



FLOODED AND FORGOTTEN

INFORMAL SETTLEMENTS AND THE RIGHT
TO HOUSING IN SOUTH AFRICA

AMNESTY
INTERNATIONAL



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Cover: A woman holds her baby as she looks out over the flooded Covid-19 informal settlement in Bloekombos, Kraaifontein, Cape Town, 2021 © Gallo Images via Getty Images

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EXECUTIVE SUMMARY

“Flooding has become the norm for us... when it floods you need gumboots to walk around the settlement as you don’t know whether you are walking in mud or faeces.”

Kenneth, resident of Barcelona informal settlement, Cape Town

More than 5 million people in South Africa live in informal settlements, where daily life is marked by deprivation and precarity. Residents of informal settlements lack security of tenure and adequate access to essential services such as water, sanitation, waste collection and electricity. Often close to riverbanks, in low-lying areas or on perilous floodplains, these settlements are highly susceptible to flooding, waterlogging and mudslides. Informal settlements are a manifestation of the failure of successive governments in South Africa to guarantee the right to adequate housing among other human rights. As noted by the UN Special Rapporteur on the right to adequate housing, “[i]nformality is a response to exclusionary formal systems. Those who migrate to cities for work or who are displaced from other neighbourhoods must create, through informal settlements, a subsidiary housing system to meet urgent needs that the formal housing system has failed to meet”.



Barcelona 2 informal settlement, eThekwin, 2025 © Amnesty International

The lack of adequate housing and access to essential services is also experienced by people living in Temporary Relocation Areas (TRAs) that unlike informal settlements are established by the government in response to large-scale evictions or disasters that lead to displacement. Because TRAs are meant to be temporary, the government has done little to improve them, even though some have existed for decades.

This report examines the incidence and impact of flooding, both riverine and seasonal, caused by heavy rain, on residents of informal settlements and TRAs in three metropolitan municipalities in South Africa – Cape Town, eThekwin and Johannesburg. The findings are, however, indicative of challenges faced by people living in informal settlements and other underserved communities across the country. The report locates these issues within the framework of key laws, policies and practices related to the adequacy of housing, access to essential services, and flood mitigation and flood response (including in the context of climate change), and analyses them from a human rights perspective. It highlights the human rights obligations of all three spheres of government in South Africa – local, provincial and national – as well as the human rights obligations of the international community.

LIFE IN INFORMAL SETTLEMENTS

“I worry about the conditions that we live in here. We have babies and I worry about them. There are fires because people use stoves and candles... my roof leaks every time it rains and the area is full of water at least once a year, if it rains for 10 days continuously. There are also drunk people and there is crime. The police only come when there is a murder, but we are getting robbed every day.”

A resident of Covid-19 informal settlement in Delft, Cape Town

The experiences of people who live in or engage with informal settlements and other underserved areas in Cape Town, eThekweni and Johannesburg paint a harrowing picture of inequality, suffering and insecurity. People expressed despair that the patterns of segregation in housing and poverty inherited from the apartheid era have barely changed. Their overcrowded and often makeshift homes have no running water, electricity or safe sanitation. Living in underserved areas also means that they are highly vulnerable to crime and sexual and gender-based violence. The link between lack of street lighting, access to essential services such as water and sanitation, and safety plays out regularly in informal settlements. Their experiences highlight what South Africa’s much-publicized housing crisis means in practice, with one woman saying they are “**dying waiting for houses**”.

THE HOUSING CRISIS

“I live in an occupation [informal settlement] since Covid. Look at our history. My grandfather had a farm. Now I am a single mother with five children... and my children, they are only going to inherit poverty. Thirty years after apartheid – what has been redressed?”

Judith (name changed), Cape Town

Informal settlements and other underserved areas in South Africa reflect an acute housing crisis, which has its roots in the country’s colonial and apartheid history. Their continuing growth – along with the poor living conditions and recurring issues such as flooding – are manifestations of South Africa’s deep-rooted inequality as well as an ongoing failure to deal with the housing crisis.

The laws enacted to implement colonial and apartheid era racial segregation deprived Black Africans of their homes and land. While several colonial laws began the process of dispossession and segregation along racial lines, spatial segregation was crystallized with the beginning of apartheid in 1948. **The Group Areas Act 1950** divided urban areas into segregated zones based on race. Specific areas were designated for white, Black, Coloured and Indian populations. The areas designated for the three racialized groups were often far from the city centre and public services, to comply with the spatial segregation under the Act.

In 1994, with the dismantling of apartheid, South Africa set out to right the wrongs of apartheid. Among other things, the **1996 Constitution** explicitly recognized the right to adequate housing. Several laws like the **Housing Act 107 of 1997** and the **Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 (PIE Act) of 1998** were enacted to give effect to the right to housing as enshrined in the Constitution.

However, the reality of ushering in change proved challenging. The country inherited a huge urban housing deficit, estimated in 1995 at 1.5 million units with 720,000 sites needing upgrading, among other housing gaps. The government sought to increase housing delivery, but the ambitious construction programme ended up perpetuating racialized spatial segregation from the apartheid era because it depended on easily available and low-cost land, much of which was on the outskirts of cities. In 2004, following a review of the ongoing housing programmes, the government adopted what is commonly known as the “Breaking New Ground” policy. It promoted a phased process of upgrading existing informal settlements, with the participation of the communities concerned, to enhance the housing provided, improve spatial planning and integration, renew inner city areas, and strengthen social housing provision.

More than 30 years after the fall of apartheid, the government acknowledged that spatial inequality had been exacerbated and that, despite some progress, a significant number of people, the vast majority of them Black people, still had no access to adequate and safe housing.

THREATS OF FORCED EVICTION

The failure to address the housing crisis including through providing adequate well-located affordable housing, has led to a growth of informal settlements. Instead of taking steps to address the root causes that give rise to informal settlements, authorities in some cases have sought to target informal settlements.

For example, in a recent development, the Premier of Gauteng province announced in September 2025 that his office would embark on a plan to demolish newer informal settlements in a bid to prevent illegal occupation of land and guarantee adherence to land-use regulations. Threatening midnight demolition raids, the Premier’s statement harked back to apartheid era demolitions.

There are also measures being contemplated that could reduce legal protection for people living in informal settlements who occupy land without any legally recognized right to it. Some representatives of local authorities that Amnesty International spoke with cited the Prevention of Illegal Evictions Act 1998 as an obstacle to local government efforts to safeguard vacant land and quell the growth of informal settlements. In line with this view, the government has proposed a review of the Act.

Amnesty International is concerned that this review risks eroding protection against forced eviction and resulting homelessness for millions of people who occupy land due to the failure of the state to respect, protect and fulfil their right to adequate housing.

FLOODING IN INFORMAL SETTLEMENTS

“Normally our homes are flooded in March/April but nowadays it is happening any time. Nowadays, we are less worried about our houses and more about our lives.”

Resident of eNkanini informal settlement, eThekweni

South Africa has faced major floods in the recent past including the floods in the Eastern Cape in June 2025. One of the most devastating of these floods were in KwaZulu-Natal in April 2022 when around 435 people died and another 80 were reported missing. A total of 19,113 households, with 128,743 people, were affected by the disaster. There have also been other floods in eThekweni since

then including in early 2025 where lives have been lost and homes and livelihoods destroyed. Poverty and inequality experienced by residents of informal settlements and other underserved areas combined with poor infrastructure such as lack of adequate storm water drainage often means that they are disproportionately impacted by disasters including flooding.

In addition to the major floods, seasonal flooding regularly blights the informal settlements and TRAs that Amnesty International visited in Cape Town, eThekweni and Johannesburg, as they do elsewhere. Residents said their homes were often flooded in the wet season, damaging furniture, food stocks, clothes and other precious items. This meant daily wage earners lost vital income and children missed school. Parents said they worried about the health impacts of the stagnant water on their children. The muddy alleys meant older people and people with disabilities struggled to leave their homes to use the communal toilets and ablution blocks.

Many of those interviewed described the fear they feel whenever it starts to rain, knowing that toilets will quickly spew excrement down their alleyways, that their homes and possessions might be washed away or left unusable, and that their livelihoods might be lost. These fears have grown as climate change has made flooding increasingly frequent and severe. A woman who lives in Thembelihle informal settlement, Johannesburg, told Amnesty International,

“I sleep with one eye open because of the water.”

CLIMATE CHANGE: ADDING FUEL TO THE FIRE

Human-induced climate change has exacerbated the risks of flooding, already a seasonal problem in South Africa’s informal settlements and underserved areas. As elsewhere in the world, this means that people who have contributed the least to climate change due to their low consumption patterns and are least able to cope with flooding are the worst affected by the impacts of climate change.

While not every incident of flooding experienced by residents of informal settlements is caused or exacerbated by climate change, World Weather Attribution found that the 2022 floods in KwaZulu-Natal were a result of record-breaking rainfall and concluded that, “the probability of an event such as the rainfall that resulted in this disaster has approximately doubled due to human-induced climate change.” It also noted that the current climate had shortened the “return time” of an event such as this from 40 to 20 years.

HAPHAZARD AND PATCHY DISASTER RESPONSE

Based on the accounts of residents of informal settlements who had experienced flooding, disaster response by the authorities has been uneven and severely lacking. As part of the disaster response to the 2022 KwaZulu-Natal floods, displaced people were moved to 14 Transitional Emergency Accommodation (TEA) facilities in various parts of eThekweni. However, three years later, the families are still living in the TEAs in highly inadequate conditions. Patience (name changed) told researchers,

***“I have one room, and I stay with three of my boys who are in their twenties.
Another woman is sharing one room with seven children.”***



Landscape of Island informal settlement, Cape Town, 2025 © Amnesty International

Around 100 flood impacted households were relocated by the City of eThekweni to a temporary relocation area established in Lamontville on the banks of the Umlazi river. The City's decision to establish the TRA in that location meant that residents of the Lamontville TRA were once again flooded in February 2025 and had to flee their homes for the second time to save their lives. Unfortunately, not everyone could be saved. Tragically, two women (aged 56 and 60) and three children (aged 5, 11, and 16) living in the TRA died in the floods.

People who lost their homes in the February 2025 floods were later accommodated in TEAs in holiday flats and a hotel in Durban. About five months later, adding insult to injury, people relocated to the hotel were evicted from their TEA reportedly due to lack of payment by the provincial Department for Human Settlements. The evicted people were subsequently moved to Chesterville Community Hall as a temporary measure.

Amnesty International also met with people in other informal settlements who were impacted by the floods in February 2025 and did not receive even this minimal level of support. Residents of Dakota informal settlement in Isipingo in eThekweni said that they received no help at all from the authorities.

“We even did a *toyi toyi* [a form of political protest that includes dance and singing] asking for help. The police came but the ward councillor did not come,” said Samukele (name changed), a resident of Dakota. Similarly, residents of eNkanini informal settlement in eThekweni who had experienced serious flooding and mudslides in December 2024 when two people from the community died, and again in March 2025 also said that there was a difference in treatment by the authorities between the 2022 floods and those that followed. They said that in response to the March 2025 floods they received no help from the municipality – not even blankets or food packets.

One of the main concerns expressed to Amnesty International in all three metropolitan areas was that the regular seasonal flooding of informal settlements and underserved areas was rarely seen as warranting a disaster response by the municipalities. The residents were simply left to fend for themselves and rely on charitable organizations.

“We have no help from anyone, we have to stay and fix it, we can’t run away... where will we go?”

A woman in her sixties from Freedom Park Settlement, Johannesburg

UPGRADING OF INFORMAL SETTLEMENTS

“We have been fighting for a long time... The solution is upgrading in its totality – roads, drainage, lighting... everything.”

A community leader in Slovo Park informal settlement, Johannesburg

Upgrading of informal settlements has long been on the South African government’s agenda to address the housing crisis and guarantee the human rights of people who continue to face neglect, marginalization, discrimination and heightened risk to flooding and other disasters, including fires. Despite this, most residents of informal settlements are still waiting to see the improvements. In the cases of the planned upgrading of Slovo Park and Thembelihle informal settlements in Johannesburg, for example, the process began more than a decade ago but has been stalled by long delays, threats of evictions and broken promises.

A holistic upgrading of an informal settlement includes the regularization of the land on which the informal settlement is located so that residents may have security of tenure, the installation of public structures and services such as water pipelines, sanitation systems, electricity connections, street lighting, paved roads, and waste collection, and making structural improvement to housing so that it is safe and habitable. Furthermore, upgrading of informal settlements also includes putting in place measures to support access to other essential services such as schools, health centres, places of work, improving transport connections, and constructing or improving common facilities such as playgrounds, and community centres.

Many factors have caused the delays, including bureaucratic obstacles and lack of access to resources. There have also been allegations of corruption. In many cases, the long incremental process has meant that communities have only been provided with a few makeshift services, such as portable toilets. In the context of a huge unmet housing need, the growth of informal settlements and the escalating climate crisis, upgrading of informal settlements – if done quickly and in line with human rights – could not only fulfil the right to adequate housing but also reduce significantly the risk of disasters.

UNDERPOWERED MUNICIPALITIES

Municipalities are the first port of call with regards to housing, provision of essential services, climate change adaptation and disaster management. However, they are often underpowered and ill-equipped to carry out all these functions in a manner that would achieve their aim. A report on climate action by the Presidential Climate Commission acknowledged that “local government actions are stymied by poor management and a lack of enforcement mechanisms for service delivery. In early 2023, the Presidency stated that 163 out of 257 municipalities were dysfunctional due to poor governance, ineffective and sometimes corrupt financial and administrative management, and poor service delivery and planning.”

Further, the Auditor General of South Africa’s report for 2023-2024 highlighted municipalities were often short staffed. Metropolitan municipalities had a vacancy rate of 22% at year-end in 2023-24

and the average senior management vacancy rate was at 25%. eThekweni had insufficient technical staff in the infrastructure section of the water and sanitation unit due to a 58% vacancy rate. Critical maintenance was not performed regularly, which had a negative impact on water provision.

