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Office of the United Nations High Commissioner for Human Rights

Special Procedures Branch

Avenue Guiseppe Motta 48

CH-1202 Geneva

Switzerland

srhousing@ohchr.org

registry@ohchr.org

**SUBMISSIONS BY THE LEGAL RESOURCES CENTRE (SOUTH AFRICA) TO THE UN SPECIAL RAPPORTEUR – THE HONOURABLE BALAKRISHNAN RAJAGOPAL**

**ON COVID-19 AND THE RIGHT TO ADEQUATE HOUSING AND OTHER HUMAN RIGHTS**

The Special Rapporteur on the right to adequate housing has invited submissions to inform the report to the United Nations Assembly on the impact of the Corona Virus (CoVid-19) pandemic on the right to access to adequate housing.

The submission is structured as follows:

* 1. Executive Summary
	2. The Legal Resources Centre (LRC) and its mandate
	3. The right to housing in South Africa
	4. The CoVid-19 outbreak in South Africa
	5. The rights and other legislative measures taken by the State in respect to the right to access adequate housing
	6. The impact of social justice/civil society organisation on the protection of human rights during CoVid-19
	7. The impact of Strategic Litigation by the LRC, on the protection of human rights during CoVid-19
	8. Responses to the Special Rapporteur’s Questionnaire
	9. Endemic failures that CoVid-19 has exposed
	10. **The Executive Summary**

South Africa declared a National State of Disaster in terms of the Disaster Management Act 57 of 2002 on 15 March 2020 which included a national lockdown starting on 27 March 2020. The national lockdown is aimed at curbing the spread of the virus and follows similar lockdowns that had been imposed by governments around the world.

The South African housing landscape is a myriad of high density settlements consisting mainly of corrugated structures, matchbox state housing projects, or small informal structures without any basic services such as water and electricity. Data from Statistics South Africa (StatsSA)’s General Household Survey indicate that 79.3% of households in South Africa live in formal dwellings, while 13.9% of households live in informal dwellings[[1]](#footnote-1) and 5.9% of households live in traditional dwellings.

The plight of the people living in informal dwellings became more apparent when the basic tenets of the CoVid-19 precautions were difficult to maintain. Social distancing is impossible in high density informal settlements. It is also difficult to maintain personal hygiene without running water or electricity. In addition, the lockdown resulted in many lost job opportunities in both the formal and informal sectors. This meant that people in marginalised communities who were already living in vulnerable situations, suddenly found them without any form of income. This made compliance with the rules of the lockdown more difficult as there is no basic income to pay for sanitation products, water, electricity, or food. As a result, the South African government’s intended protection measures had a disproportionately negative impact on indigent persons in South Africa

The Regulations and Directives enacted by Government for the lockdown period suspended evictions and demolitions of homes during the National State of Disaster. Despite the positive steps by Government to provide for protective measures to stop evictions, the implementation of these measures proved more difficult. One of the difficulties was the decisions being taking by the national, provincial and local governments differed in how to deal with the situation of housing.

In this context civil society organisations were an important part of defending breaches of fundamental rights and highlighting the hardship experienced by people living in poverty or those who are unhoused.

The LRC used advocacy and litigation to compel the State to adhere to its constitutional obligations by supporting the call for a moratorium on evictions; disconnection of water and electricity services and the release of well-located land for the implementation of the State’s decision on the de-densification of land in informal settlements. The LRC litigated three cases of public interest against the City of Cape Town, directly linked to the lockdown regulations:

* + 1. *Nkuthazo Habile and All Other Persons Occupying Erf 18332 v The City of Cape Town,* case no:5576/2020
		2. *The City of Cape v South African Human Rights Commission and 10 Others,* case no: 5633/2020
		3. *Grand Parade United Traders and 3 others v The City of Cape Town and 3 others, case no.* 5617/2020

These cases will be discussed more fully below.

* 1. **The Legal Resources Centre and its Mandate**

The Legal Resources Centre (LRC)[[2]](#footnote-2) is an independent non-profit public interest law firm which uses the law as an instrument of justice. The LRC has been in existence since 1979 and operates throughout the country from its offices in Johannesburg, Cape Town, Durban and Makhanda. The LRC works towards the development of a fully democratic South African society based on the principle of substantive equality, by providing free and strategic legal services to the vulnerable and marginalized people and communities of South Africa.

Over the past 41 years the LRC has played a significant role in dismantling apartheid, abolishing the death penalty and corporal punishment, advancing and protecting the constitutional right of women, girls and people with disabilities, made important breakthroughs in the provision of healthcare and environmental justice and established and advanced the jurisprudence in land, housing and education rights.

The work of the LRC includes litigation and advocacy on:

* + 1. housing rights, including assisting vulnerable communities facing unlawful evictions;
		2. challenging failures to provide basic services including water, sanitation and refuse collection;
		3. spatial planning and just land use management;
		4. testing the right to affordable inclusionary housing;
		5. restitution of land rights that includes protection of labour tenant’s rights;
		6. customary law and the status of women and property rights;
		7. whether developments on communal land benefit the intended beneficiaries; and
		8. environmental justice
	1. **Introduction and Background to Right to Housing in South Africa**

The right to housing as enshrined in section 26 of the Bill of Rights in the South African Constitution provides that:

*“(1) Everyone has the right to 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.”*

The right to housing falls under the category of protected socio-economic rights, and it should be read together with a cluster of other socio-economic rights in the Constitution.[[3]](#footnote-3) With regard to the scope and application of the right to housing, section 26 protects the right to “*access to adequate housing*” as distinct from the right to “*adequate housing*” as contained in the International Covenant on Economic, Social and Cultural Rights. The difference is significant; access to adequate housing was defined by the South African Constitutional Court to mean that certain conditions must be met for such access:

* There must be access to land and services and there must be a dwelling;
* It is the responsibility of the state to create the conditions for access to adequate housing, an obligation that should be shared with other agents within our society, including individuals themselves.[[4]](#footnote-4)

There is a duty on the State in terms of section 7 of the Constitution, to respect, protect, promote and fulfil the right in the Bill of Rights. Section 26(1) and (2) must be read in conjunction with each other. These sections have both positive and negative obligations. Section 26(1) places a negative obligation on both the state and others not to infringe any person’s right to adequate housing. While section 26(2) places a positive obligation on the state to provide access to adequate housing. This positive obligation on the state is qualified by 3 key elements which must be considered separately, namely:[[5]](#footnote-5)

1. the obligation to take reasonable legislative and other measures;
2. to achieve the progressive realisation of the right;
3. subject to the availability of resources.

