13 May 2021

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SUBMISSION TO THE SPECIAL RAPPORTUER ON THE

RIGHT TO ADEQUATE HOUSING

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1. The Women’s Legal Centre welcomes the opportunity to make submissions on discrimination, segregation, and the right to adequate housing as called for by the Special Rapporteur Mr. Balakrishnan Rajagopal who wishes to inform his reports to be presented to the General Assembly in 2021 and the Human Rights Council in 2021
2. The WLC recognises that there is an overlap in the answers that will be provided to the questions and have chosen to make this submission in the following manner:
	1. First, we will provide an introduction to the Women’s Legal Centre and the work it does.
	2. Second, we will address the right to access to adequate housing as provided for in the South African Constitution.
	3. Third, we address question 8 in the questionnaire which seeks to address housing discrimination in relation to accessibility, habitability, affordability, security of tenure, availability of services, materials, facilities and infrastructure and location as well as the impact on non-recognition of religious marriages and patriarchy in custom.
	4. Fourth, we briefly discuss how spatial segregation continues to affect black womxn in South Africa.

**INTRODUCTION**

1. The Women’s Legal Centre (WLC) is an African Feminist Legal Centre that advances womxn’s[[1]](#footnote-1) rights and equality through strategic litigation, advocacy and education and training. We aim to develop feminist jurisprudence that recognises and advances womxn’s substantive rights to equality and dignity in all spheres of her life. We operate as a not for profit, non-governmental organisation. While our office is based Cape Town, Western Cape, we have a national footprint.
2. The Centre drives a feminist agenda that appreciates the impact that discrimination has on womxn within their different classes, race, ethnicity, sexual orientation, gender identity and disability. The work of the Centre is done in an intersectional manner as we recognise that womxn are not a homogenous group and thus experiences discrimination differently. The Centre has five strategic focus areas which include addressing violence against womxn, womxn’s rights to land, housing and tenure security, equality in relationships, access to sexual, reproductive health and rights, as well as womxn’s rights to work in just and favourable conditions of work. These submissions form part of the work being undertaken by our land, housing and tenure security programme along with our equality in relationships programme.
3. In our work we often experience violence against womxn and womxn’s access to labour opportunities intersecting with where they are geographically situated in relation to their housing and tenure security. Womxn’s rights to tenure security and access to adequate land and housing also intersect in various ways with issues of custom in both law and practice. One therefore cannot have a conversation about a womxn’s rights to access to land in isolation from where she is positioned within her home, community, and society as a whole.
4. Our submissions will deal only with those questions on which the WLC is uniquely placed to address the lived reality of womxn and we seek to provide a gender lens to the housing crisis in South Africa.

**THE CONSTITTUTION**

1. The Constitution[[2]](#footnote-2) is the supreme law of South Africa and applies to everyone who is found within the Republic. Chapter 2 of the Constitution provides sets out the basic human rights inherent to everyone in South Africa.
2. The Constitution provides in section 9 that everyone has the right to be treated equal before the law and that no person may be discriminated against based on their race, sex, class, gender, sexual orientation among other listed grounds while section 10 of the Constitution provides everyone with the right to dignity and the right to have that dignity respected and protected.
3. Section 25 of the Constitution provides that no one may be deprived of property arbitrarily and then only through a law of general application, and no law may permit arbitrary deprivation of property. It provides in subsection 2 for the expropriation of property[[3]](#footnote-3) in terms of the law of general application when it is for a public purpose or in the public interest subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
4. It further states in S25(3) that the compensation must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including the current use of the property, the history of the acquisition and use of the property, the market value of the property, the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and the purpose of the expropriation.
5. Section 25 further provides the definition of public interest in subsection 4 as including the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources and states that property is not limited to land. It also provides that the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
6. Section 25 further provides in subsection 6 that a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress. It further provides in subsection 7 that a person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress and in subsection 8 that no provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination and places a positive obligation on Parliament to enact legislation accordingly.
7. Section 26 of the Constitution provides for the right to access to adequate housing and once again places a positive obligation on the State to take reasonable and other legislative measures within its available resources to achieve the progressive realisation of this right. Section 26 subsection 3 is particularly important as it protects all person’s from being evicted from their home without a valid court order.
8. Although the Constitution provides for the progressive realisation of rights, in particular the rights to land and housing, this is far from the reality for most womxn of colour in South Africa. Black womxn continue to remain the face of poverty and discrimination and where they have access to housing, such access is inadequate and undignified.

