South African delegation at the Human Rights Council may weaken the international status of the right to adequate housing

SERI, the CLC and CALS note with concern that the action of the South African delegation at the Human Rights Council may threaten a progressive resolution on the right to adequate housing.

It has come to the attention of SERI, the CLC and CALS that the South African delegation at the 25th Session of the Human Rights Council in Geneva is requesting last minute amendments to an important resolution on adequate housing as a component of the right to an adequate standard of living. After weeks of negotiation the resolution is due to be adopted at the Human Rights Council tomorrow, Friday 28 March. The proposed amendments which will be considered today may result in this progressive resolution not being adopted.

This resolution is the culmination of a two year process in which the South African government has actively engaged, including participating at the African regional consultation on security of tenure for the urban poor which was convened by the Special Rapporteur on adequate housing in Johannesburg in May 2013. The consultation was attended by government, civil society, academic and professional representatives from South Africa, Egypt, Brazil, Madagascar, Kenya, Nigeria, Senegal and Uganda. Out of this process the Special Rapporteur produced important guiding principles on security of tenure for the urban poor.

However by tabling several amendments to the resolution at such a late stage the South African delegation opens up room for each one of them to be considered separately, which will make the process of adoption very difficult. SERI, the CLC and CALS are also concerned that, if the proposed amendments by the South African delegation have the effect of watering down the resolution, the housing and security of tenure protections afforded to people at this important international human rights body will suffer. As this stance stands in stark contrast to constitutional and legal protections of socio-economic rights, particularly the right to adequate housing, in South Africa this is very worrying.

Given the emphasis on housing and security of tenure in the current election manifesto of the ruling party, it seems that the South African government is paying lip-service to the constitutional mandate at a time when the country is facing an ever-increasing spate of protests related to housing and tenure security issues. Instead of furthering the protections enshrined in our widely celebrated Constitution, the delegation may weaken the international status of the right to adequate housing.

SERI senior researcher, Jackie Dugard, said: “It is hard to understand why the South African government would want to hold up and jeopardise a long-standing international process to offer basic protections to one of the most vulnerable socio-economic groups in the world - informal occupiers. This is all the more confusing given the leading role South Africa's Constitution plays internationally with its entrenched right of access to adequate housing. If the process results in watered down protections this will be a very sad retreat.”

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