The State enacted several pieces of legislation to give effect to section 26 of the Constitution. These include, but are not limited to the following legislative measures:

**The Housing Act 107 of 1997:** The Housing Act is the primary housing legislation that gives effect to section 26(1) of the Constitution and replaces any prior laws relating to housing matters in South Africa.[[6]](#footnote-6) The Housing Act arises out of a policy based approach to rationalise institutional capacities. It prescribes principles applicable to housing development that all spheres of government must adhere to. The Housing Act requires national government to establish and facilitate a sustainable national housing development process and determine a housing policy for this housing development process. It further provides that every municipality must take all reasonable and necessary steps to ensure its inhabitants have access to adequate housing.[[7]](#footnote-7) This Act requires all spheres of government to give priority to the needs of the poor in respect of the right to access adequate housing and ensure that its development plans are administered in a just, transparent and equitable manner.

**The Extension of Security of Tenure Act 62 of 1997 (ESTA)**: ESTA establishes the housing and eviction rights and procedures for those living on land outside townships or on any land inside a township that has been designated for rural occupiers to use for agricultural purposes.[[8]](#footnote-8) The Act allows for an occupier to be evicted on any lawful ground, provided that such eviction is just and equitable, having regard to all relevant factors and in particular to the fairness of any agreement entered into, the interest of the parties and the fairness of the procedure followed by the owner.

**The Prevention of Illegal Eviction and Unlawful Occupation of Land Act 19 0f 1998 (PIE Act)**: The PIE Act is the primary legislation setting out the rights and procedures for evictions of unlawful occupiers from land in urban areas or from all land that is not covered under ESTA.[[9]](#footnote-9) The Act aims to prohibit unlawful evictions, provides procedures for the eviction of unlawful occupiers and repeals any other absolute laws relating to unlawful occupiers of land.

**The National Housing Code:** The National Housing Code is a housing development policy that establishes rules for emergency housing. Chapter 12 of the Housing Code provides guidelines for assisting people and communities who, for reasons beyond their control, find themselves in need of emergency access to adequate housing.[[10]](#footnote-10) These reasons may include prevailing matters that poses an immediate threat to their life and health and safety reasons, evictions/eminent threat of evictions. Emergency housing is provided on temporary basis and to those who are in an exceptional need for housing. Chapter 13 of the Housing Code establishes a program for upgrading informal settlements and further establishes guidelines to protect those currently living in informal settlements.[[11]](#footnote-11)

Despite the protections afforded by the Constitution, obstacles remain to impede the delivery of these rights to people. These include the lack of adequate planning by the state, funding constraints, corruption and a lack of capacity to implement policies.[[12]](#footnote-12)

Many people remain in informal settlements and temporary housing settlements. Life is a daily struggle for them and the majority earn a livelihood in the informal economy.

The LRC led the charge in testing the right to housing in the ground breaking constitutional case of the *Government of the Republic of South Africa and Others v Grootboom and Others[[13]](#footnote-13) -* following an eviction from informal homes on private land. The community applied for an order requiring the government to provide them with adequate basic shelter until they obtained permanent accommodation by relying on section 26 of the South African Constitution. The Constitutional Court in deciding the matter held that the State (including municipalities) is obliged to take positive and sustainable action to meet the needs of those living in extreme poverty, homelessness or intolerable housing.

The Constitutional Court cautioned that a government program cannot ignore the immediate needs of those in desperate situations in order to focus on medium and long-term goals, and stated that the housing program must include reasonable measures to provide relief for "people who have no access to land, no roof over their heads, and who are living in intolerable conditions or crisis situations”[[14]](#footnote-14). In 2004 the State adopted a new chapter in the National Housing Code, focused on providing relief for persons in crisis situations. The policy takes as its starting point the obligations imposed on the government in *Grootboom* to expedite action, in order to relieve the plight of persons in emergency situations with exceptional housing needs.

Most recently and more relevant to this submission are the cases in which the LRC represented marginalised and vulnerable groups who were subjected to evictions and homelessness during the CoVid-19 national lockdown.

* 1. **South Africa’s response to COVID-19**

The South African government imposed a strict CoVid-1919 lockdown on 27 March 2020 in terms of the Disaster Management Act[[15]](#footnote-15). Besides attenuating many rights and freedoms, it stopped many people from earning a living. South Africa initially embarked on a 21 day lockdown period. It was intended that the lockdown be implemented in accordance with a risk adjusted strategy for economic activity in order to curtail the spread of the disease in the early stages. This system consisted of a graduated system of 5 alert levels, with alert level 5 being the strictest. Set out below is a brief description of the various levels.[[16]](#footnote-16)

**Alert Level 5** - was in place from 27 March 2020 until 30 April 2020. During this period only defined essential services, including retail of defined foods, were permitted to operate physically. Transport services were restricted to certain times with stringent limitations on capacity and hygiene and sanitation requirements.

**Alert Level 4** – was in place from 1 May 2020 until 31 May 2020. This level allowed all essential services, extended food retail, all agriculture, forestry pulp and paper, mining (opencast mining at 100% capacity, and other mines at 50%), financial and professional services, global business services for export markets, postal and telecommunication services, fibre optics and IT services and formal waste recycling to re-commence. Transport services were allowed to operate at all times of the day, with limitations on vehicle capacity and stringent hygiene and sanitation requirements.

**Alert level 3** – this level commenced on 1 June 2020 and is in place to date. In addition to the sectors listed in alert level 4 and 5 the following sectors are permitted to operate: licensing services, various government services, take-away and online food delivery, liquor retail within restricted hours, most retailers, clothing and textiles manufacturing (at 50% capacity) and various manufacturing operations. In addition to the transport services, limited passenger rail was restored and limited domestic air travel resumed.

**Alert level 2** – this level will permit construction, all other retail, all other manufacturing, mining (all mines at 100%), all government services, installation, repairs and maintenance, domestic work and clearing services and informal waste pickers.

**Alert level 1** – will permit all sectors to operate with all modes of transport operations where stringent hygiene and sanitation practices are observed.

* 1. **The Rights and Other Legislative Measures taken by the State in respect to the Right to Access Adequate Housing during COVID-19**

As the national lockdown tightened, the plight of the marginalised and vulnerable became more apparent, with a disproportionate effect on indigent persons within South Africa. The CoVid-19 outbreak, coupled with the curtailed freedom of movement limited, and in some instances prohibited the manner in which many vulnerable South Africans were able to earn a living wage.[[17]](#footnote-17) People were meant to be confined to their homes to curb the spread of CoVid-19.