**HOUSING DISCRIMINATION**

1. Black womxn face both de facto and legal discrimination when trying to access their right to adequate housing. In January 2017 the World Economic Forum reported that womxn own less than the 20 percent of the world’s land. South Africa has similar struggles in respect of womxn’s ownership of and control over land. Access to natural resources such as land is critical for vulnerable rural, as well as urban womxn to improve their living conditions, food security and livelihood.
2. Womxn’s access to adequate housing in South Africa is informed by the historical, social, and economic setting in which womxn seek such access. The apartheid regime sought to separate and racially divide South Africans, and this was achieved through pass laws and separate development where black people were forcibly removed from their homes and land and settled in certain parts of the country that were underdeveloped. Land, since the dawn of ages has been the main barter in establishing power across the globe. In the apartheid era, land was used solely to disown and disempower black people. White Settlers appropriated more than 90% of the land surface under the 1913 Natives Land Act confining indigenous people to reserves in the remaining marginal portions of land. As a result, black people were forced to move from rural areas to look for employment and shelter in the more urban areas and even there they required state approval to do so.[[4]](#footnote-4)
3. Although the dawn of our democracy has brought about great political strides and transformation, economic transformation for womxn remain slow and the spatial segregation and exclusion of black people, especially womxn continue.

Accessibility

1. It was reported by the Statistics South Africa General Household Survey that just over 80% of households in South Africa lived in formal settlements in 2017, followed by 13,6% in informal dwellings, with the highest percentage of informal households in Limpopo with 91,7%.[[5]](#footnote-5) Furthermore, whilst 88,6% of households could access piped water in 2017, only 74,2% in Eastern Cape and 74,7% in Limpopo had such access.[[6]](#footnote-6) In terms of access to sanitation in South Africa, households in informal settlements have to share sanitation sites and this is a cause for concern with regards to safety.[[7]](#footnote-7) Moreover, 23,7% of households voiced concern in terms of poor lighting and 16,3% about inadequate physical safety, a situation that places womxn at vulnerability of violent attacks. South Africa, as a developing country, has seen a surge of informal settlements in major cities.[[8]](#footnote-8) In the Western Cape Province, approximately 193 000 households lived in 204 informal settlement areas in the City of Cape Town, and this increases every year.[[9]](#footnote-9)
2. Womxn have diverse challenges, experiences, and needs when trying to access to land and tenure security in South Africa. Class and socio-economic background largely determines ones access to housing. Black womxn’s vulnerability is compounded when trying to access adequate housing as womxn in poor communities and rural areas struggle with access to resources and adequate basic services.
3. In the Western Cape as an example, womxn of colour are found living on the cape flats and informal settlements with their biggest challenge the deficient access to basic services such as clean water and adequate sanitation, safety and security, health services and overall wellness.
4. Sanitation and inadequate hygiene poses a health and safety risk for womxn in particular with poor management of government service delivery policies and processes[[10]](#footnote-10). Life in informal settlements is both insecure, often dangerous and largely impacts on persons of colour. The lack of sanitation, running water and electricity compounds the vulnerability of womxn as it creates increased violence in the form of crime and/or protests for service delivery[[11]](#footnote-11).