The lack of financial (including financial management) and technical capacity in local government to fulfil their responsibilities has significant human rights consequences, particularly for those most at risk of marginalization and discrimination. People living in informal settlements and other underserved areas often pay a very high price for the failure of governments to build robust governance structures that are accountable to the people at the local level. Most recently the failure of the eThekweni municipality to ensure safe relocation sites cost five people their lives in Lamontville.

PEOPLE LED INITIATIVES

Given the many hurdles in the way of incremental upgrading, residents of informal settlements have tried to do what they can to protect their homes and surrounding areas. Civil society too has responded to the urgent need through initiatives such as the Asivikelane which means “Let’s protect one another” in isiZulu, which trains residents of informal settlements to engage in processes like the preparation of integrated development plans by municipalities, budget analyses, data collection and monitoring of implementation. Similarly, The People’s Plan for the Right to Housing in the Age of Climate Change, a civil society initiative that came after the 2022 KwaZulu-Natal floods, recommends a more participatory approach to planning and implementation and has called for human rights-centred housing strategy. The People’s Plan also calls for expanded norms and standards for climate resilient human settlements, and planning for resilience to floods, extreme heat and heat stress.

CONCLUSION

South Africa has a plethora of laws and policies on issues around access to housing, provision of essential services like water and sanitation, upgrading of informal settlements, a healthy environment, and preparing for and responding to disasters. It is also a state party to all the major international and regional human rights instruments including the International Covenant on Economic, Social and Cultural Rights which guarantees the right to adequate housing. And yet, the reality points to obvious failures to adequately and thoroughly realize these obligations. This comes at a huge cost to the human rights, lives and livelihoods of millions of people.

South Africa in its Presidency of the Group of Twenty (G20) in 2025, has set its own agenda under the theme “Solidarity, Equality, Sustainability” with strengthening disaster resilience and response as one of the four overarching priorities. It is time the government mobilizes all the necessary human, financial and technical resources to ensure that Disaster Risk Reduction is fully integrated into urban planning processes and these are implemented with a view to protecting residents of informal settlements from disasters – climate change related or otherwise and protecting their human rights.

With the persisting climate crisis, it is wholly foreseeable that extreme and/or unseasonal rainfall and flooding will only get more frequent and widespread. While crises cannot always be prevented, their impacts can be mitigated through planning, preparation, and implementation of public policies grounded in human rights. The government of South Africa needs to go beyond merely recognizing the vulnerability of residents of informal settlements to disaster risk and take swift and ambitious long-term action to reduce this risk. The urgent upgrading of informal settlements is not only key to fulfilling the right to adequate housing but also to climate change adaptation and disaster risk reduction.

KEY RECOMMENDATIONS

TO THE HUMAN SETTLEMENTS DEPARTMENTS IN ALL THREE SPHERES OF GOVERNMENT

In line with South Africa's national and international (including regional) human rights obligations:

- Take steps to urgently and adequately plan for, resource and implement the rights to adequate housing, water and sanitation among other human rights for all, and end the de facto spatial segregation and inequality that endures in post-apartheid South Africa.
- Take steps to adequately plan, resource and implement Disaster Risk Reduction measures in a manner that protects everyone, including people living in poverty, in informal settlements and other underserved areas.

TO THE DEPARTMENT OF COOPERATIVE GOVERNMENT AND TRADITIONAL AFFAIRS

- Take steps to ensure that municipalities receive the financial, technical and human resources support they need to carry out their duties, including those pertaining to service delivery, housing, climate change adaptation and disaster management.
- Ensure that all plans for disaster management and response, and their implementation is compliant with international human rights standards and with the guidelines on disaster response as issued by the UN Inter-Agency Standing Committee.

TO ALL LOCAL GOVERNMENTS INCLUDING MUNICIPALITIES OF CAPE TOWN, ETHEKWINI AND JOHANNESBURG

- Take urgent steps to ensure that all residents, including those with restricted mobility, of informal settlements and Temporary Relocation Areas have access to adequate housing and essential services in line with South Africa's national and international human rights obligations.
- Prioritize the upgrading of informal settlements with a view to guaranteeing the right to housing and putting in place robust climate change adaptation and disaster risk reduction measures in a timely manner.
- Take urgent action to provide permanent housing opportunities to people who have been living in temporary relocation areas or temporary emergency accommodation prioritizing those who have been in these housing situations for more than six months.
- Ensure that people impacted by major and seasonal flooding have access to appropriate and adequate assistance and relief.

TO THE PROVINCIAL GOVERNMENT OF KWAZULU-NATAL

- Urgently disclose details of any inquiry carried out into the decision to relocate households impacted by the 2022 floods in Lamontville, eThekweni, and any lessons learnt from the tragedy.
- Ensure that victims of the 2022 floods in the province who have been housed in Temporary Emergency Accommodation are not evicted under circumstances that render them homeless or leave them without access to adequate housing.

TO THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS

- Ensure that any review of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 does not result in retrogression of the right to adequate housing by lowering protections against forced evictions and homelessness, including by removing the obligation on the state to provide adequate alternative housing in case of evictions.



METHODOLOGY

This report documents the experiences of people living in informal settlements and other underserved areas in South Africa. It is based on qualitative research carried out between February and September 2025. These experiences are presented within the framework of key laws, policies and practices related to the adequacy of housing, access to essential services, and disaster preparedness and response. The report analyses them from a human rights perspective highlighting state obligations as well as the human rights obligations of the international community.

The living conditions in informal settlements and other underserved areas are presented in the context of spatial segregation and inequality, a legacy of the colonial and apartheid eras in South Africa, and the climate crisis, which disproportionately impacts marginalized people, including people subjected to racial discrimination and people living in poverty. Research for this report adopted an intersectional approach to understand and document how multiple contemporary and historic forms of discrimination create a pattern that determines the extent to which people can claim their rights.

This report focuses on informal settlements as they represent some of the most neglected forms of human settlements. It also documents living conditions in some Temporary Relocation Areas (TRAs). These areas inhabit the grey zone between formality and informality and while they enjoy official recognition as they are established by the state, because they are meant to be temporary (even though some have existed for over a decade), living conditions and access to essential services in TRAs have more in common with informal settlements than planned residential areas.

Amnesty International carried out qualitative research for this report from February to September 2025. It focused on the three large metropolitan municipalities – Cape Town, eThekweni and Johannesburg – as they account for some of the largest numbers of informal settlements in South Africa. Residents of informal settlements in all three cities face regular flooding including most recently in February and March 2025 in eThekweni, and in July 2025 in Cape Town.

As part of the research, Amnesty International spoke to and communicated with a wide variety of people. In total, researchers spoke with 166 people who live in or engage with informal settlements and underserved areas in different capacities.

Researchers documented the lived experience of 96 people (69 women and 27 men), predominantly Black Africans aged 20-65, living in informal settlements and other underserved areas. In Cape Town, these included people living in the Covid-19 informal settlement in Delft, Blikkiesdorp TRA, Ses'khona informal settlement, Barcelona informal settlement and informal settlements around Khayelitsha, in particular Island, RR Section, Level 2 and Qando Qando. In eThekweni, these included people living in the informal settlements of Enkanini, Quarry Road and Dakota, Barcelona 2 and Lamontville TRA, and the temporary emergency accommodation near KwaMamsuthu in Reservoir Hills. In Johannesburg, these included people living in Freedom Park and the informal settlements around it, Thembelihle informal settlement, Slovo Park informal settlement, Driezik 5 and Mokokotlong informal settlement in Orange Farm. Where necessary, interpretation by local contacts and Amnesty International researchers was used to allow people to respond in their preferred language, which included isiXhosa, isiZulu, Sesotho, Setswana and Xitsonga.

In compliance with Amnesty International's informed consent policy, the report protects the identity of some respondents by changing their names and anonymizing identifying details.

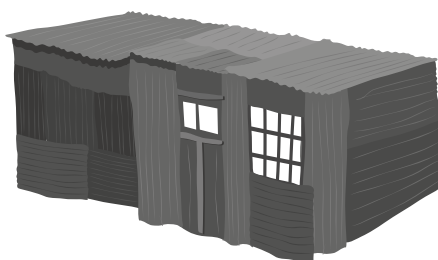
In addition, Amnesty International researchers interviewed 47 people with expertise on housing, informal settlements and climate change, as well as activists, NGO workers, academics and lawyers. Amnesty International also met with representatives of the climate change department in the City of eThekweni.

THIS REPORT FOCUSES ON

INFORMAL SETTLEMENTS

AS THEY REPRESENT SOME OF THE MOST NEGLECTED FORMS OF HUMAN SETTLEMENTS. IT ALSO DOCUMENTS LIVING CONDITIONS IN SOME

TEMPORARY RELOCATION AREAS (TRAS).



During the research period, Amnesty International had online meetings with representatives from eThekweni and Johannesburg municipalities, and representatives of the National Disaster Management Centre – in all, 23 people. Researchers were unable to meet representatives of the City of Cape Town but received written responses to their initial questions. Amnesty International researchers also had online meetings with representatives of the KwaZulu-Natal provincial office of the South Africa Human Rights Commission, and representatives of the South African Local Government Association.

On 26 June 2025, Amnesty International wrote to the KwaZulu-Natal provincial government and raised concerns about plans to evict many of the households living in Transitional Emergency Accommodation whose homes were destroyed by the floods in KwaZulu-Natal in 2022. We received a response on 1 July 2025. Amnesty International sent a follow-up letter on 8 September 2025. The organization had not received a response to this letter at the time of finalizing the report.

In September, Amnesty International also sent a letter to the national Department of Human Settlements raising questions pertinent to the research. The organization had not received a response at the time of finalizing the report.

Amnesty International sent emails with follow-up questions on 5 September to the City of Cape Town, City of eThekweni and City of Johannesburg. The organization had not received a response to these at the time of finalizing the report.

On 3 October 2025, Amnesty International shared broad findings of the research with relevant members of the three spheres of government and provided the authorities with an opportunity to respond. Where responses were received, these have been factored in the analyses presented in the report.

The research refers to a large number of documentary sources, including legislation, policies and government plans. It also draws on relevant case law and research conducted by grassroots movements, civil society organizations, academics and subject experts.

Although the report documents experiences of residents of informal settlements and TRAs in Cape Town, eThekweni and Johannesburg, the literature review and interviews with experts and practitioners suggest that the findings are indicative of challenges faced by people living in informal settlements in South Africa more broadly.

Amnesty International also shared findings and recommendations prior to finalizing the report, with several of the community representatives, NGOs and academics who supported and shared their experiences and expertise with the researchers.

Several grassroots movements, civil society organizations, experts, and academics provided critical support for this research. Amnesty International expresses its deep gratitude for all their help and guidance.

Amnesty International would like to thank all the people living in informal settlements and other underserved areas who so generously shared their experiences and expertise in interviews and group discussions. This report would not have been possible without them.

OVERVIEW OF AREAS COVERED IN THE REPORT BY CITY:

CAPE TOWN

- Covid-19 informal settlement in Delft
- Blikkiesdorp temporary relocation area
- Ses'khona informal settlement
- Barcelona informal settlement
- Informal settlements around Khayelitsha
 - Island
 - RR Section
 - Level 2
 - Qando Qando

ETHEKWINI

- Enkanini informal settlement
- Quarry Road informal settlement
- Dakota informal settlement
- Barcelona 2 temporary relocation area
- Lamontville temporary relocation area
- Temporary emergency accommodation near KwaMamSusuthu near Reservoir Hills

CITY OF JOHANNESBURG

- Informal settlements around Freedom Park:
 - BP garage
 - Mountainview
 - Tuck-shop
 - Ntabeni
 - Lindelani
 - Satellite
 - Molemavile
 - Section
 - Dark City
 - Nathi
 - Fihliwe
 - Eikenhof
- Thembelihle informal settlement
- Slovo Park informal settlement
- Driezic 5 and Mokokotlong informal settlements in Orange Farm

1. BACKGROUND

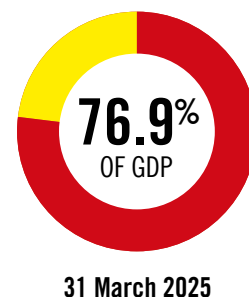
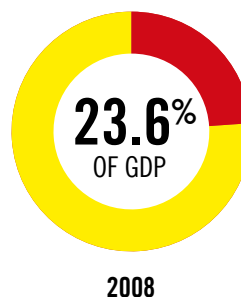
A little over three decades since the end of apartheid, South Africa is a country of paradoxes. The World Bank classifies it as an upper-middle income country,¹ but it is also one of the most unequal countries in the world with a national Gini coefficient² of 0.65 and a Palma ratio³ of 7.9.⁴ Furthermore, the bottom 40% of income earners account for 11.5% of total income, while the top 20% account for 59.9%.⁵

South Africa's external debt has been on the rise and, according to the South African Reserve Bank, it was 76.9% of Gross Domestic Product (GDP) as of 31 March 2025.⁶ South Africa's debt-to-GDP ratio has been rising since 2008, when it was 23.6% of GDP. The Covid-19 pandemic and its impact put additional strain on public debt. Currently, an estimated 21% of government revenues are spent on interest payments. Undoubtedly, rising interest costs have constrained the government's ability to respond to shocks.⁷

The South African Human Rights Commission in its Inequality Report for 2017/2018⁸ pointed out that apartheid era injustices have ensured that inequality has strong racial overtones. It cited National Income Dynamics Study-based research to show "an average Black household holds about four percent of wealth held by an average white household, while an average Coloured⁹ household holds about six percent of the wealth held by its white counterparts."