This confinement was reinforced by the South African Police Services (SAPS) and South African National Defence Force (SANDF). In some instances, lethal force was used against communities who were poor and marginalised. One of these instances was Collins Khoza who died after injuries caused by SANDF while SAPS watched and omitted to take action. Khosa was in his own property when confronted by SANDF. The police brutality has disproportionately been levelled against communities who are poor and vulnerable and living in overcrowded communities, where adequate housing is not available. The Independent Police Investigative Directorate (IPID), the police watch dog, has not sufficiently performed its functions to protect individuals against SAPS abuses and many of the cases of police brutality are unreported or never investigated.[[18]](#footnote-18)

Many South Africans lacked adequate housing inclusive of water, sanitation and electricity. Unable to earn a living wage, the right to food security became arguably the most important violated rights of vulnerable and marginalised. In instances where assistance was given to the homeless, the assistance was in the form of camps. An example of these camps was one that was erected in Cape Town called Strandfontein. Individuals who were homeless allege they were forced into the camp, which was unhygienic and unsafe. Further, they allege that residents were only allowed to leave if they could prove that they have alternative accommodation.[[19]](#footnote-19) This camp forms the basis of one of the LRC’s litigious interventions that is discussed more fully below.

The Minister of Justice and Correctional Services signed into law directives to give effect to regulation 10 of the Disaster Management Act. Section 5(f) of the directives provides that “*[a]ll evictions and execution of attachment orders both immovable and movable, including removal of movable assets and sales in execution is suspended with immediate effect for the duration of the lockdown”.*

The directives mentioned above were replaced with new directives which provided *that “service and execution of other processes by sheriffs, including evictions, are not essential, and are suspended for the duration of the national lockdown”.*

Moreover, the regulations by the Minister of Cooperative Governance and Traditional Affairs signed under level 3 of the national lockdown on 28 May 2020, provides that there is a prohibition on evictions under this level.[[20]](#footnote-20) Further it provides that an eviction order granted by a Court during this lockdown level may be stayed and suspended until the last day of the level 3 period (Regulation 19).[[21]](#footnote-21)

In an attempt to protect individuals from evictions during the lockdown, the LRC co-signed a letter of the Centre for Applied Legal Studies with other civil society organisations. The letter dated 12 May 2020, recommended that Regulation 19 be amended to state that ““No person may have their home demolished or be evicted from their place of residence, including in terms of the ESTA or the PIE Act, and regardless of whether it is a formal or informal residence or a farm dwelling, for the duration of the Alert Level 4 period.”[[22]](#footnote-22)

South Africa’s legislative measures promote and protect the right to adequate housing for the duration of the national lockdown. The directives and regulations driven by the constitutional right to housing recognise that evictions and demolition of homes are constitutionally inappropriate during the National State of Disaster.

The South African Government has made a decision to further assist social grant beneficiaries during this time of the pandemic with increasing social support grants for the months of May to October 2020. In addition, a special CoVid-19 social relief grant for the months of May to October 2020 will be paid to individuals who are currently unemployed and do not receive any other form of social grant. The grant is paid in an attempt to ensure that South Africans do not starve during this difficult time.

* 1. **The Impact of Social Justice/Civil Society Organisation on the protection of human rights during CoVid-19**

As violations of basic human rights heightened under the national lockdown and the declared state of disaster, civil society organisations availed themselves and their resources to defend the violation and curtailed human rights of the most vulnerable and marginalised groups. Civil society has used advocacy and litigious measures to compel Government to adhere to their responsibility of promoting, protecting and respecting basic human right, in line with our country’s Constitution.

Following the declaration of the national state of disaster and national lockdown, twenty seven civil society organisations, including the LRC, issued an urgent call for a moratorium on eviction for the period of the national lockdown. We raised concerns about evictions resulting in displacements and homelessness amid the pandemic.[[23]](#footnote-23) The call highlighted the vulnerability of those facing eviction and without alternative accommodation. Civil society also highlighted that homelessness could foster the spread of CoVid-19. Following this call, the Minister of Justice and Correctional Service signed into law and declared that evictions during the national lockdown are suspended.

Even though legislative measures were in place to protect vulnerable groups against evictions, some still faced violations of their right to access adequate housing. As will be illustrated below, the City of Cape Town demolished some unlawful structures during the lockdown which resulted in evictions without following the due court process. Some of these evictions were also conducted by the City of Johannesburg. This seemed to be a way to circumvent the PIE Act, ESTA, and the lockdown Regulations. In some instances the supply of water and electricity to homes were disconnected and, used as a tool to constructively evict people during the State of National Disaster. The LRC together with other civil society organisations called on national and provincial government to prohibit the disconnection of water and electricity by landlords and demanded that government take immediate actions against those acting unlawfully.

The call was made on behalf of tenants who could not continue paying rent due to loss of income during the national lockdown. Tenants were being threatened with eviction, and their water and electricity disconnected if they failed to vacate the premises. Access to water is an essential service during this pandemic as people are confined to their homes where they are required to maintain adequate hygiene to curb the spread of the virus.

Government also announced a de-densification of informal settlements as an urgent response to curb the spread of the virus in highly dense areas and had identified land for construction of temporary shelters.

The heightened need for access to housing during the CoVid-19 pandemic created a need for a study of the well-located state land that could potentially be used for housing development. Within the City of Cape Town, we identified three sites, “Ysterplaat, Wingfield and Youngsfield that have the potential to deliver much needed well-located urban land for incremental (self-build) housing – if it is released and used as relocation sites in decanting the selected areas. At 60 dwelling units per hectare, Ysterplaat can deliver 10,002 units (166.7 ha), Wingfield 19,164 units (319.4 ha) and Youngsfield 8,400 units (140 ha), yielding a total of 37,566 dwelling units to meet an immediate need, but also provide tenure security for inadequately housed residents in the long run. As an immediate crisis response, temporary structures with basic service provision may be constructed on the sites, with the intention of incrementally upgrading the sites to realise access to decent housing in the long term.”[[24]](#footnote-24)

The study was motivated by the speech of the President Cyril Ramaphosa on 20 April 2020 which highlighted that “*there can be no greater injustice than a society where some live in comfort and plenty, while others struggle at the margins to survive with little or nothing at all”.[[25]](#footnote-25)*

Government’s decision on the de-densification of land resulted in a call for well-located urban land (owned by the State) to be released for the de-densification.[[26]](#footnote-26)

The call, in the form of a published article, advises the State to employ a more effective and sustainable response to the challenges faced by people who live in dense populated areas. The State owns vast tracts of unutilised and underutilised public land in most parts of the country. The release of well-located urban land for low income housing will give vulnerable and marginalised persons, who have been pushed to the periphery of cities, easier access to the city and economic activities. This initiative will result in undoing some of apartheid’s spatial planning that is still prevalent within our democratic society.