Habitability

1. Gender inequality in South Africa results in a lack of basic services distinctively affecting the lives of womxn who live in informal settlements.[[12]](#footnote-12) Although the South African government has made strides in housing delivery, there are some concerns with regards to RDP[[13]](#footnote-13) houses as they have been reported as being of weak structure and unsafe to live in. Womxn are more exposed to social, economic and health risks, and are worse off in accessing health care and employment than their male counterparts and this is a huge infringement on their right not to be discriminated against.[[14]](#footnote-14)
2. South Africa has seen an increase in its crime rate as our society becomes more unequal, with murder having increased by 6,6% and sexual assault by 4,5% from October to December 2020[[15]](#footnote-15).Womxn in informal settlements are at more risk of sexual assaults as well as gender-based violence in general, due to the vulnerable environment in which they live.[[16]](#footnote-16) The reason why many womxn still struggle for safe access to services and opportunities is due to the current policies and implementation of such policies that does not adequately consider womxn’s rights and needs in informal settlements.
3. The lived reality of womxn in informal settlements in South Africa is troubling. The role that womxn play in their homes, community and society informs their responsibility and risk negative health impacts. Womxn who live in the Cape Flats and informal settlement’s in general find such circumstances as inhabitable due to the health and safety risk the environment poses to them.
4. In the Western Cape, womxn in informal settlements in Cape Town are faced with a safety concern as they rely on shared communal toilets and have to walk distances to access taps for water.[[17]](#footnote-17) With Western Cape’s crime rate having increased by 11,2% for murder and by 7,6% for rape[[18]](#footnote-18), womxn suffer discrimination when trying to access resources such as water and toilets. They risk their lives daily in order to access basic resources for survival and moreover, 56% of residents in Cape Town have reported to not have adequate lighting in their settlement[[19]](#footnote-19), making the situation more severe for womxn at night. Furthermore, with the robbery crime at residential premises statistics being at a staggering high of 30,5%[[20]](#footnote-20), womxn are not only unsafe when they go out to get resources but also in their own homes, which are not built to protect them from such robberies as they are poorly built houses or shacks.
5. The Cape Flats in the Western Cape are East of the Northern and Southern Suburbs (considered to be more affluent and where whites only areas were declared during apartheid) of Cape Town and are made up of townships where mostly people of colour were moved to and displaced as a result of apartheid policies and laws.[[21]](#footnote-21)

Affordability

1. The right to access adequate housing in South Africa is enshrined in s26 of the Constitution of the Republic of South Africa, 1996, where the government has to use resources reasonably available to provide such access to housing in a progressive manner. The Constitution protects everyone’s right to such access, with people living in poverty and homelessness having been identified as ones to be given priority with regards to such access considering their previous disadvantage.[[22]](#footnote-22) Furthermore, the most significant aspect of the right to housing is the provision of affordable housing, where people are able to access adequate housing that is affordable but also not subpar.[[23]](#footnote-23)
2. Housing cannot be said to be adequate if its costs have a negative impact on the fulfilment of other human rights such as health and education. While government subsidized housing has been implemented in South Africa as an attempt at providing affordable housing to persons who falls within a specific category, it has been found to cause other barriers and difficulties for womxn. Studies have shown that womxn can be put at greater risk of domestic violence, compromise their privacy, and jeopardise their opportunities to earn an income in such housing.[[24]](#footnote-24) Here once again spatial segregation plays an important role in continuing to keep working class womxn on the periphery of affluent areas and suburbs.
3. There is discrimination with regards to accessing adequate affordable housing for low-income earners as they are the ones most likely to be faced with high debt and poor creditworthiness, which remains a critical issue in South Africa.[[25]](#footnote-25) Additionally, black womxn are mostly the ones unable to afford such housing as they are at the bottom of the economic class in the country, owing to the labour market being more favourable to men with men being more likely to be paid more in formal employment than womxn.[[26]](#footnote-26) Moreover, a survey done in 2018 showed the rate of unemployment amongst womxn being 7,5 percentage points higher than that of males.[[27]](#footnote-27) Meaning womxn’s chances of accessing affordable housing are more diminished compared to the chances that men have. This increases womxn’s reliance on men and them continuing to stay in violent and abusive relationships.

