food is infringed when nutrition programmes for the poor are misappropriated; and the right to education is compromised when public funds for schools are embezzled or when admission requires bribery. Likewise, corruption in social assistance programmes directly diminishes the right to social security.

Clearly, corruption in South Africa not only weakens governance and erodes democratic accountability but also deepens poverty and entrenches inequality by obstructing the realization of socio-economic rights. It distorts the equitable distribution of resources, privileges the wealthy, and systematically marginalises the poor. In doing so, corruption transforms inequality from a socio-economic condition into a structural injustice, undermining both the moral legitimacy and constitutional obligations of the state to respect, protect, promote, and fulfil human rights.⁷³

5. Assessment of Anti-Corruption Measures

There is no shortage of anti-corruption measures in South Africa. In addition to the constitutional and legislative frameworks discussed earlier, the institutional and judicial response to corruption has been robust in its design but uneven in implementation and impact. A comprehensive understanding of anti-corruption measures in the country necessitates critical engagement with the performance of key oversight institutions, the role of the judiciary, and the broader socio-political environment that shapes their effectiveness.

5.1 Institutional Mechanisms

With a multi-agency approach, South Africa has several state institutions mandated to investigate, prevent, and prosecute corruption. Chief among these are the Public Protector, the Special Investigating Unit (SIU), the National Prosecuting Authority (NPA), particularly its Investigating Directorate (ID), and the South African Police Service's Directorate for Priority Crime Investigation (commonly known as the Hawks).

As mentioned earlier, the Public Protector and the Auditor-General are two of the institutions established under Chapter 9 of the Constitution to prevent and investigate improper conduct in public affairs, among other things. Specifically, the Public Protector, established to investigate improper conduct in state affairs, has historically played a pivotal role in uncovering high-level corruption. Notably, the 2016 *State of Capture* report⁷⁴ laid the groundwork for the establishment of the Zondo

⁷³ See Peters, A. 2019. 'Corruption as a Violation of International Human Rights', (29) 4 *European Journal of International Law*.

⁷⁴ Public Protector South Africa, *State of Capture: A Report of the Public Protector*. Report No. 6 of 2016/17, at https://www.gov.za/sites/default/files/gcis_document/201611/stateofcapturereport14october2016_0.pdf (accessed 9 October 2025).

Commission. However, the office has in recent years suffered from perceived politicisation and declining public trust, undermining its legitimacy and capacity. On the other hand, the performance of the Auditor-General of South Africa (AGSA) is generally viewed positively for its continued role in promoting transparency and accountability within the public sector.⁷⁵

The SIU, with a mandate to investigate serious malpractice in state institutions and recover financial losses, has had notable successes in civil litigation and asset recovery. Yet its lack of prosecutorial powers limits its deterrent effect, necessitating coordination with the NPA for criminal prosecution – a relationship that has often been strained and inefficient.⁷⁶ The NPA, tasked with prosecuting corruption, has faced sustained challenges including resource constraints, leadership instability, and allegations of political interference.⁷⁷ While the establishment of the Investigating Directorate in 2019 signalled renewed commitment to tackling high-profile corruption, progress has been slow, and conviction rates remain low for grand corruption cases. This institutional inertia has allowed impunity to persist, eroding the credibility of the state's anti-corruption posture. Moreover, the NPA, particularly its Investigating Directorate (ID), faces severe human resource constraints that hinder its ability to address complex corruption cases. Additionally, slow processes in appointing digital forensic service providers further threaten to delay investigations and exacerbate case backlogs.⁷⁸

5.2. Judicial Interventions

The judiciary has emerged as a crucial role-player in anti-corruption enforcement. Landmark judgments by the Constitutional Court and the High Courts have reinforced the principles of accountability and transparency. In *Glenister v President of the Republic of South Africa*⁷⁹, the Constitutional Court held that the state is constitutionally obligated to establish and maintain an independent agency to combat corruption, a ruling that continues to shape debates about institutional design and autonomy. More importantly, in the context of the present discussion, the courts have acknowledged the impact of corruption on socio-economic rights and, by extension, on poverty and inequality. In the *Glenister* case the Constitutional Court stated that 'corruption in the polity corrodes the rights to equality, human dignity, freedom, security