Regardless of the support and advocacy by civil society organisations on the right to access to adequate housing, many vulnerable groups were reporting eviction, threats and the demolition of their homes. Unfortunately, the evictions were mostly imposed by organs of State and municipalities who ignored their duty to respect and protect the constitutional rights of the people.

* 1. **The impact of strategic litigation by the LRC, on the protection of human rights during CoVid-19**

 The LRC took an active role in various cases; that related directly to the implementation of the lockdown regulations and the protection of marginalized communities. The cases are discussed below:

***Nkuthazo Habile and All Other Persons Occupying Erf 18332 v The City of Cape Town***, Case No: 5576/2020

Approximately two weeks after the declared national lockdown, the LRC was approached by various residents of Empolweni. Empolweni is an informal settlement in Khayelitsha, Cape Town. The City of Cape Town (the City) evicted and demolished the homes of approximately fifty families, which included women and children. These demolitions and evictions were based on an allegation that the residents of Empolweni had illegally occupied and built homes on the City’s land during the national lockdown. The City alleged that they had the right to evict and demolish the ‘structures’[[27]](#footnote-27), without obtaining an order from Court. As a result of the demolition and the City’s failure to provide alternate emergency accommodation, a number of our clients were forced to sleep outside and were provided with tents from other non-governmental organisations. The LRC in defending the occupants’ right to housing approached the Western Cape High Court on urgent basis.

With the assistance of the LRC, the community was able to successfully challenge the actions of the City. The City was ordered to return our clients’ building material, with the Court providing our clients’ with protection and security of tenure during the National State of Disaster. The sad reality of this case is that the City is an organ of state with a constitutional obligation to protect the right to housing for vulnerable people. The attempt by the City to impose an eviction during a time when people would struggle to access alternative forms of housing, and while regulations prohibited such actions, is egregious.

The LRC’s intervention on behalf of the residents of Empolweni once again highlighted the importance of the protection and promotion of basic human rights. Our clients were able to rebuild their homes. Following this case many other communities facing eviction and demolition of their homes have approached the LRC for assistance.

***The City of Cape v South African Human Rights Commission and 10 Others,*** Case No: 5633/2020.

The LRC was approached in April 2020 by the South African Human Rights Commission (SAHRC) to oppose an interdict application launched by the City.

The City sought an order to interdict the SAHRC, eight human rights monitors appointed by the SAHRC and one independent professional assisting the SAHRC from monitoring the Strandfontein Emergency Shelter in Cape Town. The Strandfontein site was operated by the City and used as an emergency shelter site for homeless persons in Cape Town, in accordance with the CoVid-19 lockdown regulations.

In terms of the Constitution and the South African Human Rights Commission Act 40 of 2013 (SAHRC Act), the SAHRC is mandated to monitor and assess the observance of human rights within South Africa.

On 20 May 2020, the City decommissioned the emergency shelter and when the matter was heard in court on 10 June 2020, the City argued that the matter has now become moot. The LRC on behalf of our clients argued that the current application raises constitutional issues of grave concerns as the interdict sought by the City was solely based on the City wishing to avoid accountability on possible human rights violations. The City on the day of argument before the Court chose to withdraw its application, after having already addressed the court on some of the issues before the Court. The Court has since reserved judgment for a later date.

The fact that the City would resort to litigation to stop the monitoring of possible human rights’ violations raises serious questions of accountability and transparency during the CoVid-19 pandemic.

***Grand Parade United Traders and 3 others v The City of Cape Town***

***and 3 others, C***ase No. 5617/2020

The LRC was approached in May 2020 by the Grand Parade United Traders and three other trader organizations (the clients) who sought assistance after the City of Cape Town (the City) refused to issue them with CoVid-19 informal trader permits in terms of level 4 lockdown regulations. The relief the LRC sought on behalf of our clients was a declaratory order that their operations were allowed in terms of the Regulations of the Disaster Management Act. In further relief, our client sought an interdict to prevent any potential harassment from the South African Police Services or the City’s law enforcement officials. Despite the LRC having engaged with the City, prior to litigation, it was only after we filed our papers with the Court that the City approached the LRC to settle the matter and conceded that our clients can return to their designated areas to trade. While this case does not deal specifically with the right to housing, the ability to trade ensured that the traders were able to generate and income to pay their rent, or secure access to housing.

These are examples of just three litigious actions where the LRC played an important role in ensuring that access to housing rights and human rights and liberties during our State of National Disaster are observed. It is worrying that civil society has had to resort to court action in order to compel the implementation of some of the protective measures around access to adequate housing during the CoVid-19 pandemic. It is even more worrying that these actions were all against a state entity that is tasked with ensuring that human rights are protected during this time.

Below are the responses to the questions posed by the Special Rapporteur. For the convenience of the reader, the questions have been reproduced.

* 1. **Responses to Questionnaire**
1. **Has your country declared a prohibition on evictions? Have evictions continued to take place during the pandemic? If yes, when, where and who was affected and has adequate alternative accommodation been provided?**

When South Africa initially embarked on the 21-day lockdown, the regulations published on 25 March 2020 in terms of the Disaster Management Act were silent on the issue of evictions. Movement was prohibited, but the regulations did not expressly prohibit evictions. A number of civil society organisations and social justice movements called upon the National Command Council[[28]](#footnote-28) to place a moratorium on all evictions. On 16 April 2020 the government published a notice [[29]](#footnote-29) wherein evictions were expressly prohibited. The notice stated:

No person may be evicted from their place of residence, regardless of whether it is a formal or informal residence or a farm dwelling, for the duration of the lockdown.

This prohibition remains in place to date.

On 28 May 2020 the government published a notice[[30]](#footnote-30) which expanded on this prohibition. It states:

“(1) Subject to sub-regulation (2), a person may not be evicted from his or her land or home during the period of Alert Level 3.