Security of Tenure

1. It can be acknowledged that the homelessness and housing crisis in South Africa today originates from the apartheid-era, where government’s rural and urban land tenure measures, with private owners’ common-law remedies, led to large-scale forced evictions.[[28]](#footnote-28) Furthermore, in historic apartheid times, evictions from land would occur without regard to the personal circumstances of the unlawful occupiers as there was no Constitutional protection in terms of a provision obliging courts to take into account all relevant circumstances prior to granting an eviction order.[[29]](#footnote-29)
2. With the country’s strides to provide access to adequate housing, it should be noted that housing cannot be deemed as being adequate if the people who live there have no degree of tenure security to ensure legal protection against forced evictions, harassment, and other threats. In terms of land invasion, the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act[[30]](#footnote-30) (PIE) governs the process of eviction. The South African courts have established principles in terms of the Act, one being that people should not be evicted into a situation of homelessness but provided with temporary alternative accommodation.[[31]](#footnote-31)
3. Despite such an Act, major cities such as Cape Town, Johannesburg and eThekwini continue using municipal law enforcement and private security companies to remove people from informal housing and relegating them to the plight of homelessness, most times with no court order.[[32]](#footnote-32) It is reported that in one particular case, 29 womxn were evicted from shacks during the COVID 19 legislative measures implemented by the government to stop the spread of the pandemic. During this time period Court ordered evictions were suspended, but this did not stop local law enforcement and local government officials from effecting unlawful evictions. They were left with nowhere to go and slept in open fields, and later got arrested by the police for violating lockdown rules.[[33]](#footnote-33) This highlights the vulnerability and lived reality of womxn in South Africa and how their insecure tenure has been compounded by a global pandemic like COVID 19. It also illustrates the States lack of understanding in relation to womxn’s rights, vulnerability and lived reality. This is the harsh reality that womxn are faced with in South Africa.
4. Such treatment is highly discriminatory against womxn not only in terms of their dignity but also tenure security. It is vital to know that each eviction has its own dynamics, history, elements, and possibilities that should be explored as far as is reasonably possible as circumstances of unlawful occupiers are unique.[[34]](#footnote-34) This is not realised as courts do not take into consideration the needs and lived realities of womxn when determining what is just and equitable in eviction matters and the right to property is often viewed as superior to the right to access to adequate housing with Courts using the PIE Act as a tick box approach to enforcing evictions.

Availability of services, materials, facilities and infrastructure

1. With South Africa’s move to democracy, it would appear that womxn have a different ‘freedom’ than everyone else as they continue to grapple with a lot of challenges. The equality gap exists with womxn’s lived experiences not fully recognised.[[35]](#footnote-35) It is acknowledged that a country where everyone is allowed to vote does not necessarily mean equal access to resources and cohesion, but that a further step to acknowledge and understand everyday struggles of race, class and gender is needed.[[36]](#footnote-36) Womxn of colour are specifically discriminated against based on where they are geographically situated. Denying them access to work merely due to where they live, thus denying them financial security.[[37]](#footnote-37) Moreover, some womxn in informal settlements are discriminated against in terms of health, as public hospitals in their areas lack resources needed, and they cannot afford to pay for treatment in private hospitals.[[38]](#footnote-38) In the cape flats in Cape Town, womxn of colour are far removed from adequate access to basic services such as adequate health care, policing, work opportunities and schooling.
2. With 52% of South Africa’s population being womxn, almost half of them (47%) are living in non-urban/rural areas.[[39]](#footnote-39) With the poor service delivery in non-urban/rural areas, this means that almost 52% of womxn are deprived access to basic services merely due to where they are geographically. And service delivery does not only impact on the standard of living, health and well-being but affects socio-economic conditions of settlements and overall quality of life. This leaves womxn of colour with a subpar quality of life. Unemployment statistics indicate that womxn of colour continue to live under severely poor conditions in poor areas due to lack of work opportunities amongst other things, and there is limited access to education and skills training which further contributes to poor quality of life.

Location

1. As stated above, where womxn are situated geographically directly impacts their basic access to service delivery, infrastructure, employment opportunities, health services, education and safety. Womxn of colour who live with insecure tenure in both urban and rural areas find themselves living a life of poor quality and with a greater risk to falling victim to harsh crimes.

Marriage

1. South Africa has multiple statutes in terms of the recognition of marriages[[40]](#footnote-40). Religious marriages such as marriages concluded in terms of the Islamic, Hindu and other faiths practiced by persons of colour remain largely legally unrecognised. The non-recognition of Islamic and Hindu marriages leave womxn in such marriages vulnerable as they are legally unable to secure their rights to housing, land or property that they may have accumulated during the course and scope of their marriages.
2. Although the WLC and other individual womxn have litigated to seek some form of recognition for such womxn in certain circumstances the lack of formal recognition of their marriages continue to hamper their full enjoyment of their right to property and housing. This position has been upheld by the Western Cape High Court[[41]](#footnote-41) in August 2018 when it ruled that the South African government had failed in their obligation to legislate the recognition of Muslim marriages and by so doing violated womxn’s rights to equality. The Supreme Court of Appeal[[42]](#footnote-42) has also found that the State has an obligation to enact legislation to recognise Muslim marriages and that a failure to do so amounts to gender discrimination.
3. There is current law reform processes underway, but the schedule for such legislative development means that womxn will have to wait until 2024 at a minimum before they are in a position to secure tenure and protect their rights to housing and land in marriage.
4. In addition to non-recognition of religious marriages womxn married in terms of African customary law also struggle with insecure tenure[[43]](#footnote-43). This is mostly because of the non-registration of customary marriages. Registration of these marriages are not a requirement although non-registration does not invalidate the marriage. In practice however womxn find that upon the death of their spouses their in-laws will often deny the existence of the customary marriage depriving womxn of housing, land and property that they are entitled to because of the marriage[[44]](#footnote-44).
5. Womxn especially in rural areas still live in subjugation to traditional leadership, which frustrates their rights to equality and equal participation in the enjoyment of land and natural resources in communal settings. Even though the Constitution makes provision for womxn’s equality this has not necessarily translated into the lived reality and experience for womxn.
6. Womxn living in rural areas continue to see the impact of patriarchy in their daily lives and more especially their access to land and housing. In such settings the Constitution carries very little weight as traditional authorities often undermine womxn’s equal standing in communities[[45]](#footnote-45).