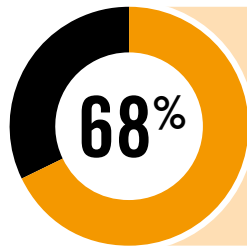
THE SOUTH AFRICAN RESERVE BANK

SOUTH AFRICA'S EXTERNAL DEBT HAS BEEN ON THE RISE



- 1 World Bank, World Bank Country and Lending Groups, <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups> (accessed on 4 September 2025) The World Bank ranks countries according to their Gross National Income. Upper middle-income economies are those with a Gross National Income per capita between USD 4,496 and USD 13,935.
- 2 The Gini coefficient is one measure of income inequality used by several states and institutions. A Gini coefficient of 0 represents perfect equality and that of 1 represents complete inequality. The higher the Gini coefficient, the greater the inequality.
- 3 Palma Ratio is another measure of inequality. It compares the expenditure of people in the top 10% income category with that of people in the bottom 40% of the income category.
- 4 Statistics South Africa, *Inequality Trends in South Africa: A Multidimensional Diagnostic of Inequality*, 14 November 2019, <https://www.statssa.gov.za/?p=12744>, p. 33.
- 5 World Bank, "Macro Poverty Outlook: South Africa", 10 April 2025, <https://thedocs.worldbank.org/en/doc/bae48ff2f6fc5a869546775b3f010735-0500062021/related/mpo-zaf.pdf>, p. 1.
- 6 South African Reserve Bank, "Quarterly Bulletin June 2025", <https://www.resbank.co.za/en/home/publications/publication-detail-pages/quarterly-bulletins/quarterly-bulletin-publications/2025/june>
- 7 Asma Khalid and Anh D. M. Nguyen, "South Africa's fiscal framework – Challenges and options for reform", 31 March 2025, International Monetary Fund, Volume 2025, Issue 024, <https://doi.org/10.5089/9798229006088.018>
- 8 South African Human Rights Commission, *Inequality Report 2017/2018 Achieving Substantive Economic Equality through Rights-based Radical Socio-economic Transformation in South Africa*, 2018, https://www.sahrc.org.za/home/21/files/SAHRC%20Equality%20Report%202017_18.pdf, p. 20.
- 9 According to Minority Rights Group, communities designated as Coloured are primarily descended from the Indigenous Khoi and San peoples who originally inhabited the western parts of South Africa, from enslaved Asian and African people brought to the Cape from the earliest years of the colony, from European settlers, and from other Africans. The long process of mixing and acculturation led to the extinction of several Khoisan languages; most Coloured people speak Afrikaans as a first language and most still live in the Western and Northern Cape provinces. See <https://minorityrights.org/communities/coloureds/> 'Coloured' is a racial designation created by and imposed by apartheid government that continues to be used by the present SA authorities for purposes of population registration.

WORLD BANK ESTIMATES IN 2025



OF THE POPULATION
IN SOUTH AFRICA WILL
BE LIVING IN POVERTY

BASED ON THE POVERTY LINE OF **USD 6.85 PER PERSON PER DAY** FOR UPPER-MIDDLE-INCOME COUNTRIES

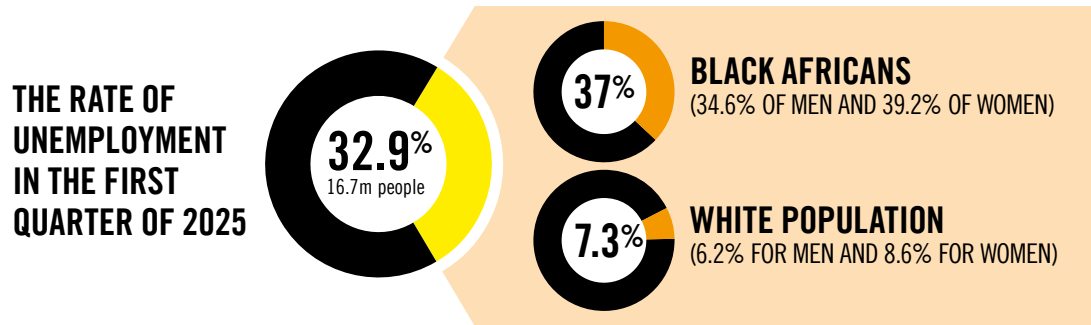
According to World Bank estimates, in 2025 around 68% of the population in South Africa will be living in poverty. This is based on the poverty line of USD 6.85 per person per day for upper-middle-income countries.¹⁰

South Africa also has its own measure of poverty (three poverty lines) that is adjusted to the cost of living every year. At May 2024 prices, the “food poverty line” or the amount of money that an individual needs to afford the minimum required daily energy intake, was set at ZAR 796 (USD 45) per person per month; the “lower-bound poverty line”¹¹ at ZAR 1,109 (USD 63) and the “upper-bound poverty line”¹² at ZAR 1,634 (USD 92).¹³ The latest official survey of people living in poverty dates back to 2015.¹⁴ According to this survey and based on the poverty lines drawn up in 2015, 20.6% of all adults were living below the food poverty line, 33.8% below the lower-bound poverty line and 49.2% below the upper-bound poverty line.¹⁵

According to Statistics South Africa, the official statistics agency, the estimated mid-year population for 2024 was 63.02 million people¹⁶ – 81.7% of them Black Africans, 8.5% Coloureds, 7.2% whites, and 2.6% Indians/Asians.¹⁷ Revealing the continuing impact of apartheid, in 2015, 64.2% of Black Africans were living below the upper-bound poverty line, compared with 41.3% of Coloureds, 5.9% of Indians/Asians and only 1% of the white section of the population.¹⁸

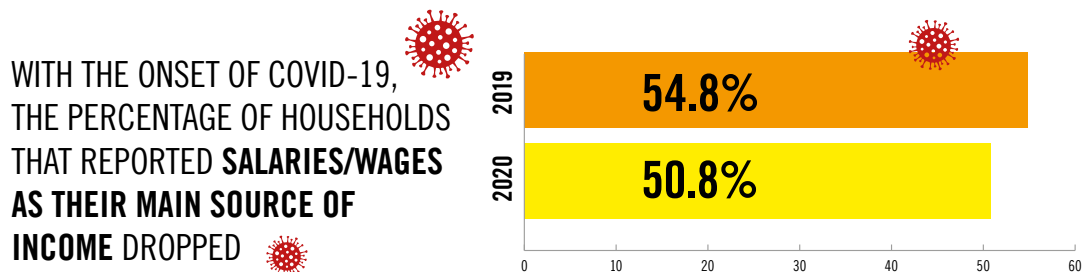
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- 10 World Bank, “Macro Poverty Outlook: South Africa”, October 2025, <https://thedocs.worldbank.org/en/doc/bae48ff2f6c5a869546775b3f010735-0500062021/related/mpo-zaf.pdf> <https://thedocs.worldbank.org/en/doc/bae48ff2f6c5a869546775b3f010735-0500062021/related/mpo-zaf.pdf>, p. 1. The World Bank has different poverty lines to measure monetary poverty. First, the international poverty line (IPL) USD 2.15 per person per day is used to measure extreme poverty. This line is most relevant for measuring poverty in low-income countries. For richer countries, two higher lines are more relevant for measuring poverty. With 2017 PPPs, these lines are USD 3.65 for lower-middle-income countries and USD 6.85 for upper-middle-income countries. In June 2025, the World Bank updated its international poverty lines. These are USD 3 per person per day for low-income countries; USD 4.20 per person per day for lower-middle-income countries and USD 8.30 per person per days for upper-middle-income countries. See <https://blogs.worldbank.org/en/voices/further-strengthening-how-we-measure-global-poverty>
- 11 This refers to the food poverty line plus the average amount derived from non-food items of households whose total expenditure is equal to the food poverty.
- 12 This refers to the food poverty line plus the average amount derived from non-food items of households whose food expenditure is equal to the food poverty line.
- 13 Statistics South Africa, *National Poverty Lines 2024*, August 2024, <https://www.statssa.gov.za/publications/P03101/P031012024.pdf>
- 14 Statistics South Africa, *Men, Women and Children: Findings of Living Conditions Survey 2014/2015*, 2018, <https://www.statssa.gov.za/publications/Report-03-10-02%20/Report-03-10-02%202015.pdf>
- 15 Statistics South Africa, *Men, Women and Children: Findings of Living Conditions Survey 2014/2015* (previously cited), p. 13.
- 16 Statistics South Africa, *Mid-year Population Estimates 2024*, 30 July 2024, <https://www.statssa.gov.za/publications/P03022/P030222024.pdf>, p. vi.
- 17 Statistics South Africa, *Mid-year Population Estimates 2024* (previously cited), p. vii. Nomenclature for the different racial categories is as used in Statistics South Africa documents.
- 18 Statistics South Africa, *Poverty Trends in South Africa: An Examination of Absolute Poverty Between 2006 and 2015*, 2017, <https://www.statssa.gov.za/publications/Report-03-10-06/Report-03-10-062015.pdf>, p. 58.

The International Monetary Fund cites South Africa's high rate of unemployment as one of the major contributors to inequality.¹⁹ The rate of unemployment in the first quarter of 2025 was at 32.9%, which amounts to 16.7 million people of working age categorized as “not economically active”.²⁰ Furthermore, and once again reflecting the legacy of apartheid, the unemployment rate among Black Africans remained consistently high at 37% (34.6% of men and 39.2% of women) – higher than the national average. By contrast, the unemployment rate among the white population was 7.3% (6.2% for men and 8.6% for women).²¹



The government's latest General Household Survey shows that nationally, 54.5% of households reported salaries/wages/commission as their main sources of income, followed by social grants that are means tested social security payments (23.8%), other sources of income (10.1%) and remittances (8.7%).²²

The Covid-19 pandemic had a deep impact on household incomes in South Africa. With the onset of Covid-19, the percentage of households that reported salaries/wages as their main source of income dropped to 50.8% in 2020 from 54.8% in 2019. Correspondingly, the percentage of people who reported social grants as their main source of income increased from 20.4% in 2019 to 28.8% in 2020.²³



19 International Monetary Fund, “Six Charts Explain South Africa’s Inequality”, IMF Country Focus, 30 January 2020, <https://www.imf.org/en/News/Articles/2020/01/29/na012820six-charts-on-south-africas-persistent-and-multi-faceted-inequality>

20 South African Government, “Statistics South Africa on Quarterly Labour Force Survey (QLFS) Q1: 2025”, 13 May 2025, <https://www.gov.za/news/media-statements/statistics-south-africa-quarterly-labour-force-survey-qlfs-%E2%80%93-q1-2025-13-may>

21 Statistics South Africa, “Quarterly Labour Force Survey (QLFS) Q1:2025”, (previously cited).

22 Statistics South Africa, *General Household Survey 2024*, Statistical Release P0318, 27 May 2025, <https://www.statssa.gov.za/publications/P0318/P03182024.pdf>, p. 57. These figures vary by region. For instance, salaries were the main source of income in the Western Cape (68.2%) and Gauteng (63.5%), whereas social grants were the main source of income for 38.9% of households in the Eastern Cape, and for 34.4% of households in the Northern Cape.

23 Statistics South Africa, *General Household Survey 2024* (previously cited), p. 59.

SOCIAL ASSISTANCE IN SOUTH AFRICA

The social protection system in South Africa is broadly made up of tax funded social assistance and contributory social insurance. It has come a long way from the system in place during apartheid where social protection and its administration was along racial lines.²⁴ The system currently consists of three main pillars, namely social assistance, mandatory social insurance programmes for formal sector employees, and occupational and voluntary contribution schemes.²⁵

Social assistance is means tested and includes social grants and public works programmes and is tax-financed. While there are several different types of social grants, including the child grant and disability grant, until 2020 there was no social protection for working age adults who were not in the formal sector and did not have a disability. As pointed out in a review of the social protection system by the World Bank, “[g]iven high levels of long-term unemployment in South Africa, this means that a large proportion of the working-age population have no access to social security”.²⁶

To alleviate the financial stress caused by the Covid-19 lockdowns, in May 2020, South Africa introduced a special grant called the Social Relief of Distress (SRD) grant of ZAR 350 (USD 20) per month, which was made available to all unemployed adults living in poverty. The eligibility criteria included the requirement to be lawfully resident in South Africa, to be above 18 years of age, to not have an income, to not have access to other social grants or social protection payments, and to not reside in a government-funded or subsidized institution.²⁷ The grant amount at the time was estimated at 60% of the food poverty line. As a result of continued advocacy by civil society organizations, the grant remains in place and has been extended in one-year increments. In 2022, the SRD grant was moved out of the disaster management sector to be covered by the Social Assistance Act. Initially, the grant was accessible to people who had an income or financial support below ZAR 350 (USD 20) per month. Following a judicial challenge, the government raised this threshold to ZAR 624 (USD 35) per person per month, corresponding to the food poverty line.²⁸ The Covid-19 grant or the SRD grant was increased in 2024 to ZAR 370 (USD 21.43) per month, but as pointed out by the Institute of Economic Justice and the Social Policy Initiative, this amount had fallen to 46% of the food poverty line by 2024.²⁹ In January 2025, in a judgment affecting millions of people, the North Gauteng High Court called on the government to prepare a plan to progressively increase the grant and bring it in line with poverty lines.³⁰ The government subsequently appealed this ruling.³¹ The appeal is expected to be heard at the end of 2025.

24 World Bank, *South Africa, Social Social Assistance Programs and Systems Review*, 2021, <https://openknowledge.worldbank.org/server/api/core/bitstreams/0422014b-01cd-5ace-906f-94e8f41380a6/content>, p. 1.

25 Institute for Economic Justice and Social Policy Initiative, *Rights vs. Austerity: The Battle for Decent Universal Basic Income in South Africa*, October 2024, Global Coalition for Social Protection Floors, <https://www.socialprotectionfloorscoalition.org/wp-content/uploads/2024/10/2024-R2SSC-Case-Studies-South-Africa.pdf>, p. 1.