(2) A competent court may grant an order for the eviction of a person from his or her land or home in terms of the provisions of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998): Provided that an order of eviction may be stayed and suspended until the last day of the Alert Level 3 period, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 3 period.”

The above regulation therefore allows for a competent court to grant an eviction order, however the eviction cannot be carried out during alert level 3 unless the order expressly states that it has immediate effect. In other words the eviction order may be implemented only once Alert Level 2 comes into effect.

It is our submission that allowing evictions to be carried out during Alert Level 2 is harsh. South Africa is still in the midst of the battle against the virus, and during winter, it is cruel and inhumane to render people homeless. Furthermore the prospect of securing alternative accommodation is slim since many people have lost their livelihoods as a result of the economic downturn and retrenchments. It is our respectful submission that all evictions should be stayed until the end of the lockdown, including demolishing of unlawful structures which results in eviction.

1. **Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills?**

The regulations published in terms of the Disaster Management Act do not specifically prohibit the disconnection of water and electricity services during the lockdown. However many municipalities have indicated that people who do not pay their utility bills during the lockdown period, will not have their services disconnected for non-payment. They further warned that this does not mean that people are exempt from paying for these services – their payment will be deferred until after the lockdown has ended.

There have been numerous reports that landlords have disconnected access to electricity or water services to tenants during the lockdown. With regard to rental property, it remains unlawful for a landlord to disconnect electricity or water services even if the tenant has defaulted on rental. Where a landlord embarks on this action it amounts to an unlawful act of self-help. In terms of section 16 of the Rental Housing Act 50 of 1999

A person who unlawfully locks out a tenant or shuts off the utilities to the rental housing property is guilty of an offence and liable to a fine or imprisonment not exceeding two years or to both.

Unfortunately, the Rental Housing Tribunal (a statutory body) has not been operational during the lockdown; this means that affected persons are left without a remedy. They can however approach the courts for urgent relief to restore access to those basic services.

The LRC has received reports of water and electricity services being disconnected during the national state of disaster. This is not only unlawful, but is an egregious violation as hand-washing and hygiene are the prescribed methods to combat the virus. Denying people access to water enhances their chances of contracting the virus. For this reason an urgent call by various civil society organisations and non-government organisations was made to all provinces to immediately suspend and resolve water and electricity disconnections. [[31]](#footnote-31)

1. **Please provide any information about other legal or financial measures aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage?**

In light of CoVid-19, a number of schemes, with varied focuses have been implemented or amended to mitigate the impact of the lockdown on South Africans.

The **Temporary Employer/Employee Relief Scheme** (TERS) was instituted to assist businesses that were required to shut down totally or partially as a result of the lockdown. An amendment to this scheme also entitled employees to benefit if they had been contributors to the Unemployment Insurance Fund. In terms of the TERS benefit scheme the maximum amount that will be taken into account for calculating benefits is capped at a maximum of ZAR17 712 (US$ 1028.59). Most employees in South Africa earn a fraction of this amount. This scheme was put in place to ensure that companies are able to survive the lockdown and that employees receive some income during the lockdown period. The TERS benefit is accessed by employers on behalf of the employees. The TERS benefit will pay employees an amount that is equivalent to the prescribed minimum wage in the industry they are employed - even if they had previously received a lesser amount.

Other benefits that aim to decrease the burden on individuals and thereby ensuring that the right to adequate housing is not impaired include:

* **Small Medium & Micro Enterprises (SMME) Relief Finance Scheme**
	+ Where SMME businesses are negatively affected as a result of the pandemic they can apply for a soft-loan for a period of 6 months. There are a number of qualifying criteria for the SMME one of which takes into account payroll relief[[32]](#footnote-32) for the business.[[33]](#footnote-33)
* **South African Future Trust (SAFT)[[34]](#footnote-34)**
	+ This trust created by the Oppenheimer family allows for SMMEs to apply for interest free loans – in order to allow for the businesses to keep their employees employed even though cash-flow has dried up. This loan is beneficial as advantageous terms for repayment can be agreed upon once the pandemic has passed.
* **Tourism Relief Fund**
	+ This is an initiative of the Department of Tourism (in the national government). The purpose is to assist hospitality businesses which have been adversely affected. This sector is a large employer of semi-skilled and unskilled persons.

Major commercial banks in South Africa have also devised schemes to afford relief to their respective customers.[[35]](#footnote-35) Many banks have allowed their customers to pay a lower mortgage fee during the lockdown or to stop payment all together while the lockdown remains in place. In these cases the period of the mortgage bond is simply extended, but home owners are not at risk of losing their homes during the lockdown period.

1. **What measures have been taken to protect persons living in informal settlements, refugee or IDP camps, or in situation of overcrowding from COVID-19?**

Informal settlement communities exist in every province of South Africa. It is estimated that there are at least 1.2 million households living in poverty within 2700 informal settlements spread throughout the urban areas of South Africa.[[36]](#footnote-36) Many citizens and foreign nationals live in these settlements as affordable rental options are not readily available.

Informal settlements all share the same characteristics – tiny structures erected out of wood, cardboard and/or iron, built in close proximity to each other and lacking in proper water and sanitation services. These settlements are densely populated and people share communal taps and toilets. Furthermore, South Africa has a high rate of people living with diseases like tuberculosis and HIV. These conditions threaten the health and safety of residents as the CoVid–19 protocols for stemming the transmission of the virus cannot be properly practiced in informal settlements. An outbreak of the virus in informal settlements may be catastrophic as overpopulation is a contributing factor to the risk of contagion.[[37]](#footnote-37)

The National Department of Human Settlement responded to the pandemic by rolling out services to the informal settlements. These include screening by health workers assisted by community caregivers. Where a person has symptoms they are referred to a health care facility and tested for the virus.

The Department of Human Settlement also embarked on a process of rolling out water tanks to informal settlements that lack basic water supply. By the end of April 2020 over 17 000 water tanks had already been delivered and delivery continued throughout the lockdown period. While this is an important step in ensuring the safety of communities, it also highlights the incredible need for basic services in South Africa. There are still many communities who do not have any safe water source, while others only have access to communal taps or tanks where the virus can easily spread between users.

There were also some pilot projects aimed at the de-densification of informal settlements. This included the delivery of emergency structures in densely populated areas and the relocation of people to open areas of land.[[38]](#footnote-38) Despite the above measures overcrowding continues to be an area for immediate concern for South Africa.

