



**MINISTER
INTERNATIONAL RELATIONS AND COOPERATION
REPUBLIC OF SOUTH AFRICA**

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10 July 2015

Dear Ms Farha

Response to the Questionnaire by the United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context

I acknowledge receipt of your letter dated 02 June 2015 in which you were transmitting the questionnaire entitled "The New Urban Agenda" (the United Nations Conference on Sustainable Urban Development-HABITAT III, 2016) in preparation for your report to the 70th session of the General Assembly.

In response thereto, I would like to submit to your office a copy of the South African response to the questionnaire. Please see the attached document in this regard.

Additionally, I would like to share the following information on South Africa's international involvement in the area of housing.

- The Government supports the thematic issue and actively participates in the interactive debates of the Human Rights Council on the reports of the Special Rapporteurs including the current thematic issue.
- South Africa has participated in both meetings of the Preparatory Committee for HABITAT III and had been nominated to host the regional preparatory meeting for the Conference.

The South African Government has comprehensively attended to the questionnaire with the intention to collectively respond by indicating the existing legislation and

policies concerning key and specific social protection programmes. To this end, South Africa has been amongst the key players in sharing knowledge and best practices in an effort to create a better life and a better world for all, and this includes our active participation in the international human rights systems.

Furthermore, South Africa is amongst a few countries in the world that have domesticated the letter and spirit of the International Covenant on Economic, Social and Cultural Rights. Section 26 (1) of the Bill of Rights contained in Chapter 2 of the Constitution of the Republic of South Africa amongst others guarantees everyone the right to have access to adequate housing. In January 2015, South Africa ratified the International Covenant on Economic, Social and Cultural Rights, as a testimony to the seriousness with which South Africa takes its international obligations.

I trust that you will find the responses to the questionnaire useful to your purposes and that these will assist in the execution of your mandate.

Yours sincerely



Hon. Ms GNM Pandor, MP

Acting Minister of the Department of International Relations and Cooperation

10-7-2015

Ms Leilani Farha

Special Rapporteur on Adequate Housing

Office of the High Commissioner for Human Rights

Special Procedures Branch, Palais Wilson

GENEVA



international relations & cooperation

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SOUTH AFRICAN GOVERNMENT RESPONSE TO THE QUESTIONNAIRE OF THE UNITED NATIONS SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT

The correspondence of 23 April 2015 from the United Nations Human Rights Commission's Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context has reference. As you are aware, we have been fully engaged in the preparatory process for Habitat III, and are very supportive of the upcoming report by the Special Rapporteur to the 70th session of the General Assembly on priority issues towards the development of the New Urban Agenda.

On behalf of the South African Government, the Department of Human Settlements would like to respond to the questions from the Special Rapporteur in the following manner:

1. The South African Government has since 1997 instituted National Ministerial Norms and Standards for housing development in the Country. These compulsory standards apply to all housing developments and especially to the Government's National Housing Programme through which the poorest of the poor is assisted to obtain adequate housing. The Standards are in respect of the minimum level of municipal engineering services and the houses. Since inception of these national standards, the quality of the housing products that were delivered improved substantially. The South Africa Government can thus make a positive contribution towards the objectives of defining adequate housing and the detailed specification for such adequate houses. The National Report of the Republic of South Africa for the Third United Nations Conference on Housing and Sustainable Urban Development outlines the approach we will be taking in terms of women, youth, the elderly, and people with disabilities in the negotiations for the New Agenda at Habitat III. The report can be accessed via <http://www.dhs.gov.za/content/national-report-rsa-un-habitat-iii>