26 World Bank, *South Africa, Social Social Assistance Programs and Systems Review* (previously cited), p. 1.

27 World Bank, *South Africa, Social Social Assistance Programs and Systems Review*, (previously cited), p. 22.

28 Kelle Howson and others, *Systemic Exclusion from a South African Social Assistance Transfer Drivers, Impacts, and Who is Most at Risk*, February 2025, Institute for Economic Justice, Research Papers, No. 340, https://iej.org.za/wp-content/uploads/2025/03/South-Africa-SRD-exclusions_WEB.pdf

29 Institute for Economic Justice and Social Policy Initiative, *Rights vs. Austerity: The Battle for Decent Universal Basic Income in South Africa* (previously cited).

30 For a detailed analysis of the judgement see Institute of Economic Justice and PaytheGrants, *Historic Judgment in SRD Grant Court Case Stands to Benefit Half of South Africa's Population*, 24 January 2025, <https://www.iej.org.za/wp-content/uploads/2025/01/Statement-SRD-court-case-judgment-24-January.pdf>

31 Republic of South Africa, “Social Development on Covid-19 Social Relief of Distress grant judgement”, 3 February 2025, <https://www.gov.za/news/media-statements/social-development-covid-19-social-relief-distress-grant-judgement-03-feb>

Adequate and comprehensive social protection is key to protecting people from poverty and denial of numerous human rights, including the rights to food, health, water, sanitation and housing. This context of poverty, unemployment and a highly inadequate social protection system contributes to a situation where access to safe, secure and adequate housing is a luxury that many cannot afford.

1.1 SOUTH AFRICA'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

South Africa has ratified and is therefore legally bound to act in line with most of the major international human rights instruments.³² Most relevant to the issues covered in this report, such as housing and access to essential services, is the **International Covenant on Economic, Social and Cultural Rights** (ICESCR).

In addition to economic, social and cultural rights, ICESCR in Article 2(1) states, “[e]ach State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.” Furthermore, the Maastricht Guidelines on violations of economic, social and cultural rights recognize the failure of states to utilize the maximum available resources to realizing human rights, as a violation of the ICESCR.³³

South Africa has not ratified the **Optional Protocol to the ICESCR**, which gives the UN Committee on Economic, Social and Cultural Rights (CESCR), a body of independent experts mandated to interpret the ICESCR and monitor its implementation by states parties, a mandate to consider complaints of violations and provide an international remedy for victims who are denied remedies at the national level.³⁴



The right to adequate housing



The right to water



The right to sanitation



The right to a clean healthy and sustainable environment



The right to life

32 International Covenant on Civil and Political Rights (ICCPR ratified 10 December 1998), International Covenant on Economic, Social and Cultural Rights (ICESCR ratified on 12 January 2015), Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT ratified on 10 December 1998), Convention on the Rights of the Child (CRC ratified on 16 June 1995), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW ratified on 15 December 1995), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD ratified on 10 December 1998), and Convention on the Rights of Persons with Disabilities (CRPD ratified 30 November 2007).

33 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 22-26 January 1997, available at: hrlibrary.umn.edu/institute/Maastrichtguidelines_.html, Guideline 15. These guidelines aim to clarify the legal implications of violations of economic, social and cultural rights. The Guidelines classify and define violations, assign state responsibilities, and provide guidance on remedies and the protection of victims.

34 Under the Optional Protocol, states can opt into the inquiry procedure. Once they have done so, the Committee can carry out inquiries into situations relating to that country if it receives reliable information alleging grave or systematic violations. South Africa has not yet ratified the Optional Protocol to the ICESCR.



THE RIGHT TO ADEQUATE HOUSING

The right to adequate housing is explicitly articulated in the ICESCR.³⁵

Article 11(1) requires states to “recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”³⁶ The normative framework of the right to adequate housing has been further expanded on by CESCR whose authoritative interpretation of the content of the right to adequate housing and the obligations of states is articulated in General Comment 4 (on the right to adequate housing) and General Comment 7 (on forced evictions).

Key components of the right to adequate housing as articulated by CESCR in General Comment 4 include:³⁷

- a) Legal security of tenure in a form that guarantees legal protection against forced eviction, harassment and other threats.
- b) Availability of services, materials, facilities and infrastructure including facilities essential for health, security, comfort and nutrition as well as safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities.
- c) Affordability: costs associated with housing should be at such a level that the attainment and satisfaction of other needs are not threatened or compromised.
- d) Habitability: housing provides the inhabitants with adequate space and protects them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.
- e) Accessibility: disadvantaged groups are accorded full and sustainable access to adequate housing resources. Both housing law and policy should take fully into account the special housing needs of these groups.
- f) Location: housing must be in a location which allows access to employment options, healthcare services, schools, childcare centres and other social facilities. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.
- g) Cultural adequacy: housing takes into account the cultural specificities and expression of cultural identity and diversity of housing.

In its General Comment 7, CESCR clearly articulates that forced evictions are a violation of the right to adequate housing. A forced eviction is the removal of people against their will from the homes or land they occupy, without legal protections and other safeguards.³⁸ The safeguards

35 The right to adequate housing is also enshrined in several other international human rights treaties ratified by South Africa including the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e)(iii)), the International Covenant on Civil and Political Rights (art. 17), the Convention on the Elimination of All Forms of Discrimination against Women (arts. 14 (2) and 15 (2)), the Convention on the Rights of the Child (arts. 16 (1) and 27 (3)) and the Convention on the Rights of Persons with Disabilities (arts. 9 and 28).

36 International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11(1).

37 UN Committee on Economic, Social and Cultural Rights, General Comment 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, UN Doc. E/1992/23, para. 8, (a)(b)(c)(d)(e)(f)(g).

38 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 7: The Right to Adequate Housing (Art.11.1): Forced Evictions, 20 May 1997, UN Doc. E/1998/22, para. 3.

include an opportunity for genuine consultation; adequate and reasonable notice for affected people prior to the eviction; information on the proposed evictions; provision of legal remedies; provision, where possible, of legal aid to people who need it; and compensation for all losses.³⁹

The right to adequate housing is rooted in the right to equality and protection from discrimination. In its General Comment 20 on non-discrimination, CESCR obligates states to take an approach to actively eliminate systemic discrimination and segregation in practice.⁴⁰

The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) also clearly articulates that states are obligated to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to adequate housing, among other rights.⁴¹

South Africa has also ratified the **African Charter on Human and Peoples' Rights**. The African Commission on Human and Peoples' Rights, a body charged with overseeing the implementation of the African Charter, has affirmed that "although the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16, the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected. The combined effect of Articles 14, 16 and 18(1) reads into the [African] Charter a right to shelter or housing."⁴²

THE RIGHT TO WATER



The right to water is recognized as a human right as being derived from the right to an adequate standard of living, and therefore implicitly contained in the ICESCR and other instruments.⁴³ The right to water includes availability of sufficient water for personal and domestic uses, physical access within or in the immediate vicinity of each household, affordability, and adequate quality of water.⁴⁴ States must prioritize, as part of their immediate obligations, access for everyone to the minimum essential amount of water that is sufficient and safe for personal and domestic uses to prevent disease. States have to adopt the necessary measures directed towards the full realization of the right to water, including by taking positive measures to assist individuals and communities to enjoy the right.⁴⁵

39 CESCR, General Comment 7 (previously cited), para. 7.

40 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 20: Non-discrimination in Economic, Social, and Cultural Rights (art. 2, para. 2 of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, UN Doc. E/C.12/GC/20, para. 39.

41 International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (e) (iii).

42 Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights, Nigeria 155/96, 27 October 2001, para. 60, <https://achpr.au.int/en/decisions-communications/social-and-economic-rights-action-center-serac-and-center-economic-15596>

43 The right to water: Article 11, ICESCR; Article 24(2), CRC; Article 14(2), CEDAW; Article 14(2), African Charter on the Rights and Welfare of the Child, among others. The right to water was recognized as an element of the right to an adequate standard of living by the Committee on Economic, Social and Cultural Rights in General Comment 15, The Right to Water, 20 January 2003, UN Doc. E/C.12/2002/11.

44 CESCR, General Comment 15 (previously cited), para. 12.

45 CESCR, General Comment 15 (previously cited), para. 37.



THE RIGHT TO SANITATION

Like the right to water, the right to sanitation has been recognized as being derived from the right to an adequate standard of living, and therefore implicitly contained in the ICESCR.⁴⁶ This right requires that sufficient sanitation facilities (with associated services) be available within, or in the immediate vicinity of, each household, health or educational institution, workplace, public institution and public place. It requires quality sanitation facilities, which means they must be hygienically safe to use, including regular cleaning, maintenance and emptying of places that collect human excreta. Facilities must be in a safe location and be physically accessible for everyone at all times. Access to sanitation facilities and services must be affordable, ensure privacy and dignity, and be socially and culturally acceptable.⁴⁷



THE RIGHT TO A CLEAN HEALTHY AND SUSTAINABLE ENVIRONMENT

The right to a clean, healthy and sustainable environment (right to a healthy environment) is a precondition for the enjoyment of all other human rights, including the rights to life, health, food, water and sanitation. Most recently, the UN General Assembly in 2022 recognized this right as a stand-alone right.⁴⁸ Prior to that, the right had been recognized at the regional level through Article 24 of the African Charter on Human and Peoples' Rights, which provides for the right to a satisfactory environment favourable for a people's development.⁴⁹ The right to a healthy environment includes substantive elements such as clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems.⁵⁰ It also includes access to information, the right to participate in decision-making, and access to justice and effective remedies.⁵¹ Realizing the right to a healthy environment requires international cooperation, including for resource mobilization, as well as recognition of extraterritorial jurisdiction over human rights harms caused by environmental degradation.⁵²

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- 46 CESCR, "Statement on the right to sanitation", 18 March 2011, UN Doc. E/C.12/2010/1, para. 7, UN Human Rights Council, Resolution 15/9: Human Rights and Access to Safe Drinking Water and Sanitation, adopted on 6 October 2010, UN Doc. A/HRC/Res/15/9, and United Nations General Assembly (UNGA), Resolution 68/157: The Human Right to Safe Drinking Water and Sanitation, adopted on 18 December 2013, UN Doc. A/RES/68/157.
- 47 The criteria used here to describe the right to sanitation are drawn from CESCR 'Statement on the Right to Sanitation' and Report of the UN Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation (2009), UN Doc. A/HRC/12/24, paras 64-66 and 70-80.
- 48 UNGA, Resolution 76/300: The Human Right to a Clean, Healthy and Sustainable Environment, adopted on 28 July 2022, UN Doc. A/RES/76/300.
- 49 African Charter on Human and Peoples' Rights, Article 24, <https://au.int/en/treaties/african-charter-human-and-peoples-rights>
- 50 UN Special Rapporteur on Human Rights Obligations Related to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment (UN Special Rapporteur on a healthy environment), Report: *Right to a Healthy Environment: Good Practices*, 30 December 2019, A/HRC/43/53, para. 2.
- 51 UN Special Rapporteur on a healthy environment, Report: *Right to a Healthy Environment: Good Practices* (previously cited), para. 2.
- 52 Office of the High Commissioner for Human Rights (OHCHR), United Nations Environment Programme (UNEP) and United Nations Development Programme (UNDP), *What is the Right to a Healthy Environment? Information Note*, <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>, p. 9.

In its General Comment 27 on economic, social and cultural rights and the environmental dimension of sustainable development, CESCR has highlighted that states have an obligation to ensure that housing is resilient to climate impacts and that adaptation measures do not undermine the right to adequate housing especially for people living in informal settlements and people in disadvantaged or marginalized situations, by increasing housing costs, energy poverty or homelessness, or reinforcing pre-existing inequalities. The General Comment also calls on states to ensure that adequate urban and rural planning at national and local levels addresses climate change risks and disaster preparedness among other key issues.⁵³



THE RIGHT TO LIFE

The right to life guaranteed under Article 6 of the **International Covenant on Civil and Political Rights** (ICCPR) also includes the duty of states to protect life in the context of disasters. In its General Comment 36 on the right to life under Article 6 of the ICCPR, the UN Human Rights Committee

specified that, “the duty to protect life... implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include... degradation of the environment... The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as the bolstering of effective emergency health services, emergency response operations (including firefighters, ambulance services and police forces) and social housing programmes... States parties should also develop, when necessary, contingency plans and disaster management plans designed to increase preparedness and address natural and manmade disasters that may adversely affect enjoyment of the right to life, such as hurricanes, tsunamis, earthquakes, radioactive accidents and massive cyber-attacks resulting in disruption of essential services.”⁵⁴

The UN Human Rights Committee further noted that, “[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”⁵⁵

53 CESCR, General Comment 27: Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development, 26 September 2025, UN Doc. E/C.12/GC/27, paras 65 and 66.

54 UN Human Rights Committee, General Comment 36: Right to Life (Article 6), 3 September 2019, UN Doc. CCPR/C/GC/36, para. 26.

55 UN Human Rights Committee, General Comment 36: Right to Life (Article 6), 3 September 2019, UN Doc. CCPR/C/GC/36, para. 62.

2. HOUSING CRISIS

“The extent of the challenge derives not only from the enormous size of the housing backlog and the desperation and impatience of the homeless, but stems also from the extremely complicated bureaucratic, administrative, financial and institutional framework inherited from the previous government.”

South Africa's Department of Human Settlements, 1994⁵⁶

South Africa has a severe housing crisis. The country inherited a vast housing backlog from the apartheid government, which not only deprived millions of people of adequate housing, but also ensured that access to housing was marked by inequality, deprivation, and segregation on racial grounds.