1. **Have any measures been taken to provide safe accommodation for persons in situation of homelessness during the pandemic and in its aftermath?**

Homelessness has always been a problem in South Africa but has been exacerbated as a result of CoVid-19. Before the advent of the virus, the homeless were housed in temporary shelters. The difficulty is that there are no guidelines by the national government for the uniform and consistent application of this relief. Hence implementation is uneven and incremental.

The media has highlighted a number of concerns of the homeless or those in temporary shelters. These include overcrowding, lack of sufficient food, blankets, beds, proper screening, cleaning and sanitising supplies and protective gear for the residents. Furthermore, a large number of homeless persons are addicted to illicit drugs. This poses additional problems in terms of treatment and rehabilitation.

 There have however been some positive initiatives. In Durban, a city on the east coast of South Africa, the local government established a harm reduction centre for drug users by initiating a programme of administering methadone (in an opiate substitute programme) to wean drug users off their addictions.[[39]](#footnote-39) This has been a largely successful in curbing withdrawal symptoms. Additionally, with the support of donor-funding, volunteers and local businesses, people in these shelters have been receiving food assistance.

Homeless people and people in vulnerable communities have also been significantly supported by soup kitchens and informal feeding schemes that are mostly run by private individuals or organisations. Some of these initiatives also provide shelter services for homeless people. These services have continued to provide food during the CoVid-19 pandemic, while many new initiatives were launched as a result of the pandemic. In Makhanda in the Eastern Cape, a loose affiliation of NGOs, businesses, and private individuals started an organization called the Makana Unity Project, which sources funding for food packages. They managed to feed nearly 1000 families for the duration of the level 5 and 4 lockdown periods. This is but one example of a community-based initiate, but many of these initiatives have benefited people who are homeless or at threat of losing their homes or their livelihoods.

We submit that the measures taken to accommodate homeless people during the lockdown must be implemented subject to minimum standards with regard to the provision of food, medication , screening, protective gear as well as social distancing. The above mixed results are indicative of the fact that the homeless shelters can be successfully managed, if sufficient support is provided to the shelters and there are a set of defined standards which the shelter needs to meet.

1. **What measures have been taken by authorities to ensure that migrant and domestic workers continue to have access to secure housing during the pandemic and in its aftermath?**

In South Africa the Unemployment Insurance Act and Unemployment Insurance Contributions Act 4 of 2002 applies to all workers including domestic workers and other workers who work for more than 24 hours in a month. However, in many instances they are not registered by employers for these benefits. These unregistered workers can still access Unemployment insurance fund (UIF) benefits, however this entails making an application to the Department of Labour for the payment of UIF. During the lockdown level 5 and level 4 many domestic workers and other similarly placed persons could not travel and therefore, those who were unregistered could not report to the Labour offices and remained unpaid.

However, the abovementioned TERS benefit scheme defines “worker” as a UIF contributor or as “an employee … who should have received benefits” but whose employer has failed to register them or to pay contributions to the fund. In this manner unregistered workers with who have the right to UIF but were not registered by their employers could claim under TERS.

This amendment of the TERS scheme was made as a result of Labour Court application that represented vulnerable farm workers, domestic workers as well as precarious industrial workers. This amendment will assist many workers who cannot return to work as their sector remains restricted during the lockdown.

Those who do not qualify for a grant and who are currently unemployed and do not receive UIF, TERS or any other form of government assistance, are being afforded the “Social relief of distress grant (Special CoVid-19 social relief of distress grant).” This is designed to provide temporary assistance for persons in such a dire material need that they are unable to meet their families’ most basic needs. This grant is available for a period of 6 months beginning from May 2020 to October 2020. However there have been difficulties experienced by persons seeking to access this assistance.

There are no specific schemes created which focus on the provision of housing to domestic workers or migrant workers.

1. **What measures have been taken to protect older persons, persons with disabilities, migrants, women, and children from the pandemic, abuse, neglect or violence at the place where they are living or have been asked to stay? Please specify in particular measures taken to protect persons housed in institutions, shelters, care homes, psychiatric hospitals or detention.**

The Government has taken steps to augment government grants provided to vulnerable persons. The following increases in have been put in place: [[40]](#footnote-40)

* Child support grant beneficiaries receive additional ZAR300 (USD 17.42) in May 2020 and from June until October 2020 they will receive ZAR500 (USD 29.04) extra.
* Grants for older persons and disability grants increase to ZAR1 860 (USD 108.02)
* Grants for war veterans and persons older than 75 years increase to ZAR1 880 (USD 109.18)
* Foster child grants increase to ZAR1 040 (USD 60.40)per child
* Care dependency grants increase to R1 860 (USD 108.02)
* Child support grants increase to R440 (USD 25.55) per child

One of the unintended consequences of the lockdown has been that vulnerable women and their children have been forced to be in physical proximity to their often violent partners. This is a phenomenon that has now worsened. More than 120 000 victims rang the national helpline for abused women and children in the first three weeks after the lockdown started. This is double the usual number of calls.[[41]](#footnote-41) In addition the anti-sexual violence organization the TEARS Foundation reported 30% more text messages and calls over the first month of the lockdown. Unfortunately, some of these instances of violence have led to fatalities and since the start of May 2020, at least 21 women and children were murdered in gender-based violence related incidents.

The government has assured that shelters for the vulnerable will remain functional during the lockdown, including old age homes; child and youth care centres and rehabilitation centres.[[42]](#footnote-42)

Recently, the Western Cape Women’s Shelter Movement and the Western Cape Department of Social Development have collaborated on [‘first-stage’ shelters](http://news24.com/Video/SouthAfrica/News/watch-a-peek-into-a-covid-19-first-stage-shelter-for-survivors-of-gender-based-violence-20200418), where victims of domestic violence, and other forms of gender-based violence are screened and tested for CoVid-19, and are given shelter.

Furthermore, the creation of a gender based violence command centre and urgent victim response line was implemented in order to ensure that victims of abuse receive the necessary assistance.

The court system has also been upgraded to contain sexual offences courts and domestic violence protection order matters are considered urgent and will continue to be allowed in the courts.

It remains to be seen whether these measures afford relief to these vulnerable persons.

1. **Have you relied on the**[**CoVid19 guidance notes**](https://www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx)**developed by the previous Special Rapporteur in your work? Would you have any additional recommendations to protect the right to adequate housing during the pandemic and in its aftermath?**

Not applicable.