Kgoro ya Tirišano le Tšhomišano ya Dinaga tša Boditšhabatšhaba • Lefapha la Dikamano le Tshebedisano Dinaheng tsa Majhaba • Lefapha la Dikamano tsa Boditšhabatšhaba le Tirisano • UMnyango Wezobudlelwano Nokubambisana Bamazwe Namazwe • Litiko Letebudlelwane Bemave kanye Nekusebentisana • ISebe lezobuDlelwane neNtsebenziswano yamZwe ngamaZwe • UmNyango weTjhebiso wano nokuSebenzisana kweenTjhabatjhaba • Muhasho wa Vhushaka ha Dzitshakatshaka na Tshumisano • Ndzawulo ya Vuxaka bya Matiko ya Misava na Ntirhisano • Departement van Internasionale Betrekkinge en Samewerking

2. The South African Government has from the inception of democracy in 1994 launched a National Housing Assistance Programme that was built on the principles of equity, non-discrimination and sustainable well located development. The National Housing Programme comprises a range of specific housing development options that were designed to accommodate the diversity of the housing needs present in the Country. However the Government's housing assistance Programme targets the poorest of the poor who all receives a basic adequate house, while the higher income households are assisted through rental housing programmes and access to services stands as well assistance to access mortgage loans finance. In the process of housing development preference is provided to the most vulnerable members of our society namely the disabled, aged persons, and vulnerable women and children. The special housing needs of persons with disabilities are also been catered for through the adjustment of the houses to afford independent living and the provision of special larger and better equipped houses for persons who are wheelchair dependent. Housing projects are furthermore packaged around the objective to employ and train the youth in the execution of construction projects.

Housing benefits are allocated through a structured and orderly process. A National Housing Demand Data Base was established and all households in need housing assistance were awarded the opportunity to register their needs on the Data Base. Under normal development conditions a beneficiary target approach is followed in terms of which housing projects are designed for specific households identified in the very early stages of planning. However where developments are undertaken in urban areas where vast needs exist, the Demand Data Base is utilised to invite households to apply for houses as completion of the houses dawn. The Government has also issued Guidelines for the Allocation of Housing Opportunities. The Government's National Housing Code, that contains all human settlement policies and programmes, is available on the Internet Website: www.dhs.gov.za under Documents, and the Allocation Guidelines can be made available upon request. The National Report by the Republic of South Africa for Habitat III also addresses the issue of social cohesion.

3. The South African Housing development model is built on inclusiveness and the implementation of the housing programme vests at municipal and provincial level. These lower spheres of Government were also from the outset involved in the development of the national housing policy and strategies that are currently in place and they are thus well equipped to participate and make contributions in this regard at the planned Habitat III event. A structured process of engagement will be initiated in preparation for the event that will include municipalities and provincial Governments. In the process of developing the National Report for Habitat III, provincial and local government were engaged with through workshops as well as through formal inter-governmental structures, to elicit their views and inputs to the report. This engagement process will continue in the run-up to Habitat III, as we develop the South African position, and beyond Habitat III for the implementation of its outcomes.

4. The South African National Housing Programme is based on the right to access to adequate housing as enshrined in the Constitution of the Republic of South Africa, 1996. All housing projects embarked upon since 1994 were based on these principles and can be used as examples. The South African National Report for Habitat III examines these from a variety of angles. A good example of a community development process where the beneficiaries of the programme and local co-operative structures are all involved in the housing development process is the Vulindlela Rural Housing project in KwaZulu-Natal.
5. The Government, through the National Department of Human Settlements has established a National Monitoring and Evaluation Chief Directorate that undertakes monitoring and evaluations of the impact and compliance with all the National Housing Programmes instituted by Government. In addition as the implementation of the National Housing Programmes is the responsibility of the nine Provincial Governments and the municipalities, the Department has introduced a comprehensive quarterly programme implementation progress reporting regime where these lower spheres of Government are awarded the opportunity to present their implementation progress. These monitoring processes have proved to be very useful and efficient. The South African government undertook a review of 20 years of freedom in 2014. Furthermore, it embarked on an extensive process for the development of its National Report for Habitat III, which included a working group of technical experts from all relevant government departments, workshops with a wide range of governmental and non-governmental stakeholders to vet the information, as well invitations to these stakeholders for written comments and inputs on the draft report.