2.1 ROOTS OF HOUSING SEGREGATION

“The realities of most cities and territories today are marked by drastic inequalities, most visibly manifested in the form of spatial segregation that affects historically marginalized groups. Whether de jure or de facto, spatial segregation reflects multiple, compounded and intersectional forms of discrimination and is an incursion on the equal enjoyment of the right to adequate housing. Spatial segregation is also linked to the violation of a wide range of other interrelated human rights. Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory along the lines of race, caste, ethnicity, language, religion, disability, income or other status. Spatial, including residential, segregation can assume different forms depending on the territorial, cultural or historical context, but these are almost always characterized by economic and social exclusion, and inequality in accessing infrastructure, services and livelihood opportunities.” UN Special Rapporteur on the right to adequate housing, 2022⁵⁷

The land and housing terrain in today's South Africa is marked by colonial and apartheid era segregation along racial lines. The laws enacted to implement this segregation led to the dispossession of Black Africans of their homes and land. The **Natives Land Act 1913** restricted access to land for “natives” (Black Africans) in certain scheduled zones, resulting in mass forced relocations of Black people into overcrowded and underserved areas. As a result of the 1913 Act, Black Africans could only access about 7% of all land.⁵⁸ The Act also restricted Black Africans from purchasing or hiring land

56 Department of Human Settlements, *White Paper on Human Settlements 1994*, <https://housingfinanceafrica.org/wp-content/uploads/2025/01/White-Paper-New-Housing-Policy-1994.pdf>, Preamble.

57 UN 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 (UN Special Rapporteur on the right to adequate housing), Report: *Spatial Segregation and the Right to Adequate Housing*, 10 November 2022, UN Doc. A/HRC/49/48, paras 1 and 2.

58 Phuhlisani NPC, *The Role of Land Tenure and Governance in Reproducing and Transforming Spatial Inequality*, July 2017, Commissioned Report for High Level Panel on the assessment of key legislation and the acceleration of fundamental change, Parliament of South Africa, https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/Commissioned_Report_land/Commissioned_Report_on_Spatial_Inequality.pdf, p. 7.



Shacks made of tin sheeting, Blikkiesdorp, Cape Town, 2025 © Amnesty International

from people other than Black Africans. It similarly restricted people who were not Black African or “non-natives” from hiring or purchasing land in areas designated for Black Africans.⁵⁹ Further restrictions on where Black Africans could live were brought in through the **Natives Urban Areas Act 1923**. Through this enactment, Black Africans were only allowed to live in specific urban centres only if they were employed in the urban area. Those who could not show that they were employed in urban area were sent back to designated areas.⁶⁰

In 1936, the **Natives Trust and Land Act** facilitated the setting up of the South African Native Trust to develop land within the scheduled areas. It increased the limit on how much land could be allocated for the use of Black Africans to 13.6% of land in the country. It also gave the authorities the power to remove Black Africans from lands that were now declared as white areas and send them to the areas that the state had set aside for Black Africans only.⁶¹

In 1948, with the beginning of apartheid, segregation and dispossession were further solidified. **The Group Areas Act 1950** divided urban areas into segregated zones based on race. Specific areas were designated for white, Black, Coloured and Indian population groups. The areas that were designated for the three racialized groups were often further from the city centre and public services. The Act redrew the social geography of major cities, creating “large, well-established and affluent white urban areas co-existing side by side with crammed pockets of impoverished and insecure black ones.”⁶² An estimated 850,000 racialized people were forcibly removed from areas in which they were living, and sent to areas created for their racial groups on the periphery of urban centres. This was done to comply with the spatial segregation required by the Act.⁶³ As the housing supply failed to

59 HJ Kloppers and GJ Pienaar, “The historical context of land reform in South Africa and early policies”, August 2014, Potchefstroom Electronic Law Journal, Volume 17, No. 2, [10.4314/pelj.v17i2.03](https://doi.org/10.4314/pelj.v17i2.03)

60 South African History Online. List of Laws on Land Dispossession and Segregation, updated on 8 February 2016, <https://sahistory.org.za/article/list-laws-land-dispossession-and-segregation>

61 Phuhlisani NPC, *The Role of Land Tenure and Governance in Reproducing and Transforming Spatial Inequality* (previously cited), p. 8.

62 Constitutional Court, *Port Elizabeth Municipality v. Various Occupiers* 2005 (1) SA 217 (CC), available at: <https://www.saflii.org/za/cases/ZACC/2004/7.html>, para. 10.

63 Phuhlisani NPC, *The Role of Land Tenure and Governance in Reproducing and Transforming Spatial Inequality* (previously cited), p. 10. Also see Centre on Housing Rights and Evictions, *Any Room For the Poor, Forced Evictions in Johannesburg, South Africa*, 17 February 2005, <https://www.humanitarianlibrary.org/resource/any-room-poor-forced-evictions-johannesburg-south-africa-0>

keep pace with demand, the townships to which Black people were moved, saw a rise in informality through the establishment of shacks in the backyard of formal houses. The shacks provided shelter to Black Africans living in urban areas without the permission of the authorities.⁶⁴

As highlighted by Marie Huchzermeyer, a leading scholar on law and policy on housing and informal settlements in South Africa, the apartheid regime implemented its policy of racial segregation and maintenance of strict controls on the presence of Black Africans in urban centres by controlling access to housing. For Black Africans, access to housing in cities was either through state-leased family housing in townships, or single sex hostels meant for migrant workers. For those without recognized access to the city and work opportunities, the only housing options were the shacks in backyards and surrounding hostels, and shacks built on land that was informally occupied, thus leading to the growth of informal settlements. This not only created spatial inequality between the different racial groups but also spatial polarization among Black Africans in the urban centres.⁶⁵

2.2 POST-APARTHEID URBAN HOUSING LANDSCAPE

“I live in an occupation [informal settlement] since Covid. Look at our history. My grandfather had a farm. Now I am a single mother with five children... and my children, they are only going to inherit poverty. Thirty years after apartheid – what has been redressed”?

Judith (name changed), Cape Town⁶⁶

In 1994, with the dismantling of apartheid and the establishment of a democratic government, South Africa began to right the wrongs of the apartheid era, and housing was recognized as a key part of this agenda.

The post-apartheid Constitution of South Africa, which came into force in 1996, explicitly recognized the right to adequate housing. Section 26 states,

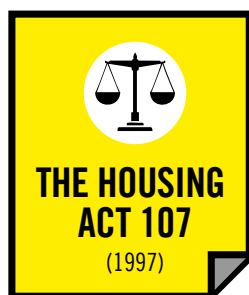
- 1** Everyone has the right to have access to adequate housing.
- 2** The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- 3** No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.”⁶⁷

64 Centre on Housing Rights and Evictions, *Any Room for the Poor, Forced Evictions in Johannesburg*, South Africa (previously cited), p. 16.

65 Marie Huchzermeyer, “Informal settlements production and intervention in twentieth-century Brazil and South Africa”, January 2002, *Latin American Perspectives*, Issue 122, Vol. 29, No. 1, pp. 83-105, <https://library.fes.de/libalt/journals/swetsfulltext/12558054.pdf>, p. 96.

66 Interview by video call with Judith (name changed), 8 April 2025.

67 Constitution of South Africa, Bill of Rights, <https://www.justice.gov.za/constitution/chp02.html#>, Chapter 2, Section 26.



IT LAYS DOWN

GENERAL PRINCIPLES APPLICABLE TO HOUSING DEVELOPMENT

AND DEFINES THE FUNCTIONS OF ALL SPHERES OF GOVERNMENT IN THIS CONTEXT

The **Housing Act 107 of 1997**, the primary legislation guiding the development of housing in the country, gave effect to the right to housing as enshrined in the Constitution. It lays down general principles applicable to housing development and defines the functions of all spheres of government in this context.⁶⁸

Addressing the issue of evictions in Section 26 of the Constitution, the **Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998** (PIE Act) prohibits unlawful eviction and lays down procedures for the eviction of occupiers who do not have a legally recognized right to the land or house they may occupy.⁶⁹ The PIE Act provides protection against homelessness resulting from evictions and applies to everyone who occupies property without the consent of the owner. It has been used in numerous legal cases against forced evictions and to uphold the right to adequate housing.⁷⁰

The post-apartheid government also developed a policy framework for realizing the right to adequate housing. The 1994 White Paper on Housing estimated the urban housing backlog in 1995 to be about 1.5 million units and 720,000 sites that needed upgrading among other housing gaps. Committing to a “people-centred” approach to development, the policy sought to increase housing delivery to 338,000 units per year over a five-year period, to meet the government’s target of providing 1 million houses within that period.⁷¹ These houses, part of the government’s Reconstruction and Development Programme (RDP), came to be known as RDP houses.⁷²

68 Republic of South Africa, Housing Act 107 of 1997, (previously cited).

69 Republic of South Africa, Prevention of Illegal Evictions and Unlawful Occupation of Land Act 19 of 1998, 5 June 1998, Government Gazette, https://www.gov.za/sites/default/files/gcis_document/201409/a19-98.pdf

70 Kate Tissington, *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, 2011, Socio-Economic Rights Institute of South Africa (SERI), http://seri-sa.org/images/stories/SERI_Housing_Resource_Guide_Feb11.pdf, pp. 16 and 17. Also see SERI in collaboration with Members of the Steering Group of the South Africa’s Ratification Campaign of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, “Informal Settlements and Human Rights in South Africa Submission to the United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living”, 28 May 2018, <https://www.seri-sa.org/index.php/more-news/794-advocacy-seri-makes-a-submission-on-informal-settlement-to-the-un-special-rapporteur-on-the-right-to-housing-28-may-2018>

71 Department of Human Settlements, *White Paper on Human Settlements 1994* (previously cited), para. 4.3.

72 The government of South Africa also supports other forms of subsidized housing like Community Residential Units, which provide secure rental for lower-income persons/households through the upgrading of government owned public housing also known as hostels; the Social Housing Programme provides rental accommodation for the upper end of the lower-income market; the First Home Finance Subsidy is for households that do not qualify for a fully subsidized house and at the same time they do not qualify for mortgage loan from the banks. These are families earning between ZAR 3,501 and ZAR 22,000 per month. The subsidy is used to decrease the mortgage bond and is only applicable to persons who have never been assisted by the state; the Enhanced People’s Housing Process provides subsidies to people to build or manage the building of their own homes. It allows people to build or organize the building of their homes; and the Integrated Project Development Programme provides for planning and development of housing projects in incremental phases. See Department of Human Settlements, Programmes, www.dhs.gov.za/Programmes#:~:text=The%20Enhanced%20People's%20Housing%20Process,by%20building%20their%20own%20homes

As the state embarked on its ambitious housing construction programme, it also ended up perpetuating spatial patterns from the apartheid era. As highlighted by Marie Huchzermeyer, large-scale housing construction was necessarily dependent on the easy and low-cost availability of land. As a result, much of state-built low-income housing was on land “purchased in the 1980s by the apartheid government for township development in accordance with its segregationist ideology.”⁷³ The location of this new housing on the periphery of urban centres meant rising commuting times and travel costs for residents.⁷⁴ A recent study showed that people in the lowest income quintile (20%) bear transport costs of more than 37% of their after-tax income. For the other income quintiles, the figure is less than 20%.⁷⁵

In 2004, following a review of the ongoing housing programmes, the government adopted the Comprehensive Plan for the Development of Sustainable Human Settlements, a policy framework for the medium to longer term.⁷⁶ This is commonly known as the “Breaking New Ground: A Comprehensive Plan for Housing Delivery” (BNG) policy. The policy envisaged integrating informal settlements into the broader urban landscape to address their spatial, social and economic exclusion. This would be done through a phased upgrading of informal settlements in situ (where they are located), carried out with the participation of the communities concerned, to enhance the different types of housing provided, improve spatial planning, renew inner-city areas, and strengthen social housing provision.⁷⁷

Jurisprudence by South Africa’s courts has had a significant influence on policy and practice with regards to the right to housing. One of the early noteworthy cases was the Grootboom case,⁷⁸ which concerned the eviction of Mrs Grootboom and 510 children and 390 adults from land they had occupied. The court recognized that the right to housing could be progressively realized, but found that the state, in failing to provide relief to people who were living in “intolerable conditions”, had failed to do what was reasonable to give immediate effect to its obligations under Section 26 of the Constitution that addresses the right to housing.⁷⁹ Importantly, the court recognized access to sanitation as part of the right to adequate housing.⁸⁰ Other significant cases pertaining to the right to housing, although focusing mainly on evictions, include the PE Municipality,⁸¹ Olivia Road,⁸² Joe Slovo,⁸³ and Abahlali or Slums Act⁸⁴ cases. All of these cases highlighted the duty of the state to follow due process when seeking to evict people who were occupying land without a legally recognized right to do so, and obligations to ensure that evicted people who cannot provide for themselves are provided with adequate alternative housing.