**SPATIAL SEGREGATION**

1. South Africa’s urban challenges sometimes are considered as distinctive and separate to those of the rest of the continent because of the apartheid legacy of a fragmented and racially splintered urban landscape.[[46]](#footnote-46) Exclusionary spatial patterns from the past continue to be reproduced as evidenced by the rapid expansion of urban informal settlements in peripheral and marginal zones and often subject to environmental hazards such as flooding. A previous assessment offered from our national government was that “South Africa has yet to find an appropriate model for effectively harnessing the potential of its cities to drive economic growth and redress the spatial patterns that continue to marginalise poor people” (National Treasury, 2011).[[47]](#footnote-47)
2. Gated communities have increased in demand over the past years in South Africa and its increase has caused a number of problems as it has contributed greatly to the existing spatial fragmentation and social exclusion of people of colour, in particular, poor black womxn. South Africa has been dubbed as one of the most dangerous societies in the world and gated communities have become popular for the sense of safety it brings by keeping perpetrators out.
3. The Spatial Planning and Land Use Management Act[[48]](#footnote-48) (SPLUMA) is a national law that came into effect in 2013. SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning. SPLUMA aims to provide for the inclusive developmental, equitable and efficient spatial planning at different spheres of government, including among others, to address past spatial and regulatory imbalances.
4. Section 7 of SPLUMA specifically states that the principle of spatial justice applies to spatial planning which include that past spatial imbalances be addressed through improved access to land use and that spatial development framework and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.
5. The use of legislation such as SPLUMA has come into great debate over the past years in the manner in which it is being used by local government in relation to how private developers are granted planning permission to develop gated communities and high-rise buildings in the Western cape which creates wealthy white enclaves to the further social and economic exclusion of poor black people. It has further created the perception that safety and services are only available to those who can afford it.
6. This continued spatial fragmentation in an urban context directly affects womxn of colour who have been attracted to the urban city environment for many years in order to get work and improve their and their families living conditions. Access to land and housing in urban centres have increasingly become problematic in cities such as Cape Town where apartheid spatial planning and development continue to keep womxn from enjoying access to housing which is in close proximity to their places of employment.
7. In the Western Cape, there has been a rise in the spate of building occupations and land invasions with many of the urban and rural land-movements being led by womxn. Womxn who work as domestic workers in the inner city have resorted to live in occupations as a means of having accommodation in well located areas close to their work opportunities and basic services. These buildings are often debilitated and abandoned by government and private owners, and the occupiers live without access to basic services such as water, electricity and general safety.
8. The argument is that well-located land in urban areas is scarce, and thus it is offered to developments and private owners first to drive higher taxes and rates. This then means that affordable housing in well-off areas is not invested in and more people of colour are left to have no choice but to get housing in poorer settlements due to affordability.
9. In the Western Cape, a large part of the poor and working class live as backyard dwellers and have been living like this for decades with no remedy to the situation by both the provincial and national government. The City of Cape Town as the local government, thus continues to implement apartheid spatial development policies and by-laws towards the historically disadvantaged black African and coloured population in the Western Cape.