* 1. **Endemic Failures that the CoVid-19 Pandemic has exposed**

There are a number of systemic problems within South African society stemming from inequality. For the sake of brevity we summarise the following issues which have been exacerbated as a result of the pandemic:

1. Housing

The housing problem in South Africa originated during the apartheid years in South Africa when black South Africans were dispossessed of their land as a result of racially discriminatory laws and practices. This created a system where there is clear inequality with regard to the access of resources along racial lines, creating a society where the majority of the citizens struggle to make ends meet.

South Africa, has celebrated its 26th year of democracy, however, inequality persists. Although there have been laws and policies enacted to address the inequality, by means of land reform processes, in reality land reform has been monumentally slow.

One significant reason for this is corruption within the South African Government. There have been various incidences of state funds being siphoned off by those who have connections to the corrupt government officials. A second related problem emanates from slow implementation of laws and policies which attempt to secure citizens right to housing.

The above reasons (as wells as many others) contribute to the development of informal settlements in the urban periphery, homelessness, and other housing related problems (like high rental prices, continued existence of apartheid-style spatial distribution of citizens etc.).

The CoVid-19 pandemic has reaffirmed the knowledge that informal settlements, homelessness, inaccessibility to adequate housing and related matters are very real concerns that need to be addressed and eradicated from our society. As mentioned in question 2 above, access to adequate housing (i.e. with related services like electricity, water, refuse removal, and minimum safety standards) can determine whether you survive the CoVid-19 pandemic, and the South African government needs to ensure that people are not sentenced to death as a result of inequality/poverty.

1. Domestic Workers

Domestic workers do have certain protections under the Labour Laws of South Africa. For example they must be registered for Unemployment Insurance Fund (UIF) and there is a national minimum wage for this sector. However, the reality is that many employers do not register their domestic workers for UIF. This situation can easily be remedied by the domestic worker if she reports her employer to the Department of Labour for non-compliance which should result in obtaining the protection she’s entitled to.

This is simply unrealistic as job-security for domestic workers is highly insecure. Should a domestic worker embark of the above mentioned activity of reporting their employer, they will be easily dismissed.

This is an enormous problem as a majority of domestic workers are black females who support their families. Domestic workers are therefore some of the most vulnerable people in South Africa, but are afforded insufficient protection.

Although the TERS scheme has given some protection to domestic workers, South African labour laws need to be amended in order to better protect these individuals

1. Education

The South African education system is problematic to say the least. The majority of the country’s 24 000 schools are failing to provide access to inclusive and equitable basic education.

With the CoVid-19 pandemic we can see that inequitable access to resources sits at the core of the crisis. Where students do not have access to resources such as books, laptops, cellphones and internet they are being deprived access to education during this time. This is not a new problem and has been present for a long time. The pandemic has just served to “shine a spotlight” on this issue.

There is a need to focus interventions to assist vulnerable and marginalized communities in accessing their rights to equal education.

1. Water and sanitation

The lack of adequate water and sanitation services in the country has been acutely pronounced as a result of the pandemic. The pandemic has exposed years of systemic failure to deal with the lack of water and sanitation in informal settlements and to maintain existing infrastructure. The efforts by government to provide water and sanitation services during the global pandemic are a drop in the ocean and for many communities it is too late to mitigate the devastating impact of years of neglect by government.

Before the pandemic reached South Africa, the LRC was already litigating extensively on the lack of basic services. Much of this litigation was frustrated by government inaction and unnecessary opposition to court proceedings in an attempt to circumvent their responsibilities. On 29 July 2019 the LRC successfully obtained a court order in the Pietermaritzburg High Court compelling the local municipalities to provide basic services, including water and sanitation services to farm dwellers in Kwazulu-Natal province.[[43]](#footnote-43) Farm occupiers and labour tenants in remote parts of the country endure appalling living conditions due to limited, and at times no access to the basic resources necessary for human survival, self-actualisation, or dignity. They struggle to access water, have unsanitary ablution facilities and their refuse is not collected by municipalities. They often have inadequate housing, and a lack of access to medical services, education, and electricity.

In November 2019 the LRC also launched a case in Makhanda in the Eastern Cape against the local municipality related to the failure by the municipality to maintain the sanitation systems in the town. The lack of maintenance caused numerous sewerage spills in town and raw sewerage routinely flooded the homes of residents. The first part of the case was heard on 2 June 2020 and the court granted an order compelling the municipality to take immediate action to fix the spills in the town and report to the court on their progress in this regard.

While the CoVid-19 pandemic has resulted in a hasty response from government with respect to sanitation services, these cases illustrate the problems that communities dealt with before the pandemic. Many communities are now for the first time gaining access to water tanks as a result of the pandemic, while others are receiving sanitation services. It is troubling that a global pandemic has to be the reason for government to comply with its basic obligations, and in an effort to save the lives of its residents. Despite these positive steps, the need remains incredibly overwhelming, and provision of these services has to be prioritized well beyond the end of the pandemic.