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- 73 Marie Huchzermeyer, “Addressing segregation through housing policy and finance”, in Philip Harrison, Marie Huchzermeyer, Mzwanele Mayekiso, (editors), *Confronting Fragmentation: Housing and Urban Development in a Democratising Society*, 2003, <https://doi.org/10.58331/UCTPRESS.33>, p. 212.
- 74 Roger Behrens and Peter Wilkinson, “Housing and urban passenger transport policy and planning in South African cities: A problematic relationship?”, in Philip Harrison, Marie Huchzermeyer, Mzwanele Mayekiso, (editors) *Confronting Fragmentation: Housing and Urban Development in a Democratising Society*, 2003, <https://doi.org/10.58331/UCTPRESS.33>, p. 154.
- 75 Kishen Shah and Federico Sturzenegger, “Search, transport costs, and labor markets in South Africa”, October 2022, <https://dash.harvard.edu/server/api/core/bitstreams/b2e7a522-7202-4be6-834b-960427bcb3e3/content>, p. 6.
- 76 Department of Human Settlements, *The National Housing Code*, 2009, <https://www.dhs.gov.za/sites/default/files/documents/2%20Vol%201%20Part%202%20The%20Policy%20Context.pdf>, Part 2, Volume 1, p. 16.
- 77 Department of Human Settlements, *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*, Progressive Informal Settlement Eradication, 2004, https://www.dhs.gov.za/sites/default/files/documents/26082014_BNG2004_0.pdf p.18, and Department of Human Settlements, *The National Housing Code*, 2009 (previously cited), Part 2, Volume 1, p. 24.
- 78 Constitutional Court, *Government of South Africa and Ors. v. Grootboom and Ors* 2001 (1) SA 46 CC. available at: <https://www.saflii.org/za/cases/ZACC/2000/19.html>
- 79 For a detailed discussion see Kate Tissington, *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, Resource Guide (previously cited), p. 43.
- 80 Constitutional Court, *Government of South Africa and Ors. v. Grootboom and Ors* 2001 (1) SA 46 CC, (previously cited), para. 35.
- 81 Constitutional Court, *Port Elizabeth Municipality v Various Occupiers* (CCT 53/03) [2004] ZACC 7 (previously cited)
- 82 Constitutional Court, *Occupiers of Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg* 2008 (3) 208 (CC) (Olivia Road), available at: <https://www.saflii.org/za/cases/ZACC/2008/1.html>
- 83 Constitutional Court, *Residents of Joe Slovo Community, Western Cape v. Thubelisha Homes and Ors*, (CCT 22/08) [2009] ZACC 16, available at: <https://www.saflii.org/za/cases/ZACC/2009/16.html>
- 84 Constitutional Court, *Abahlali Basemjondolo Movement SA and Another v Premier of the Province of Kwazulu-Natal and Others* (CCT12/09) [2009] ZACC 31; 2010 (2) BCLR 99 (CC) (14 October 2009), available at: <https://www.saflii.org/za/cases/ZACC/2009/31.html>

ENDURING SEGREGATION

However, the legacy of apartheid in terms of land ownership and spatial inequality has endured. As illustrated in the Land Audit of 2017, around 49% of *erven* land – land that is usually urban and designated for building purposes – is owned by white people who make up an estimated 7.2% of the population. Black Africans, who constitute 81.7% of the population, own around 30%; and Coloured people and people of Indian origin own 8% each. Around 5% of *erven* land is designated as “co-owned”.⁸⁵

In January 2025, the government published the White Paper on Human Settlements 2024, which updates the policy framework on housing and human settlements. This Paper aims to respond to the changing terrain, reflecting population growth, urbanization and climate change, among other things.

The 2024 White Paper notes, “[t]he historical apartheid legislative framework that sought to racially segregate citizens still [has] a persistent negative impact on human settlements development in South Africa. This manifests through people living far from economic centres, and areas of habitation characterised by overcrowded townships; backyard housing – a symptom of expanding housing demand and continuous advent of informal settlements across the country. All these contribute to the vulnerable groups’ experience of immense hardship, insecurity, indignity, squalor, and ill-health.”⁸⁶ In fact, the White Paper acknowledges that in many cases spatial inequality has been exacerbated, with most households living in poverty having poor access to essential goods and services.⁸⁷

It is a matter of grave concern that three decades after the end of apartheid in South Africa, de facto spatial segregation continues. In 2023, the UN Committee on the Elimination of Racial Discrimination in its concluding observations on South Africa’s implementation of the **International Convention on the Elimination of All Forms of Racial Discrimination** expressed concern about persistent spatial segregation and discrimination in access to housing. The Committee recommended strengthening the implementation of laws and policies to combat discrimination in housing and the adoption of effective measures to eliminate spatial segregation.⁸⁸

As noted by the UN Special Rapporteur on the right to adequate housing, “[s]patial segregation, whether it occurs due to voluntary clustering or involuntary segregation and ghettoization, can no longer be an excuse for unequal enjoyment of the right to adequate housing and of other interrelated human rights. States and local governments need to pay more attention to urban policies, such as building or zoning regulations or urban renewal policies, that may at first glance look non-discriminatory, but entrench spatial segregation, exclusion and housing discrimination.”⁸⁹

85 Rural Development and Land Reform Department, *Land Audit Report*, Version 2, November 2017, https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf, p. 12. Although the Land Audit does not provide data of land ownership disaggregated by gender within racial groups, it is indicative that 46% of Erven land is owned by men; 19% by male-female joint owners; followed by 17% by women.

86 Department of Human Settlements, *White Paper on Human Settlements 2024*, 31 January 2025, Government Gazette, No. 52013, <https://www.dhs.gov.za/sites/default/files/Reform%20Symposium/White%20Paper%20Gazetted%2031%20January%202025.pdf> p.19

87 Department of Human Settlements, *White Paper on Human Settlements 2024*, 31 January 2025, Government Gazette, No. 52013, <https://www.dhs.gov.za/sites/default/files/Reform%20Symposium/White%20Paper%20Gazetted%2031%20January%202025.pdf> (previously cited), p. 34.

88 UN Committee on Elimination of Racial Discrimination (CERD), Concluding Observations: South Africa, 27 December 2023, UN Doc. CERD/C/ZAF/CO/9-11, paras 26 and 27.

89 UN Special Rapporteur on the right to adequate housing, Report: *Spatial Segregation and the Right to Adequate Housing*, 10 November 2022, UN Doc. A/HRC/49/48, para. 76.

HOUSING WAITING LISTS

“People are dying waiting for houses here”⁹⁰

Barbara (name changed), Blikkiesdorp, Cape Town

An often-mentioned term in the context of unmet housing need for low-income groups is the “waiting list”. To be considered for government-provided RDP housing, households must register on a waiting list with the local municipality. The huge backlog means that many people have spent years or even decades on the list.⁹¹

According to the Department of Human Settlements, the waiting lists, prepared at the municipal level, vary in length and waiting periods.⁹² However, as explained in a report by the Community Law Centre (CLC), University of the Western Cape and Socio-Economic Rights Institute of South Africa (SERI), housing allocation is not guided by the housing waiting lists alone. It is often based on various databases at the municipal and provincial levels as well as the National Housing Needs Register.⁹³ For example, where an informal settlement may be slated for upgrading, housing allocation (to eligible households) is carried out on a project-wide basis depending on residence in the project area, not on how long each person in the area has been on the housing waiting list. As the CLC-SERI report highlights, there are multiple lists and databases that exist simultaneously, as well as different housing programmes and projects that seek to respond to different needs and exigencies. The report notes, “[t]he way in which people are ‘chosen’ for these projects is far from clear. The process is often shrouded in secrecy, bureaucratic complexity, and corruption. This lack of transparency frustrates intended beneficiaries (whether they are currently registered or not) [and also those who are on one of the many “waiting lists”]. It creates the impression that there is more corruption than there likely is, and leads to public protest, often in the form of unlawful occupation of publicly funded and constructed houses.”⁹⁴

One example is the City of Johannesburg’s Southern Farms Mega City Project. The ZAR 27 billion (USD 1.5 billion) project, inaugurated in June 2025, is on 4,000 hectares of land and will include 43,000 mixed housing units as well as non-residential properties.⁹⁵ The project was announced after over a decade of protests by residents of the informal settlements in and around Freedom Park and the grassroots organization Abahlali base Freedom Park (AbFP). Efforts by AbFP to draw attention to the highly inadequate housing as well as access to water, sanitation and other essential services in the informal settlements around Freedom Park included attempts to occupy land in the area of the Southern Farms project in April 2017. According to reports, the occupation was met with a violent eviction during which law enforcement authorities in Johannesburg shot at an AbFP member.⁹⁶ According to one report, about 17 people were arrested, while a further five were badly injured with two hospitalized.⁹⁷ In 2018, following another round of protests, the Gauteng Executive Council announced

90 Interview in Person, Blikkiesdorp, Delft, Cape Town on 5 May 2025.

91 Crystal Oderson, “Thirty years after apartheid, South Africa’s failed housing promise”, 24 January 2024, Al Jazeera, <https://www.aljazeera.com/features/2024/4/10/thirty-years-waiting-for-a-house-south-africas-backyard-dwellers>

92 Department of Human Settlements, “Frequently Asked Questions”, <https://www.dhs.gov.za/FAQ>

93 Community Law Centre (CLC) and SERI, *Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa*, July 2013, https://www.seri-sa.org/images/Jumping_the_Queue_MainReport_Jul13.pdf, p. 60.

94 Community Law Centre (CLC) and SERI, *Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa*, July 2013 https://www.seri-sa.org/images/Jumping_the_Queue_MainReport_Jul13.pdf p. 81.

95 Lerato Mutsila, “Launch of landmark R27-billion Southern Farms development flames housing hopes for Joburg South residents”, 13 May 2025, Daily Maverick, <https://www.dailymaverick.co.za/article/2025-05-13-launch-of-landmark-r27-billion-southern-farms-development-flames-housing-hopes-for-joburg-south-residents/>

96 Interview by voice call, Members of Abahlali base Freedom Park (AbFP), 18 May 2025. Also see Neo Goba, “Violent clashes erupt in Joburg protest”, 8 May 2017 <https://www.timeslive.co.za/news/south-africa/2017-05-08-violent-clashes-erupt-in-joburg-protest/>

97 Siyabonga Mviko, “South Johannesburg erupts in protest”, 29 May 2017 <https://karibu.org.za/554/>

that land would be made available for people in the province “wanting to build houses for themselves, urban agriculture, township businesses, sports and recreational purposes.”⁹⁸ However, no further information was shared with communities who were to benefit from it.

Members of AbFP told Amnesty International that they were concerned about the lack of consultation with communities in the context of the Southern Farms project. They said City officials told them that not everyone in need of housing in the informal settlements around Freedom Park would be provided with housing in the Southern Farms development, and that housing meant for low-income groups would also be allocated to people living in informal settlements around Johannesburg.⁹⁹ This created anxiety among people living in informal settlements in and around Freedom Park. When Amnesty International met AbFP in May 2025, they said that although they had contacted City officials to discuss the project, they had not received a response, raising concerns about a lack of transparency and that people in the informal settlements around Freedom Park will be left out.¹⁰⁰ On 26 May 2025, leaders of AbFP had a meeting with the Human Settlements Department at the City of Johannesburg to discuss the allocation of housing in the Southern Farms housing project for people living in informal settlements in Freedom Park – prioritizing older people and people with disabilities. The City provided no commitment to this end.¹⁰¹

INFORMAL SETTLEMENTS

“Informal settlements are not recognized as part of the city. They are treated like stepchildren. We [residents of informal settlements] provide labour for the city... but we are treated as second class.”

Kenneth, Barcelona informal settlement, Cape Town¹⁰²

With growing unmet housing need, the housing crisis and the failure of the state to fulfil the right to adequate housing is most visible in informal settlements, informal backyard housing, overcrowded formal housing for people living in poverty, and in Temporary Relocation Areas (TRAs).

As articulated by UN Habitat, informal settlements are residential areas where people lack security of tenure vis-à-vis the land or the housing they inhabit. The settlements usually lack essential services, including access to water, sanitation, waste collection, street lighting, electricity and other city infrastructure and where the housing may not comply with planning and building regulations. Informal settlements are often situated in geographically and environmentally hazardous areas.¹⁰³ Often living in poverty, residents of informal settlements are highly vulnerable to forced evictions and homelessness.

The UN Special Rapporteur on the right to adequate housing, has pointed out that “[i]nformality is a response to exclusionary formal systems. Those who migrate to cities for work or who are displaced from other neighbourhoods must create, through informal settlements, a subsidiary housing system to meet urgent needs that the formal housing system has failed to meet. Land at the margins of cities is often first settled informally, with informal businesses arising to respond to needs for water, sanitation, electricity, transportation, food, clothing and other necessities. These settlements provide necessary

98 Zoë Postman, “Joburg’s Golden Highway barricaded in housing protest, Freedom Park residents demand land”, 23 October 2018, <https://groundup.org.za/article/joburgs-golden-highway-barricaded-housing-protest/>

99 Interview in person and interview by voice call, Members of AbFP, 15 and 18 May 2025.

100 Interview by voice call, Members of AbFP, 18 May 2025.

101 Interview by voice call, Members of AbFP, 28 August 2025.

102 Interview in person with Kenneth from Barcelona Informal Settlement, Cape Town, 7 May 2025.

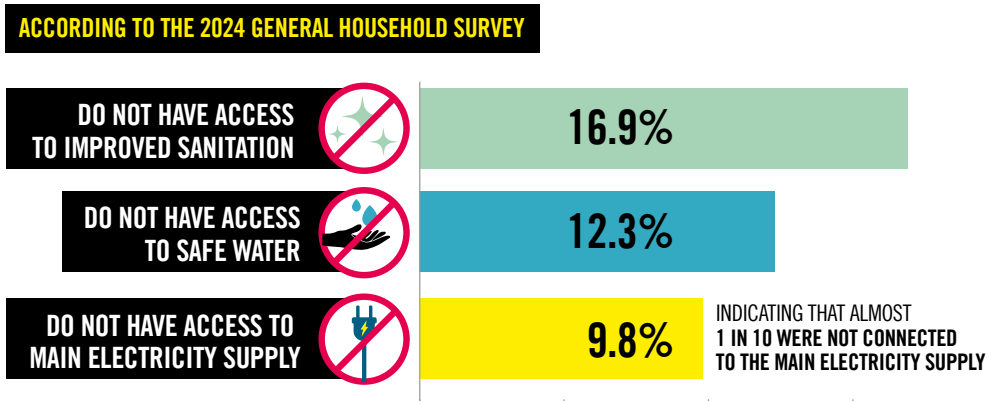
103 United Nations Conference on Housing and Sustainable Development (Habitat III), “Informal Settlements”, 31 May 2015, https://habitat3.org/wp-content/uploads/Habitat-III-Issue-Paper-22_Informal-Settlements-2.0.pdf

housing for the labourers and service providers on whom cities rely, yet they are criminalized, denied services, face widespread discrimination and are forced to pay exorbitant prices for basic necessities or go without.”¹⁰⁴

According to the 2024 General Household Survey, 11.7% of households in South Africa were living in informal housing. In the metropolitan municipalities, the figure was 15.3%, with Cape Town at 18.8%, Johannesburg at 17.4% and eThekweni at 9.5%.¹⁰⁵ According to the International Budget Partnership, as of 2021 there were more than 5 million people living in informal settlements in South Africa.¹⁰⁶ Furthermore, more than 70% of all informal settlements are found in 15 municipalities including the metros.¹⁰⁷

The 2024 White Paper on Human Settlements recognizes, “[i]nformal settlements emerge out of need and, while diverse, they typically display characteristics such as insecure tenure, absence of permanent basic services, impoverishment, and vulnerability. Often, dwelling structures are temporary, in the form of wood and zinc shacks but occupants may, over time, consolidate these into modest brick-and mortar housing.”¹⁰⁸

The informal settlements that Amnesty International visited for research lacked adequate access to at least one of the basic or essential goods and services. According to the 2024 General Household Survey, an estimated 83.1% of households had access to improved sanitation¹⁰⁹ (implying that 16.9% did not) and 87.7% had access to safe water, including water within the residence and water points outside the yard, such as at a neighbour’s house or at communal water points (implying 12.3% did not). The Survey also noted that 90.2% of households were connected to the main electricity supply (indicating that almost 1 in 10 were not connected).¹¹⁰ These figures indicate that a significant proportion of people lack access to essential services and are therefore deprived of their human rights, including the rights to housing, water and sanitation. People living in informal settlements are among those left behind.