**CONCLUSION**

1. South Africa has a long way to go in relation to making adequate housing a reality for people of colour, in particular, black womxn. In reality, property interests are deemed more important than human rights and this affects the lived reality of black womxn who are forced to live in the cape flats, informal settlements and urban periphery where they are far removed from access to basic services such as health services, education, employment opportunities and safety.
2. Womxn remain the face of poverty, discrimination and crime because of their insecure tenure. Where they suffer from violence within the household, they are forced to endure it as they have no alternative accommodation or place of safety to turn to. Womxn and children have been recognised as a vulnerable group that has suffered discrimination based on their class, gender and race. This vulnerability is compounded when they live in unsafe and undignified housing with no access to basic services and as a result, womxn face grave human rights violations on a daily basis. While South Africa has national and provincial laws in place to deal with access to housing, evictions and spatial planning, these laws fail to provide substantive equality and protection to black womxn.

*This submission was compiled with inputs from Chriscy Blouws (Chriscy@wlce.co.za), Charlene May(Charlene@wlce.co.za) and Asanda Gwebushe on behalf of the Women’s Legal Centre.*

1. The WLC uses the term “womxn” throughout these submissions as the term is inclusive of all persons who

identify themselves as womxn. It further serves as a feminist reminder of the rejection of patriarchal values