**LEGAL RESOURCES CENTRE**

**LAND PROGRAMME**

**28 JUNE 2020**

1. As provided in South Africa’s National Housing Code, informal settlements are typically identified on the basis of the following characteristics: illegality and informality; inappropriate locations; restricted public and private sector investment; poverty and vulnerability; and social stress. Department of Human Settlements (DHS), ‘Upgrading of Informal Settlement Programme’, Part 3 of the National Housing Code (2009), p. 16, available at: http://www.dhs.gov.za/sites/default/files/documents/national\_housing\_2009/4\_Incremental\_Interventions/5%20V olume%204%20Upgrading%20Infromal%20Settlement.pdf. [↑](#footnote-ref-1)
2. The Legal Resources Centres Website can be accessed from: <http://lrc.org.za/> [↑](#footnote-ref-2)
3. The “cluster of other socio-economic rights” includes: section 27 the right to health-care, food, water and social security), section 25 (land rights), and section 29 (right to education). [↑](#footnote-ref-3)
4. *Government of the RSA v Grootboom and others 2000 (11) BCLR 1169 (CC),* para 35. [↑](#footnote-ref-4)
5. Law of South Africa, volume 21, 3rd edition. [↑](#footnote-ref-5)
6. Housing Act 107 of 2002. [↑](#footnote-ref-6)
7. Section 9 of Act 107 of 2002. [↑](#footnote-ref-7)
8. Preamble of the Extension of Security of Tenure Act 62 of 1997. [↑](#footnote-ref-8)
9. Section 4 of the Prevention of Illegal and Unlawful Occupation of Land Act 19 of 1998. [↑](#footnote-ref-9)
10. Chapter 12 of the National Housing Code, 2009.( National Housing Code”) [↑](#footnote-ref-10)
11. Chapter 13 of the National Housing Code, 2009 [↑](#footnote-ref-11)
12. <https://theconversation.com/promise-of-right-to-housing-remains-elusive-in-democratic-south-africa-105706> last accessed 19 June 2020 [↑](#footnote-ref-12)
13. *Government of South Africa and Others v Grootboom and* Others (CCT11/100) [2000] ZACC 19 [↑](#footnote-ref-13)
14. Supra at note 13 para 52 [↑](#footnote-ref-14)
15. Disaster Management Act 57 of 2002 [↑](#footnote-ref-15)
16. CNBC Africa, <https://www.cnbcafrica.com/coronavirus/2020/04/24/covid-19-how-the-different-levels-of-sas-staged-lockdown-exit-work/> Last accessed 23 June 2020. [↑](#footnote-ref-16)
17. Informal street vendors, domestic workers, non- essential services (painters, plumbers, construction worker, waiters...) [↑](#footnote-ref-17)
18. Interview with LRC researcher, Edwin Makwati (https://youtu.be/GGZI961jgw8) [↑](#footnote-ref-18)
19. <https://www.dailymaverick.co.za/article/2020-05-04-cape-towns-homeless-want-to-take-part-in-lockdown-plans/#gsc.tab=0> [↑](#footnote-ref-19)
20. Regulation 36 of Regulations, 28 May 2020. [↑](#footnote-ref-20)
21. Regulation 36(2) of Regulations, 28 May 2020. [↑](#footnote-ref-21)
22. ‘Civil Society calls for extension to evictions moratorium’ CALS <https://www.wits.ac.za/news/sources/cals-news/2020/civil-society-calls-for-extension-to-evictions-moratorium.html> (accessed on 29 June 2020) [↑](#footnote-ref-22)
23. News24 available at <https://www.news24.com/news24/southafrica/news/social-justice-groups-call-for-urgent-ban-on-evictions-during-coronavirus-crisis-20200321> (accessed on 10 June 2020). [↑](#footnote-ref-23)
24. GroundUp , available at <https://www.groundup.org.za/article/covid-19-state-should-use-cape-towns-military-airports-for-housing> [↑](#footnote-ref-24)
25. The Presidency of the Republic , available at <http://www.thepresidency.gov.za/from-the-desk-of-the-president/desk-president%2C-monday%2C-20-april-2020> (accessed on 11 June 2020) [↑](#footnote-ref-25)
26. GroundUp , available at <https://www.groundup.org.za/article/covid-19-state-should-use-cape-towns-military-airports-for-housing/> (accessed on 11 June 2020) [↑](#footnote-ref-26)
27. He city of Cape Town demolished approximately 50 homes [↑](#footnote-ref-27)
28. The NCC is a grouping of government officials who deliberate and makes decisions on step to take to deal with covid-19 related issues. The NCC is chaired by President Cyril Ramaphosa and Minister of Cooperative Governance and Traditional Affairs. The command council consists of 20 ministers; the representatives of the NatJoints (a security structure comprised of the police, the army and intelligence) headed by the secretary of defence; and the directors-general of the government departments. <https://ewn.co.za/2020/05/04/covid-19-what-exactly-is-the-national-command-council> last accessed on 18 June 2020 [↑](#footnote-ref-28)
29. [Government Notice R465 of 2020](https://edit.laws.africa/resolver/resolve/akn/za/act/gn/2020/r465) [↑](#footnote-ref-29)
30. Government Notice R608 of 2020 [↑](#footnote-ref-30)
31. Socio Economic Rights Institute , <http://seri-sa.org/images/STATEMENT_Urgent_Call_for_Immediate_Action_to_Suspend_and_Resolve_Water_and_Electricity_Disconnections_final.pdf> last accessed on 23 June 2020 [↑](#footnote-ref-31)
32. Payroll relief refers to Employment Tax Incentive measures (ETI) - where companies that meet certain employment requirements are eligible to reclaim monies from the South African Revenue Services (SARS). The CoVid 19 relief has accelerated the payment of these reimbursements to qualifying companies. [↑](#footnote-ref-32)
33. Full list of qualifying criteria can be accessed on the Department of Small Business Development website: <http://www.dsbd.gov.za/wp-content/uploads/2020/03/SMME-Debt-Relief-Scheme-1.pdf> [↑](#footnote-ref-33)
34. South African Future Trust Website ,<https://saft.africa/#:~:text=The%20South%20African%20Future%20Trust%20(%E2%80%9CSAFT%E2%80%9D)%20is%20an,African%20government%20and%20private%20sector.> Last accessed 23 June 2020 [↑](#footnote-ref-34)
35. Property 24 “A list of Key Covid-19 payment holidays and debt relief funds – here’s how to Apply” <https://www.property24.com/articles/a-list-of-key-covid-19-payment-holidays-and-debt-relief-funds-heres-how-to-apply/29380> last accessed 18 June 2020 [↑](#footnote-ref-35)
36. Socio Economic Rights Institute, “An Urgent call to rethink de-densification as the dominant proposed strategy in the context of COVID-19” <http://www.seri-sa.org/images/NGO_Submission_re_de-densification_and_COVID-19.pdf> last accessed 19 June 2020 [↑](#footnote-ref-36)
37. Supra at note 15 [↑](#footnote-ref-37)
38. <https://www.gov.za/speeches/minister-lindiwe-sisulu-government%E2%80%99s-response-coronavirus-covid-19-pandemic-29-apr-2020> [↑](#footnote-ref-38)
39. M-Net Carte Blanche, <https://m-net.dstv.com/show/carte-blanche/videos/covid-19-lockdown-unforeseen-consequences/video> last accessed 18 June 2020 [↑](#footnote-ref-39)
40. <https://sacoronavirus.co.za/guidelines-and-relief/> last accessed 17 June 2020 [↑](#footnote-ref-40)
41. <https://www.enca.com/analysis/it-just-got-worse-domestic-violence-surges-under-sa-lockdown>. [↑](#footnote-ref-41)
42. <https://businesstech.co.za/news/government/384987/emergency-numbers-and-contacts-you-should-know-during-the-lockdown/> last accessed 19 June 2020 [↑](#footnote-ref-42)
43. *Mshengu and Others v Msunduzi Local Municipality and Others* (11340/2017P) [2019] ZAKZPHC 52; [2019] 4 All SA 469 (KZP) (29 July 2019) [↑](#footnote-ref-43)