



COHRE statement on UPR for South Africa Human Rights Council 11 June 2008

The Centre on Housing Rights and Evictions (COHRE) welcomes the attention paid by at least six Governments to housing rights matters during the interactive dialogue on South Africa in the Universal Periodic Review. We are nevertheless concerned that these interventions were primarily congratulatory, and that there were no recommendations on housing rights issues. Worryingly, a number of concrete issues raised by states during the interactive dialogue were excluded from the report of the Working Group.

COHRE is alarmed by proposed amendments to the *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act*, known as the PIE Act. As noted by Romania, amendments to the PIE Act would limit the scope of persons protected, and there are concerns that this will lead to an increase in evictions and the number of people rendered homeless by evictions.

A further cause for concern noted by Romania is the recently passed provincial legislation, the KwaZulu-Natal *Elimination and Prevention of Re-Emergence of Slums Act*. COHRE is disturbed that other provinces are looking to adopt similar legislation, particularly considering substantial public criticism of the legislation and the ongoing legal challenge to the constitutionality of the Slums Act. The Act effectively promotes the eradication of slums by encouraging landowners and municipalities to initiate eviction procedures in cases in which people are unlawfully occupying land or buildings. The Act erodes tenure security for potentially hundreds of thousands of people, and also contradicts national housing policy providing for *in situ* upgrading of informal settlements.

However, COHRE welcomes the recent historic judgment in the case of *Mazibuko v. City of Johannesburg*, which increased the minimum amount of drinking water that the City is obligated to provide to low-income residents in Phiri township in Soweto, and which also found the practice of forced installation of pre-payment water meters in Phiri to be unconstitutional.

Despite this positive water rights achievement, the housing rights situation in South Africa remains of very serious concern with escalating forced evictions in Durban and in other South African cities. During 2007, COHRE found that the Durban Municipality forcibly evicted more than 6 000 people. The Municipality has also failed to provide adequate services to hundreds of thousands of people living in informal settlements in Durban. In Johannesburg, the 'urban regeneration' and gentrification of the inner city is leading to the eviction of thousands of desperately poor people who access livelihood opportunities there.

COHRE urges this forum to record these concerns about erosions to housing rights protections. Above all, COHRE urges the South African Government to address these issues without delay.