104 UN Special Rapporteur on the right to adequate housing, Report: *Right to Housing and Informal Settlements*, 19 September 2018, UN Doc. A/73/310/Rev.1, para. 6.

105 Statistics South Africa, *General Household Survey 2024*, 27 May 2025 <https://www.statssa.gov.za/publications/P0318/P03182024.pdf>, p. 24.

106 International Budget Partnership, “Asiviklane: Helping South Africa’s informal settlement residents’ voices be heard”, 7 October 2021, <https://internationalbudget.org/asiviklane-helping-south-africas-informal-settlement-residents-voices-be-heard/#:~:text=Background,some%20cases%20none%20at%20all>

107 Isandla Institute, *Informal Settlement as Catalysts for a Just Urban Transition: A Dialogue Project of Isandla Institute and the Cities Support Programme (CSP) of National Treasury*, 01 January 2025, https://isandla.org.za/en/resources/item/download/429_21c4963df4d3231474189fa004ee45f5, p. 5.

108 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited). p. 85

109 Improved sanitation facilities are defined by the WHO as those that hygienically separate human waste from human contact. Improved sanitation includes flush or pour-flush to piped sewer system, septic tank pit latrines, ventilated-improved pit latrines, or pit latrines with slab or composting toilets. <https://www.who.int/data/nutrition/nlis/info/improved-sanitation-facilities-and-drinking-water-sources#:~:text=Improved%20sanitation%20facilities%20are%20defined,with%20slab%20or%20composting%20toilets>.

110 Statistics South Africa, *General Household Survey 2024* (previously cited), pp. 27, 36, and 41.



RIGHTS TO WATER AND SANITATION IN SOUTH AFRICAN LAW

The Constitution of South Africa explicitly recognizes the right to water.¹¹¹ While the right to sanitation is not similarly recognized in the Constitution, it is understood to be implicit in the recognition of the right to human dignity (Section 10), right to a healthy environment (Section 24 (a)), the right to housing (Section 26) and the right to water Section 27 (1) (b)).¹¹²

The **Water Services Act 108 of 1997** is the primary legislation that gives effect to the right to water as enshrined in the Constitution. Section 3 (1) of the Act notes, “[e]veryone has a right of access to basic water supply and basic sanitation.”¹¹³ Furthermore, the two framework policies on water and sanitation, the 1994 White Paper on Water Supply and Sanitation Policy and the 2001 White Paper on Basic Household Sanitation, recognize basic services as a human right¹¹⁴ and basic sanitation as a human right,¹¹⁵ respectively.

Minimum standards for basic sanitation include a functional toilet with a basic handwashing facility in the yard, which is safe, reliable 24 hours a day, environmentally sound, easy to keep clean, provides privacy and protection against the weather, well ventilated, keeps smells to a minimum and prevents the entry and exit of flies and other disease-carrying pests. Each household must have access to an uninterrupted and adequate sanitation facility.¹¹⁶

The minimum standards for basic water supply must include 6,000 litres of drinking water per household per month, at a minimum flow rate of not less than 10 litres per minute, made available throughout the year and not interrupted for more than 48 consecutive hours.¹¹⁷

The **Municipal Systems Act 32 of 2000** in Section 73 (1) (c) highlights that it is the responsibility of municipalities to guarantee a minimum level of basic municipal services (defined as service necessary to ensure an acceptable and reasonable quality of life which, if not provided, would endanger public health or safety or the environment).¹¹⁸

Mokokotlong informal settlement, which was established in 2018 near Orange Farm in southern Johannesburg and is home to about 1,000 people, exemplifies the situation of many informal settlements in South Africa. Residents told Amnesty International that they did not have access to electricity and that they relied on informal connections. They said that although the municipality provided water through large rubber water tanks, this did not provide enough for all the residents. They

111 See Section 27 of the Constitution that deals with the rights to health, food, water and social security in sub-section 1(b) highlights “Everyone has the right to sufficient food and water”. Constitution of South Africa, Bill of Rights, Chapter 2, <https://www.justice.gov.za/constitution/chp02.html>

112 SERI, *Targeting the Poor: An Analysis of Free Basic Services (FBS) and Municipal Indigent Policies in South Africa*, November 2013, https://www.seri-sa.org/images/Targeting_the_Poor_Nov13.pdf, p. 13.

113 Republic of South Africa, *Water Services Act 108 of 1997*, 19 December 1997, Government Gazette, https://www.gov.za/sites/default/files/gcis_document/201409/a108-97.pdf

114 Department of Water Affairs and Forestry, *Water Supply and Sanitation Policy White Paper*, November 1994, https://www.gov.za/sites/default/files/gcis_document/201409/wssp.pdf, p. 8.

115 Department of Water Affairs and Forestry, *White Paper on Basic Household Sanitation*, 2001, <https://www.dws.gov.za/Documents/Policies/SanitationReviewPolicy.pdf>, p. 11.

116 Department of Water Affairs and Forestry, *Regulations Relating to Compulsory National Standards and Measures to Conserve Water*, 8 June 2001, <https://cer.org.za/wp-content/uploads/2011/10/Regulations-relating-to-compulsory-national-standards-and-measures-to- conserve-water.pdf>

117 Department of Water and Sanitation, *Revised Compulsory National Water and Sanitation Services Standards*, in terms of Section 9 (1) of the *Water Services Act*, Act No. 108 of 1997, 6 June 2025, Government Gazette No. 6292, https://www.gov.za/sites/default/files/gcis_document/202506/52814gon6292.pdf, pp. 7 and 12.

118 Republic of South Africa, *Municipal Systems Act 32 of 2000*, <https://www.gov.za/documents/local-government-municipal-systems-act>, Section 73, Chapter 8.

also said that they had access to chemical communal toilets, but these were rarely cleaned or drained.¹¹⁹

A social audit conducted in 2022 by AbFP along with Abahlali base-Eikenhof (Into Yethu Social Movement), documented the poor living conditions of residents in 12 informal settlements around Freedom Park, namely BP garage, Mountainview, Tuck-shop, Ntabeni, Lindelani, Satellite, Malemavile, Section, Dark City, Nathi, Fihliwe and Eikenhof.¹²⁰ The social audit highlighted the dearth of essential services in the informal settlements, which had existed for between two and nine years. While some settlements had communal water and sanitation points, these were underserved. Most did not have access to electricity. Waste was rarely collected, and toilets were cleaned infrequently, leading to public health concerns among residents. In the newer informal settlements, there was no access to electricity, communal water or sanitation systems.¹²¹



Washing line in Philippi, Cape Town, 2025 © Amnesty International

Residents of informal settlements and NGOs working in them told Amnesty International that while access to water, sanitation, waste collection and electricity and other essential services are generally inadequate in informal settlements, the level of inadequacy varies depending on the age of the settlement and its location. They said that municipalities provided better essential services to informal settlements located on public land than to those on privately owned land. They said that where an informal settlement is located on private land, municipalities provided toilets, and ablution blocks just outside the boundary of the informal settlement. Amnesty International researchers observed this to be the case in the informal settlements they visited.

People living in Ses'khona informal settlement in Philippi, Cape Town, told Amnesty International that because their settlement is located partly on private land (and partly on land owned by the city), they had been provided with a few portable toilets and some taps providing water, as well as ablution blocks, but these were all on the boundary of the settlement. They said they had no formal access to electricity, but many were accessing it through informal connections, which were dangerous particularly when the settlement flooded.¹²²

Residents of Dakota informal settlement in eThekweni told Amnesty International that the municipality had provided 32 portable toilets for a community of at least 2,000 people. They said that the toilets and ablution blocks were located on the boundary of the settlement, making it very difficult for many who lived in the inner parts of the settlement to access them, especially at night. Residents said they were very fearful of being mugged or attacked when walking to the toilets at night and it was particularly unsafe for women and girls. Ruby (name changed) highlighted that the location of the toilets also made it very difficult for older people and people with disabilities to access them and as a result they had no

119 Interview in person with residents of Orange Farm and Mokokotlong, 17 May 2025.

120 Atlantic Fellows, Abahlali base Freedom Park (AbFP) and with Abahlali base -Eikenhof (Into Yethu Social Movement), Social Audit Report 2022, available on file with Amnesty International.

121 Atlantic Fellows, Abahlali base Freedom Park (AbFP) and with Abahlali base -Eikenhof (Into Yethu Social Movement), Social Audit Report 2022, available on file with Amnesty International.

122 Interviews in person, residents of Ses'khona informal settlement in Philippi, Cape Town 7 May 2025.

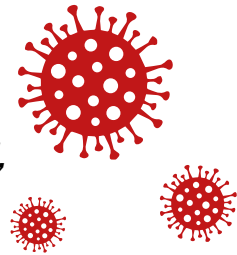
choice but to use buckets as toilets, which would be emptied later by family members or neighbours.¹²³ A resident of an informal settlement in Cape Town said that in some cases, older people or people with disabilities had to pay up to ZAR 30 (USD 1.70) to neighbours to empty their buckets.¹²⁴

However, according to a policy brief by the Water Research Commission, an organization focusing on research and development of water in South Africa, there is no clear legal or policy basis for municipalities to deny informal settlements located on private land access to essential services.¹²⁵ Nevertheless, the reality on the ground is that the provision of essential services is grossly inadequate, particularly for those settlements located on private land.

COVID-19 AND THE GROWTH OF INFORMAL SETTLEMENTS

“We came here in 2021 from Nyanga where I was a backyard dweller. It was after the lockdown, when I lost my job and could not pay rent.”

Letta (name changed), Covid-19 Informal Settlement, Delft¹²⁶



On 15 March 2020, in response to the Covid-19 pandemic, South Africa declared a national state of disaster. The country went into strict lockdown for five weeks on 26 March 2020. Over the following months, like in many countries around the world, the lockdown measures contracted the economy as restrictions on movement were relaxed only gradually. The unemployment figure in South Africa in the third quarter of 2020 increased by 2.2 million.¹²⁷

In line with the call by the UN Special Rapporteur on the right to adequate housing to cease evictions during the pandemic,¹²⁸ the government in South Africa restricted the conduct of evictions during the period of the national disaster. While evictions could only be authorized by court order, a court could suspend the conduct of evictions until the end of the national state of disaster.¹²⁹ However, based on reports,¹³⁰ including by the media,¹³¹ case law,¹³² and interviews conducted by Amnesty International, evictions by private and public bodies continued through the lockdown phases of the pandemic. The most infamous case was in July 2020 during lockdown in Khayelitsha, Cape Town, when the Anti-Land Invasion Unit of the Cape Town municipality dragged a man naked from his house during an eviction

123 Interviews in person, Ruby (name changed), Dakota informal settlement in eThekweni, 11 May 2025.

124 Interview in person, Cape Town, 7 May 2025.

125 Water Research Commission, *Legal Impediments to Providing Services to Informal Settlements on Private Land, May 2024*, Policy Brief, [Policy%20brief_WRC%20Informal%20Settlements%20on%20Private%20Land.pdf](#), p. 2.

126 Interview in person, Delft, Cape Town 5 May 2025.

127 Statistics South Africa, *Quarterly Labour Force Survey (QLFS) – Q3:2020*, 12 November 2020, <https://www.statssa.gov.za/publications/P0211/P02113rdQuarter2020.pdf>

128 UN Special Rapporteur on the right to adequate housing, “COVID-19 Guidance note: Protecting those living in homelessness”, 28 April 2020, ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf

129 Disaster Management Act, Amendment of Regulations Issued in Terms of Section 27(2), No. 57 of 2002, 15 January 2003, Government Gazette, https://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/DISASTER-MANAGEMENT-ACT.pdf

130 Backyard Matters and Isandla Institute, *Backyarding: Affordability, Dignified Shelter and Covid-19*, 2020, https://isandla.org.za/en/projects/urban-land/item/download/176_37d6e129968e0867a2b6d4cf54b4d662, p. 9.