⁷⁵ Thusi, X., Matyana, M. 2024. 'Auditor general of South Africa (AGSA) as an oversight body in local government sphere' *Insights Into Regional Development*, 6(2), 134-145. [http://doi.org/10.9770/IRD.2024.6.2\(9\)](http://doi.org/10.9770/IRD.2024.6.2(9))

⁷⁶ Corruption Watch, *Annual Report 2022: A Culture of Impunity*, at https://www.corruptionwatch.org.za/wp-content/uploads/2023/04/Corruption-Watch_Report_Final_4April.pdf (accessed 10 October 2025).

⁷⁷ See Hoffman, P. 2025. 'NPA's ability to act independently deeply compromised by political interference and corruption' *Accountability Now Chapter 9 – General* April 2025, at <https://accountabilitynow.org.za/npas-ability-to-act-independently-deeply-compromised-by-political-interference-and-corruption/> (accessed 10 October 2025).

⁷⁸ See The National Prosecuting Authority *Annual Report 2019/20* at https://www.npa.gov.za/sites/default/files/media-releases/NPA_Annual_Report_2019-2020.pdf (accessed 10 October 2025).

⁷⁹ 2011 (3) SA 347 (CC).

of the person and various socio-economic rights.⁸⁰ And in *Corruption Watch NPC and Others v President of the Republic of South Africa and Others*,⁸¹ the Court pointed out that the rights of access to housing, healthcare, food and water, and social security were among those rights on which corruption and organised crime have a pervasive and destructive effect.⁸²

Another important case worth mentioning is *South African Association of Personal Injury Lawyers v Heath and Others*,⁸³ in which the Constitutional Court held that corruption and maladministration ‘undermine the constitutional commitment to human dignity, the achievement of equality and the advancement of human rights and freedoms.’⁸⁴ Also worth mentioning is *Corruption Watch NPC and Others v President of the Republic of South Africa and Others*⁸⁵ which captured the adverse impact of corruption on the right to dignity and other rights as follows: *Corruption and organised crime have a pervasive and destructive effect on the ability of the State to fulfil, and of individuals to realise, a number of fundamental rights contained in the Bill of Rights, including the rights to equality, dignity, freedom and security of the person, as well as the rights of access to housing, healthcare, food and water, and social security.*⁸⁶

5.3. Effectiveness and Challenges

Despite a seemingly comprehensive institutional architecture, South Africa’s anti-corruption framework suffers from critical systemic challenges. Chief among these is the lack of institutional independence and capacity, often exacerbated by political interference. Anti-corruption bodies are frequently underfunded, lack skilled personnel, and suffer from high turnover in leadership, which compromises continuity and effectiveness.

Moreover, the fragmentation of anti-corruption functions across multiple agencies results in duplication, inefficiencies, and lack of strategic coordination. This has led to calls for a single, independent anti-corruption agency with investigative and prosecutorial powers, as envisioned in the aftermath of the *Glenister* rulings and reiterated in the Zondo Commission’s recommendations. Public trust remains another significant challenge. The perception that corruption cases – especially involving political elites – go unpunished has bred cynicism and disengagement among citizens. This undermines civic oversight and weakens the broader democratic accountability ecosystem essential for sustained anti-corruption efforts.

From the foregoing discussion, it can be argued that while South Africa’s institutional and judicial frameworks offer substantial tools for combating corruption, their effectiveness has been hampered by structural deficiencies, politicisation, and

⁸⁰ Para 200.

⁸¹ Case Nos CCT 333/17 and CCT 13/18.

⁸² Para 38.

⁸³ 2001 (1) SA 883 (CC).

⁸⁴ Para 4.