attached to the gender binary. [↑](#footnote-ref-1)
2. The Constitution of South Africa 108 of 1996 [↑](#footnote-ref-2)
3. There is currently law reform processes underway in the country to redefine expropriation for the purposes of advancing the objective of land restitution and to address the slow implementation of the post-apartheid land restitution prerogative. [↑](#footnote-ref-3)
4. The Land Question in South Africa, The challenge of transformation and redistribution by Lungisile Ntsebeza & Ruth Hall [↑](#footnote-ref-4)
5. The Latest Household Statistics, Stats South Africa, available at [www.statssa.gov.za/?p=11241](http://www.statssa.gov.za/?p=11241). [↑](#footnote-ref-5)
6. The Latest Household Statistics, Stats South Africa, available at [www.statssa.gov.za/?p=11241](http://www.statssa.gov.za/?p=11241). [↑](#footnote-ref-6)
7. The Latest Household Statistics, Stats South Africa, available at [www.statssa.gov.za/?p=11241](http://www.statssa.gov.za/?p=11241). [↑](#footnote-ref-7)
8. Housing Development Agency. South Africa: Informal Settlement Status, 2013. [↑](#footnote-ref-8)
9. Housing Development Agency, 2013. [↑](#footnote-ref-9)
10. <https://www.internationalbudget.org/wp-content/uploads/asivikelane-brief-5.pdf> [↑](#footnote-ref-10)
11. <https://media.africaportal.org/documents/Matsie__Gender_lens_on_informal_settlement_upgrading.pdf> [↑](#footnote-ref-11)
12. T. Jooste & N. Mathibela, ‘Improving The Lives Of Women In Informal Settlements Starts With Fixing Basic Services’ Asivikelane Brief 5, 2020. [↑](#footnote-ref-12)
13. Reconstruction and Development Programme (RDP) is a South African socio-economic policy that was implemented by the government of Nelson Mandela in 1994. [↑](#footnote-ref-13)
14. UN Women, available at <https://www.data.unwomen.org/features/covid-19-exposes-harsh-realities-gender-inequality-slums>. [↑](#footnote-ref-14)
15. South African Police Service (SAPS) Crime Statistics, Quarter Three (2020). [↑](#footnote-ref-15)
16. UNAIDS, ‘The Community Is Not On The Girl’s Side’, available at<https://www.unaids.org/en/resources/pressecentre/featurestories/2019/march/20190318_riseclubs> [↑](#footnote-ref-16)
17. Weimann. A, Health through human settlements, available at <https://www.sciencedirect.com/science/article/pii/S0197397519309427>. [↑](#footnote-ref-17)
18. South African Police Service (SAPS) Crime Statistics, Quarter Three (2020). [↑](#footnote-ref-18)
19. Parikh, P. *et al*, Barriers and opportunities for participatory environmental upgrading, available at <https://www.sciencedirect.com/science/article/pii/S2590252020300222>. [↑](#footnote-ref-19)
20. South African Police Service (SAPS) Crime Statistics, Quarter Three (2020). [↑](#footnote-ref-20)
21. Cape Flats, available at <https://www.sahistory.org.za/place/cape-flats-cape-town>. [↑](#footnote-ref-21)
22. Beukes S., Promise of right to housing remains elusive in democratic South Africa, available at <https://www.google.cm/amp/s/theconversation.com/amp/promise-of-right-to-housing-remains-elusive-in-democratic-south-africa-105706>. [↑](#footnote-ref-22)
23. Human Settlements, available at [https://www.gov.za/about-sa/humansettlement#](https://www.gov.za/about-sa/humansettlement). [↑](#footnote-ref-23)
24. Meth P., Affordable housing proves life-changing for the urban poor – but poses unexpected risks for women, available at <https://www.google.com/amp/s/theconverstion.cm/amp/affordable-housing-proves-life-changing-for-the-urban-poor-but-poses-unexpected-risks-for-women-12531>. [↑](#footnote-ref-24)
25. Housing Finance in South Africa, available at <https://housingfinanceafrica.org/countries/south-africa/>. [↑](#footnote-ref-25)
26. Statistics South Africa, available at <https://www.statssa.gov.za/?p=11375>. [↑](#footnote-ref-26)
27. Statistics South Africa, available at <https://www.statssa.gov.za/?p=11375>. [↑](#footnote-ref-27)
28. Muller G., The legal-historical context of urban forced evictions in South Africa, available at <https://www.scielo.org.za/sceielo.php?script=sci_arttext&pid=S1021-545x2013000200010>. [↑](#footnote-ref-28)
29. Muller G., The legal-historical context of urban forced evictions in South Africa, available at <https://www.scielo.org.za/sceielo.php?script=sci_arttext&pid=S1021-545x2013000200010>. [↑](#footnote-ref-29)
30. 19 of 1998 [↑](#footnote-ref-30)
31. Truter M., Evictions – a sad reality in South Africa, available at <http://www.derebus.org.za/evictions-sad-reality-south-africa/>. [↑](#footnote-ref-31)
32. Serebrin J. City Monitor, available at <https://www.citymonitor.ai/fabric/south-africa-cities-evictions-are-happening-despite-national-ban-5226>. [↑](#footnote-ref-32)
33. Serebrin J. City Monitor, available at <https://www.citymonitor.ai/fabric/south-africa-cities-evictions-are-happening-despite-national-ban-5226>. [↑](#footnote-ref-33)
34. Van Wyk J. The role of local government in evictions, available at <http://www.sciel.org.za/scielo.php?script=sci_arttext&pid=S1727-37812011000300006>. [↑](#footnote-ref-34)
35. Segalo P. Gender, social cohesion and everyday struggles in South Africa, available at <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-50462015000200006>. [↑](#footnote-ref-35)
36. Segalo P. Gender, social cohesion and everyday struggles in South Africa, available at <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-50462015000200006>. [↑](#footnote-ref-36)
37. Segalo P. Gender, social cohesion and everyday struggles in South Africa, available at <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-50462015000200006>. [↑](#footnote-ref-37)
38. Segalo P. Gender, social cohesion and everyday struggles in South Africa, available at <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1015-50462015000200006>. [↑](#footnote-ref-38)
39. Statistics South Africa, South African October Household Survey, 1999. [↑](#footnote-ref-39)
40. The Marriages Act 25 of 1961 regulates civil marriages between heterosexual couples, The Recognition of Customary Marriages Act 120 of 1998 recognises African customary marriages, The Civil Unions Act 17 of 2006 recognises same sex marriages. [↑](#footnote-ref-40)
41. <http://www.saflii.org.za/za/cases/ZAWCHC/2018/109.html> [↑](#footnote-ref-41)
42. <https://www.supremecourtofappeal.org.za/images/judgments/2020/sca2020-177ms.pdf> [↑](#footnote-ref-42)
43. <http://www.cls.uct.ac.za/usr/lrg/downloads/Women_and_Land.pdf> [↑](#footnote-ref-43)
44. <http://scholar.ufs.ac.za:8080/bitstream/handle/11660/1043/juridic_v27_n2_a7.pdf?sequence=1&isAllowed=y> [↑](#footnote-ref-44)
45. <https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/Commissioned_Report_land/Commisioned_Report_on_Tenure_Reform_LARC.pdf> [↑](#footnote-ref-45)
46. Addressing South Africa's urban challenges, Urbani Izziv, 2014, Vol. 25, supplement: (2014), pp. S1-S4 [↑](#footnote-ref-46)
47. Addressing South Africa's urban challenges, Urbani Izziv, 2014, Vol. 25, supplement: (2014), pp. S1-S4 [↑](#footnote-ref-47)
48. 16 of 2013 [↑](#footnote-ref-48)