It is trusted that the information furnished in this response would be of use to the office of Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

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Mandate of the Special Rapporteur on the right to adequate housing

02 June 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolution 25/17.

I would like to re-transmit the attached Questionnaire on priority issues towards the development of the New Urban Agenda (UN Conference on Sustainable Urban Development- Habitat III, 2016) for preparation of my next report to the General Assembly 70th.

I would like to express my gratitude to all Permanent Missions that have already provided submissions, and wish to note that the deadline for additional contributions has been extended until **30 June 2015**. Please, kindly send your response electronically, preferably in English, French or Spanish, to: srhousing@ohchr.org, copying: registry@ohchr.org.

Whenever possible, I would like to encourage your Excellency's Government to provide copies or links of relevant laws, policies and programmes and any other information relevant for the topic. Unless specifically requested otherwise, all submissions will be posted on my webpage at www.ohchr.org.

Please accept, Excellency, the assurances of my highest consideration.

Leilani Farha

Special Rapporteur on adequate housing as a component
of the right to an adequate standard of living,
and on the right to non-discrimination in this context

To all Permanent Missions in Geneva and New York

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Mandate of the Special Rapporteur on the right to adequate housing

I. Questionnaire

For her next report to the General Assembly 70th session, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this regard, Ms Leilani Farha, seeks to focus on priority issues for the preparatory discussions towards the development of a New Urban Agenda (UN Conference on Sustainable Urban Development- Habitat III, 2016) from the perspective of the right to adequate housing and related human rights.

In this regard, she aims to outline key issues that require a human rights perspective in their construction and implementation. The Special Rapporteur will also identify, where possible, synergies for States and other relevant actors between the post-2015 Sustainable Development goals and targets, and Habitat III.

In this context, it is essential for the Special Rapporteur to receive contributions and views from Governments participating in these processes. Answers to the following questions would greatly assist the Special Rapporteur in developing her initial views in the lead up to Habitat III:

1. What role will national and international human rights standards on the right to adequate housing play in informing your positions and proposals for Habitat III? Can you please provide concrete examples in this regard?
2. One aspect for discussion in the context of Habitat III will likely be “social cohesion and housing”. What public policies, programmes or plans are being considering or have been put forward by national or subnational level governments related to “social cohesion” (for example: non-discrimination and equality) and the right to adequate housing? Please specifically reference any policies, programmes or plans aimed at ensuring inclusive housing for disadvantaged groups such as migrants and refugees, women, young people, older people, and people with disabilities in urban centres.
3. In light of the fact that subnational and local governments play an essential role with respect to the implementation of the right to adequate housing, what plans and procedures does your Government intend to implement to ensure they are engaged in the lead up to Habitat III as well as with respect to the implementation of commitments coming out of Habitat III?
4. What interesting or unique housing policies, programs or good practices consistent with the human right to housing does your Government intend to highlight through the Habitat III process? Please provide examples both from local, subnational or national levels of government, and, if applicable, from non-government actors as well.

5. Please reflect on mechanisms used to monitor compliance with Habitat II (1996) at the national level that have proven effective and, if possible, provide examples. What kind of mechanisms would your Government envisage as part of the monitoring and implementation of Habitat III?

II. Submission of Responses

Kindly, please identify links or provide copies of any law, regulation, policy or other document related to your answers. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English, Spanish or French and, **no later than 14 June, 2015.**

Please send your responses preferably via email to: srhousing@ohchr.org, or to:

UN Special Rapporteur on adequate housing
 Office of the High Commissioner for Human Rights
 Special Procedures Branch, Palais Wilson
 CH – 1211, Geneva
 Switzerland

For any question, please contact the Special Rapporteur through her assistant, Ms. Juana Sotomayor, Special Procedures Branch- OHCHR: email: jsotomayor@ohchr.org; phone: +41 22 917 94 45.

Thank you for your contribution