



Honourable Minister of Human Settlements, Water and Sanitation, Ms. Lindiwe Sisulu:

ATTNT: Ms Mareldia Chowglay; Ms Swazi Taitai; Mr Mike Louw at and the Personal Assistant to the President, Malebo Sibiyi; and the Honourable Minister of Cooperative Governance and Traditional Affairs, Dr Nkosazana Zuma, Ms Mandisa Mbele and Ms Pamela Salusalu

It is my honour to reach out to you as the Global Director of The Shift and the former United Nations Special Rapporteur on the right to housing. I was heartened to hear, in July of 2020, that as Minister of Human Settlements, Water and Sanitation you announced that your Department planned to provide R600 Million in rent relief to tenants affected by the pandemic and who faced arrears and homelessness. I welcomed this announcement, understanding that between 2.2 million and 3 million tenants in South Africa had lost their employment during the first lockdown and were in dire financial need, at times foregoing rental payments in order to cover the costs of food and water.

It has come to my attention that 8 months after your announcement in July, the rent relief scheme has not yet been enacted and, as far as I understand, tenants have not received the assistance necessary to cover their housing costs.

According to your Government's statistic bureau, there are currently 3,720,000 tenants in South Africa. Of these, those facing continued hardship throughout the pandemic are the tenants paying less than R3,000 per month in rent, who are often also the most economically and socially vulnerable. These vulnerable households face an even greater risk if your government lifts the Alert Level 1 lockdown regulations that are currently preventing eviction orders from being issued. I must also highlight, that while judicial evictions have been suspended, I have received information that extrajudicial evictions are taking place for those tenants who have fallen into arrears. Tenants have experienced threats and/or intimidation, forcing them to abandon their homes and at times leaving them in situations of homelessness.

I remind your honourable government that according to the human right to adequate housing, as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights and ratified by the South Africa government in January 18<sup>th</sup>, 2015, that evictions into homelessness are a violation of the right to housing. Similarly, Article 26 of the South African Constitution obliges your government to the progressive realization of the right to housing and the freedom of eviction into homelessness.

# THE SHIFT

#RIGHT2HOUSING

I take this opportunity to encourage you to fulfill your commitments and effectuate the rent relief scheme so that the most vulnerable households access the support they need to remain housed. I also urge you to leave in place the suspension of eviction orders for the duration of the pandemic and a reasonable time thereafter. In so doing, you will be avoiding an evictions and homelessness crisis during a deadly pandemic, all of which could be tantamount to an unparalleled human rights crisis.

I also take this opportunity to share with you the [Model Emergency Housing Legislation](#) developed by The Shift in collaboration with the Open Society Foundations' Justice Initiative, the South African Human Rights Commission, and others. This model legislation provides lawmakers with sample legal provisions that could be used to ensure the right to housing during COVID-19, and the ensuing recovery period. Tenant protections and protections from evictions are among the issues covered within the legislation. In May of 2021, with the support of the South African Human Rights Commission and the German Government, The Shift will be hosting a private roundtable of government officials from the African Region, with the aim of discussing the Model Legislation and using it to provide practical guidance to those officials interested in implementing approaches to securing the right to housing during the pandemic and in the recovery period. We would welcome you and your office to participate in this roundtable and would be happy to furnish you with more details.

I will continue to monitor the protection of tenants and the rates of evictions in South Africa, with the support of local organizations and advocates. Please know that I will be available to support your government in ensuring that any decision made serves to secure the right to housing and uphold your constitutional obligations and your obligations under international human rights law.

I look forward to your response on this matter. Please note, I will publish this letter after the 16<sup>th</sup> of April 2021.

Sincerely,



Leilani Farha  
Global Director, The Shift  
Former United Nations Special Rapporteur on the right to housing