⁸⁵ Case Nos CCT 333/17 and CCT 13/18.

⁸⁶ Para 38.

capacity constraints. Strengthening these mechanisms is essential not only for advancing accountability but also for mitigating the deleterious effects of corruption on poverty and inequality, which disproportionately harm the most vulnerable and undermine the realisation of socio-economic rights. It is in that context that the following recommendations are made.

6. Recommendations and conclusion

Given the negative impact of corruption on poverty and inequality, anti-corruption efforts in South Africa should place primary emphasis on addressing and mitigating such impact. A central starting point is the strengthening of existing anti-corruption measures through consistent enforcement of laws, adherence to international obligations, and the imposition of meaningful sanctions on offenders. Effective enforcement not only enhances deterrence but also restores public confidence in governance.⁸⁷ Equally crucial is the reinforcement of institutional capacity and independence of anti-corruption bodies. Oversight institutions such as the Public Protector, Auditor-General, alongside agencies like the National Prosecuting Authority (NPA), the Special Investigating Unit (SIU), and the Directorate for Priority Crime Investigation (DPCI), must be provided with adequate resources, staffing, and operational autonomy to perform their mandates effectively. Institutional independence remains vital to prevent political interference and ensure accountability.

The proposal to establish a permanent, independent anti-corruption agency has gained considerable traction in recent debates. This proposal was notably endorsed by the Zondo Commission. Drawing on the judgment in *Glenister v President of the Republic of South Africa*,⁸⁸ the Commission reaffirmed that the state bears a constitutional duty to create an adequately independent entity to combat corruption. Failure to do so, the Court had warned, would infringe on people's fundamental rights which would otherwise be corroded by corruption.⁸⁹ Establishing such a body – functionally autonomous, well-resourced, and insulated from political control – is thus both a constitutional and moral imperative.

Fostering a culture of integrity grounded in constitutional values is also indispensable. As Gumede observes, 'the best antidote to corruption is to foster the values of the South African Constitution across society.'⁹⁰ These values of human dignity, equality, and freedom, should inform all legal, political, and cultural frameworks, ensuring that traditional and customary norms operate within constitutional boundaries. The National Anti-Corruption Strategy (2020–2030) likewise

⁸⁷ South African Government 'National Anti-Corruption Strategy 2020–2030' at https://www.gov.za/sites/default/files/gcis_document/202105/national-anti-corruption-strategy-2020-2030.pdf (accessed on 10 October 2025).

⁸⁸ 2011 (3) SA 347 (CC).

⁸⁹ Para 198.

⁹⁰ Gumede, W. 2017. 'Policy Brief 14: Combating Corruption in South Africa' *Democracy Works Foundation* at <https://www.democracyworks.org.za/policy-brief-12-combating-corruption-in-south-africa/> (accessed on 10 October 2025).

identifies adherence to constitutional and ethical values as a cornerstone for combating corruption and promoting accountability. It states that ‘all individuals including those in leadership positions shall uphold and promote the social compact espoused in the Constitution and all the ethical and moral standards underpinning this compact.’⁹¹

Transparency, accountability, and access to information are foundational to any anti-corruption framework. As such, effective measures should be implemented, including mandatory asset declarations for public officials, the publication of procurement and tender information, and the disclosure of payments made by private entities to government departments or political actors. Such transparency enables civil oversight and curtails opportunities for rent-seeking behaviour.⁹² The Promotion of Access to Information Act⁹³ remains a critical instrument in this regard, though its enforcement must be strengthened to ensure genuine openness in public administration.

