

# Vulnerability exploited and a population betrayed

The Bill of Rights of the Constitution of South Africa,<sup>1</sup> a cornerstone of democracy in the country enshrines the rights of all people and affirms the democratic values of human dignity, equality and freedom. The state is assigned the responsibility of respecting, protecting, promoting and fulfilling these rights. Several Acts of Parliament that have followed the Constitution make reference in their preambles to socio-economic injustices, imbalances and inequities of the past. Some articulate the importance of social justice, fundamental human rights and the need to improve the quality of life for all and to free the potential of each person in the country.<sup>2</sup>

A main aim of the Constitution and the laws that have followed in response to it are to protect South Africa's socially and economically disenfranchised; i.e., its vulnerable people. According to the South African Concise Oxford Dictionary<sup>3</sup> the term 'vulnerable' originated from the Latin term *vulnerare*, which means 'to wound'. The meaning of vulnerable as offered in the dictionary is 'exposed to being attacked or harmed, either physically or emotionally'. Being human, by implication, denotes vulnerability, with all humans being exposed at some stage or other to the risk of suffering harm against their personal integrity, be it physical, emotional, psychological and/or spiritual.<sup>4</sup> Human vulnerability is intrinsically connected to the essential notion of personal integrity and could be perceived as an inescapable dimension of human life and an integral component in the shaping of human relationships. Human vulnerability acknowledges that at some point, all human beings may lack the ability to protect themselves from harms which at times may even be inflicted by other human beings. While vulnerability exists as a broad spectrum, rather than a simple present/absent dichotomy, it is still possible to identify individuals/groups that are particularly vulnerable.

At a conceptual level a distinction can be drawn between two sources of vulnerability: extrinsic, as a result of external circumstances, e.g., social, and intrinsic, which is due to internal qualities of individuals themselves, e.g. medical illnesses, mental disabilities and extremes of age. Both these types raise complex ethical issues and while often appearing independently, may coexist and are sometimes interrelated.<sup>5</sup> That vulnerability is associated with a strong potential for exploitation must be highlighted. Resnik has through analysis proposed three basic elements, at least one of which is requisite for exploitation to be present: harm, disrespect and injustice.<sup>6</sup> In practice, however, these elements are usually not present in isolation but often overlap and interact.

The Constitution and its laws have failed dismally in protecting South Africa's vulnerable. The poor and disenfranchised, South Africa's majority have now resorted to protecting themselves as evidenced by the current wave of intensifying protest action. Over the past 3 months up to 100 000 workers have been on strike at some point and according to labour analysts, the situation has not been this bad in decades. The mining sector, followed by the transport sector have received most of the media air time, but protest action as a result of income inequity is experienced in most sectors in this country. While parallels have been drawn between the violent protest actions of the late 1980s and early 1990s, and the current wave of violent protests,

the reasons for such action differ. The aim of the protests then was to break free from apartheid, but today's actions are for a better quality of life,<sup>7</sup> a Constitutional promise which has been disregarded by the leadership in the country.

Although South Africa, since its ascent to democracy, has painted the picture that it is in a constant state of transformation in an effort to undo the legacy of the apartheid system in various social, economic and political sectors, poverty levels remain high and inequalities continue with close onto 50% living below the unofficial poverty line.<sup>8</sup> In addition, the Gini coefficient places it in the top 10 countries in the world for income inequality.<sup>9</sup> This is not surprising, considering the culture of greed and self-enrichment that has emerged amongst many of those that fought for liberation in the country, e.g. it is stated that Cyril Ramaphosa, one of the architects of the Constitution, and a prominent trade unionist during the struggle, owns the controlling share in Incwala Resources, the black economic empowerment partner at Lonmin Mines where more than 30 striking workers were killed by the police force in August in what is now called the 'Marikana Massacre'.<sup>7</sup>

Eradicating distributive inequality and ensuring social and economic justice are essential for the health of a country's people. Income, education and health are intricately interwoven. Inequality in income invariably results in inequality in education, and this directly impacts on health inequality. The nature and determinants of health equity are important ethical and political issues. Employment has not guaranteed South Africa's people the ability to move out of poverty. Moreover, as all rights are inter-related and interdependent, the right to freedom is denied when people are shackled by chains of poverty.

The state has not honored its responsibility of respecting, protecting, promoting and fulfilling the rights of equality, human dignity and freedom for its people. Injustice and inequities remain. The government continues to pay lip-service to its Constitution. South Africans remain a population betrayed.



**Ames Dhai**  
Editor

### References

1. South African Government. The Constitution of the Republic of South Africa. Pretoria: Government Printer, 1996.
2. South African Government. National Health Act No 61 of 2003. Pretoria: Government Printer, 2003.
3. The South African Concise Oxford Dictionary. Oxford University Press: Cape Town, 2002.

4. United Nations Educational, Scientific and Cultural Organization. Draft Report of IBC on the Principle of Respect for Human Vulnerability and Personal Integrity. International Bioethics Committee (IBC). 2011. <http://www.unesco.org/new/en/social-and-human-sciences/themes/bioethics/international-bioethics-committee/ibc-sessions/eighteenth-session-baku-2011/> (accessed 20 October 2012).
5. Ballantyne A, Rogers W. Vulnerability and Protection in Human Research. *Harvard Health Policy Review*. 2007;8(1):29-41.
6. Resnick DB. Exploitation in biomedical research. *Theoretical Medicine and Bioethics*. 2003;24:233-259.
7. *The Mail & Guardian*. 12 - 18 October 2012. Vol 28, No 41. Various pages.
8. Statistics South Africa. Quarterly Labour Force Survey. Pretoria: Statistics South Africa, 2011.
9. Sachs J. *The End of Poverty: How we can make it in our lifetime*. London: Penguin, 2005. South African National Clinical Trial Register. <http://www.sanctr.gov.za/SAClinicaltrials/tabid/169/Default.aspx> (accessed 20 October 2012).