Protection of whistleblowers is another crucial pillar of reform. Whistleblowing enhances transparency and accountability, yet whistleblowers in South Africa frequently face reprisals, including dismissal, violence and even death. The tragic case of Babita Deokaran, assassinated after exposing corruption in the Gauteng Department of Health, underscores the urgent need for robust protection.⁹⁴ Although the Protected Disclosures Act⁹⁵ offers limited workplace protection, its scope is insufficient. Legislative reform should extend protections beyond the employment context, ensure anonymity, provide physical and legal safeguards, and introduce reward mechanisms that encourage reporting.⁹⁶ In addition, safeguarding judicial independence, supporting civil society organisations, and upholding media freedom are equally vital. An independent judiciary ensures that corruption cases, particularly those involving senior officials, are adjudicated impartially. Civil society and investigative journalists play indispensable roles in exposing malfeasance, raising awareness, and mobilising collective action. Protecting them from harassment and censorship is therefore essential to sustaining democratic oversight.

The most critical recommendation, however, lies in adopting a human rights-based approach (HRBA) to anti-corruption. As the Office of the United Nations High Commissioner for Human Rights explains, this approach centres on the relationship between rights-holders (the citizens) and duty-bearers (the state) and integrates principles of participation, accountability, non-discrimination, empowerment, transparency, and legality into all governance processes.⁹⁷ It reframes corruption not

⁹¹ See National Anti-Corruption Strategy 2020–2030 (note 87 above).

⁹² Dabla-Norris, E. & Paul E. 2006, ‘What Transparency Can Do When Incentives Fail: An Analysis of Rent Capture’, *IMF Working Paper No. 06/146 – SSRN Electronic Journal* at <https://ssrn.com/abstract=920238> (accessed 10 October 2025).

⁹³ 2 of 2000.

⁹⁴ Editorial, ‘Babita’s spirit must haunt them all’ *Mail & Guardian* 3 October 2025, at <https://mg.co.za/editorial/2025-10-03-editorial-babitas-spirit-must-haunt-them-all/> (accessed 10 October 2025).

⁹⁵ 26 of 2000.

⁹⁶ Open Secrets, ‘Whistleblower protection in South Africa: where to from here?’ May 2022, at https://justshare.org.za/wp-content/uploads/2022/11/Just-Share-Whistleblower-protection-in-South-Africa-Report_May-2022.pdf (accessed 10 October 2025).

⁹⁷ OHCHR, ‘The Human Rights Case Against Corruption’ United Nations, 2013, <https://www.ohchr.org/>

merely as a criminal or governance issue but as a violation of human rights that exacerbates social and economic inequality. The HRBA provides a conceptual framework rooted in international human rights standards, aimed at addressing structural inequalities and empowering marginalised.⁹⁸ According to the Scottish Human Rights Commission, it ‘empowers people to know and claim their rights and increases the accountability of those responsible for respecting, protecting and fulfilling them.’⁹⁹ In South Africa, where socio-economic rights such as access to housing, healthcare, education, and social security are constitutionally guaranteed, this approach ensures that anti-corruption strategies are aligned with constitutional duties to respect, protect, promote, and fulfil human rights.

Adopting a human rights-based approach offers two principal advantages. First, it operationalises South Africa’s progressive constitutional framework, which already enshrines rights and mechanisms that can be used to combat corruption through legal and institutional channels. Second, it strengthens citizen empowerment and participatory governance, enabling individuals and communities, especially the poor and marginalised, to demand accountability and redress for corruption-induced deprivations.¹⁰⁰ Civil society organisations are thus positioned as key actors in promoting education, advocacy, monitoring, and even private prosecutions where appropriate.

In conclusion, combating corruption as a means of reducing poverty and inequality demands a multidimensional strategy that strengthens institutions, protects whistleblowers, enhances transparency, and upholds constitutional values. Yet the most transformative measure lies in situating anti-corruption within a human rights paradigm, a framework that not only deters misconduct but also empowers citizens, strengthens democracy, and ensures that the state fulfils its constitutional promise of dignity, equality, and freedom for all.

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⁹⁹ SHRC ‘What is a Human Rights-based Approach?’ available at <http://careaboutrights.scottishhumanrights.com/whatisahumanrightsbasedapproach.html> (accessed 10 October 2025).

¹⁰⁰ OHCHR (note 98 above). See also Mubangizi J.C., (note 11 above) 242.

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