131 Pavan Kulkarni, “Violent evictions of South African shack dwellers continue amid lockdown”, 25 April 2020, People’s Dispatch, <https://peoplesdispatch.org/2020/04/25/violent-evictions-of-south-african-shack-dwellers-continue-amid-lockdown/#> and Karabo Mafolo, “Tracking Covid-19 Lockdown demolitions: City of Cape Town says it has a right to protect its property”, 23 July 2020, Daily Maverick, <https://www.dailymaverick.co.za/article/2020-07-23-home-demolitions-city-of-cape-town-says-it-has-a-right-to-protect-its-property/>

132 See Western Cape High Court, *Community of Hangberg v City of Cape Town* [2020] ZAWCHC 66, available at: <https://www.saflii.org/za/cases/ZAWCHC/2020/66.html>, where the court held that the City’s demolition of the home of an occupier in the Hangberg community on 11 June 2020 and 19 June 2020 was unlawful as the City of Cape Town had carried out the eviction in the absence of a court order. The court held that the city had acted overzealously and shown little regard for the health and safety of the occupant, particularly during a pandemic.

operation in the newly formed eThembeni informal settlement.¹³³ Municipalities acknowledged that evictions were prohibited during lockdowns, but justified their actions as part of efforts to protect public and private land from encroachments.¹³⁴

Many low-income households who were unable to pay rent due to loss of work during the pandemic were evicted and resorted to occupying vacant land. This led to the establishment of many new informal settlements during the pandemic. Some were named after various aspects of the times, such as Covid-19 (at least two informal settlements were named as such), Level 2, The Mask, Social Distance, Pandemic and Lockdown Bay. Mabhelandile Twani of Intlungu YaseMatyotombeni (IYM), a shack dwellers' movement advocating for the rights to housing, water and sanitation among other human rights of people living in informal settlements, said, "[i]t is our history and that's why they [the informal settlements] have been named like that."¹³⁵

Amnesty International researchers visited the Covid-19 informal settlement in Delft, Cape Town, in May 2025. Almost everyone living there came from nearby areas such as Leiden. They said they had occupied land in the informal settlement from 2020 onwards as they were unable to continue to pay rent in the areas where they had been living. Many were previously living as "backyard dwellers", a term used for people who live in informal rental structures constructed in the backyards of formal housing.¹³⁶

Living conditions in Covid-19 informal settlement were poor. People said they had no access to electricity. A few said they used informal electricity connections taken from formal housing nearby. However, most used candles and paraffin for lighting and cooking. While the City had installed some communal taps (one tap serving 30-40 households) for water, people living in the Covid-19 settlement did not have access to any working toilets. As a result, they either used toilets in the formal housing nearby, toilets in the nearby mall where they had to pay ZAR 2 (USD 0.10) per use, or buckets which they emptied in an open area near the main road. Some of the women spoke about how the lack of toilets was particularly difficult and unsafe for them.

Most of the residents Amnesty International researchers spoke with in the Covid-19 settlement were unemployed and said that they struggled to make ends meet. Busi (name changed), a woman living in the settlement, told Amnesty International,

***"Most of us have no work. I was working before Covid. I was working in a hotel. But when Covid came, I lost my job. What we need is work."*¹³⁷**

Residents said that they had little contact with municipal authorities. From their descriptions it appeared to be ad hoc at best. They said that the authorities or their political representatives rarely visited them. One woman told researchers,

***"There used to be one official from the municipality who would come and provide poison to be used for the big rats. But that was a long time back... nothing else."*¹³⁸**

133 Marecia Damons, "Man who was dragged naked from his shack to sue City of Cape Town", 2 February 2023, GroundUp, <https://groundup.org.za/article/khayelitsha-man-dragged-naked-from-his-shack-in-2020-to-sue-city-for-damages/>

134 Karabo Mafolo, "Tracking Covid-19 Lockdown demolitions: City of Cape Town says it has a right to protect its property", 23 July 2020, Daily maverick, <https://www.dailymaverick.co.za/article/2020-07-23-home-demolitions-city-of-cape-town-says-it-has-a-right-to-protect-its-property/>

135 Interview by video call, Mabhelandile Twani, 11 April 2025.

136 Interview in person with residents of Covid-19 informal settlement, Delft, Cape Town, 5 May 2025.

137 Interview in person with Busi (name changed), Covid-19 Informal Settlement, Delft, Cape Town, 5 May 2025.

138 Interview in person with resident of Covid-19 Informal Settlement Delft, Cape Town, 5 May 2025.

TEMPORARY RELOCATION AREAS

Temporary Relocation Areas (TRAs) are another manifestation of the housing crisis in South Africa. They are a function of the Emergency Housing Programme that is meant to provide temporary shelter and access to land in emergency situations, including disasters such as floods. TRAs are also often used to house people who are evicted in the absence of adequate alternative housing.¹³⁹ Due to their intended temporary nature, assistance and services in TRAs are limited to “absolute essentials” and service provision is not subject to national norms and standards.¹⁴⁰

Norms and standards with regards to government provided permanent houses include minimum size and facilities. The minimum size of permanent residential structures to be provided is 40 square metres of gross floor area. Each house at a minimum must be designed to have two bedrooms; a separate bathroom with a toilet, a shower and hand basin; a combined living area and kitchen with a wash basin; and a ready board electrical installation where electricity supply in the township is available.¹⁴¹

In reality, most TRAs are anything but temporary. Some of them have existed for more than a decade. Although the stated aim is for people living in TRAs to be allocated permanent formal housing, the authorities rarely provide a timeline to this end. The provision of very basic services has meant that thousands of people have been made to live in substandard and highly inadequate housing conditions that are very similar to informal settlements. As with informal settlements, TRAs are often located in areas that are poorly served by public transport and civic amenities. Over time and facing several years of neglect and apathy, TRAs become overcrowded and poorly served. TRAs are therefore sometimes referred to as “government sanctioned informal settlements”.¹⁴² With homes made up of corrugated tin sheets akin to those in many informal settlements, TRAs exist in a grey zone between formal and informal housing.

Amnesty International researchers visited two TRAs – Blikkiesdorp in Cape Town and Barcelona 2 in eThekweni.

Blikkiesdorp (Afrikaans for “tin can town”) is one of the first TRAs to be built in Delft, roughly 25km outside Cape Town, to temporarily house the thousands of people who were forcibly evicted from informal settlements to make way for urban development projects.¹⁴³ Constructed in 2007, it was also used to relocate hundreds of people, who were homeless and living in inner-city suburbs in Cape Town, ahead of the 2010 FIFA Football World Cup. As highlighted by the UN Special Rapporteur on the right to adequate housing in her report on the legacy of hosting the Olympic Games and the FIFA Football World Cup, “[t]he N2 Gateway housing project involving the construction of rental housing for the 2010 World Cup entailed the removal of over 20,000 residents from the Joe Slovo informal settlement, and local residents were moved to impoverished areas at the edge of the city.”¹⁴⁴ Over time, Blikkiesdorp has been expanded to provide shelter to people from differing emergency situations, including to victims of xenophobic violence.¹⁴⁵

139 Department of Human Settlements, *The National Housing Code*, 2009, Emergency Housing Programme Part 3, Vol 4, <https://www.dhs.gov.za/sites/default/files/documents/2%20Vol%201%20Part%202%20The%20Policy%20Context.pdf>, p. 15.

140 Department of Human Settlements, *The National Housing Code*, Emergency Housing (previously cited), pp. 13 and 14.

141 Department of Human Settlements, *The National Housing Code*, Technical Guidelines, 2009, <https://www.humansettlements.fs.gov.za/wp-content/uploads/2012/06/National-Norms-Standards-for-the-construction-of-stand-alone-residential-dwellings.pdf>

142 Interview by video call, Michelle Sonono, 4 July 2025.

143 K. R. Chance, “Transitory citizens: Contentious housing practices in contemporary South Africa”, December 2015, *Social Analysis*, 59(3), [10.3167/sa.2015.590304](https://doi.org/10.3167/sa.2015.590304), pp. 62-84.

144 UN Special Rapporteur on the right to adequate housing, Report: *Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination*, 18 December 2009, UN Doc. c, para. 18.

145 The New Humanitarian, “SOUTH AFRICA: Give me a home, but not in a Temporary Relocation Area”, 30 April 2010, available at: <https://reliefweb.int/node/353206>

Currently, and 18 years after the first residents were relocated there, Blikkiesdorp is home to an estimated 10,000 people. While the TRA has grown, plans for permanent housing for the residents have not kept pace. The few plans to provide permanent housing have been beset with problems and therefore stalled. A permanent housing project announced in 2018 stalled several times due to threats of extortion and ultimately the killing of a City of Cape Town official. In March 2025, the City of Cape Town announced a renewal of the project. The first phase is scheduled to be completed in two years.¹⁴⁶

Blikkiesdorp residents have formal electricity connections and more regular waste collection than informal settlements, but toilets remain a problem. There is one toilet and ablution facility for roughly four households. One of the women interviewed for this report told Amnesty International,

“The flushing toilets are broken. Yes, we can report but when you do, it takes four or five months for them to come and fix the toilets. So most of the time, we just use buckets and then we empty them. There are fleas and mosquitoes everywhere. Sometimes we try and use our neighbour’s toilets but otherwise it is buckets. There are also big rats and mice all over here.”¹⁴⁷

In May 2024, residents of Blikkiesdorp protested against the poor provision of essential services particularly the lack of access to adequate water; broken toilets; blocked storm water drains; and frequent power cuts that lasted for months.¹⁴⁸ According to reports, the protesters blocked the Symphony Way highway by burning tyres. Law enforcement officials responded by using tear gas and rubber bullets, and protesters responded with stone pelting.¹⁴⁹ Speaking of the protest, one woman told Amnesty International,

“I got shot by a rubber bullet. We were only asking for basic services, and we were unarmed. We were protesting peacefully, and they threw gas bombs at us. Why did they have to respond like this?”¹⁵⁰

Carl (name changed) told Amnesty International that he was one of the first wave of people relocated to Blikkiesdorp. Uncertain about what lay ahead for him and his family, he said that he had heard about renewed plans to provide permanent housing for the TRA but had also heard that it would only be free for people whose household income was below the Housing Subsidy Scheme threshold of ZAR 3,500 (USD 197) per month. The threshold has not been revised since 2008 and is far too low in real terms given the cost of living in 2025. Despairing about the situation, he said,

“My wife and I with the SASSA grant (social assistance) are getting more than that. I worry about what will happen to those who don’t qualify for the subsidy. We don’t have any plans on what we will do. This place holds us back. We can’t make any future plans. We don’t even know if we will move out of Blikkiesdorp and when.”¹⁵¹

146 Ntuthuzelo Nene, “Blikkiesdorp, Malawi Camp & Freedom Farm residents excited to see Symphony Way housing project resume”, 10 March 2025, Eye Witness News, <https://www.ewn.co.za/2025/03/10/blikkiesdorp-malawi-camp-freedom-farm-residents-excited-to-see-symphony-way-housing-project-resume>

147 Interview in person, Blikkiesdorp, Cape Town, 5 May 2025.

148 Vincent Lali, “Blikkiesdorp community protest after years of waiting for houses”, 8 March 2024, GroundUp, <https://groundup.org.za/article/blikkiesdorp-residents-protest-after-years-in-temporary-accommodation/>

149 Vincent Lali, “Rubber bullets versus stones at Blikkiesdorp protest, Protesters and City in dispute over housing project”, 24 May 2024, GroundUp, <https://groundup.org.za/article/blikkiesdorp-residents-protest-over-delays-in-housing-project/>

150 Interview in person, Blikkiesdorp Cape Town, 5 May 2025.

151 Interview by voice call with Carl (name changed), Blikkiesdorp, Cape Town, 22 May 2025



Resident washing their clothes. Barcelona 2 informal settlement, eThekweni, 2025 © Amnesty International

THE NATIONAL HOUSING SUBSIDY SCHEME AND HOUSING PROGRAMMES

One of the main ways that the government facilitates access to housing in South Africa is through the National Housing Subsidy Scheme, which launched a programme of housing construction under the Reconstruction and Development Programme (RDP). Citizens and legal residents with monthly household incomes below ZAR 3,500 (USD 197) are deemed eligible for state subsidy assistance. Housing constructed and provided to eligible people under the subsidy scheme came to be called RDP housing.

The subsidy amount depends on the income of the household. Subsidy levels were revised at different points but have generally not kept up with inflation.¹⁵²

Currently, to be eligible for an RDP house the applicant has to be a South African citizen or a permanent resident, be over 18 and mentally competent to sign a contract, be married or living with a partner, or single and have dependants (single military veterans or older people without dependents also qualify), earning less than ZAR 3,500 per month per household, a first-time government subsidy recipient, and a first-time homeowner.¹⁵³ These criteria also apply to most other government housing programmes. For those earning more than ZAR 3,500 per month, there are other finance schemes like the GAP Housing and First Home Finance scheme. Those who have received subsidies previously can also apply for the Social Housing Programme.¹⁵⁴

152 Kate Tissington, SERI, *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, Resource Guide (previously cited), p. 60.

153 Ground Up, "Everything you need to know about government housing: Explainer 20 July 2017", last updated on 25 November 2024, <https://groundup.org.za/article/everything-you-need-know-about-government-housing/>

154 For more information on these, see Ground Up, "Everything you need to know about government housing, Explainer 20 July 2017" (previously cited).

Amnesty International researchers also visited Barcelona 2 TRA in eThekweni, which was established in 2010 as part of South Africa's preparations for hosting the FIFA 2010 Football World Cup.¹⁵⁵ While some people had been living in the TRA from the time of its establishment, others had arrived in 2012 and 2021 from the nearby Mega Village informal settlement.¹⁵⁶ More recently, the eThekweni municipality relocated around 100 households from nearby settlements who were impacted by the 2022 floods in KwaZulu-Natal province to Lamontville, across a narrow road from Barcelona 2. In February 2025, the relocated households and residents of Barcelona 2 were again impacted by severe floods in which five people from among the newly relocated households died (see Chapter 3).¹⁵⁷

As with informal settlements, Barcelona 2 suffers from poor access to essential services, particularly sanitation and waste collection. It is close to a river on one side and a canal that flows into the river. Failure by the eThekweni municipality to regularly collect waste means that many residents throw their garbage into the canal. According to some residents, the blocking of the canal by uncollected waste contributed to the floods in February 2025.¹⁵⁸

One of the women living in Barcelona 2 since its establishment told researchers about the lack of essential services. She said that access to water, safe sanitation and waste collection was poor. She said that out of the 24 toilets in her part of the TRA, only four were functioning and these serve 2,000 people. Describing the overall living conditions in the TRA and in the context of the floods, she said,

"I am waiting for an RDP house since 2007. I want to move to an RDP house. This place is not safe for me, it is also not safe for children".¹⁵⁹

CRIME AND SAFETY

"I am afraid to walk at night."

Hilda (name changed) in Cape Town

One of the most common complaints across the informal settlements and other underserved areas that Amnesty International visited was the high levels of crime. Lower income neighbourhoods in South Africa are disproportionately affected by crime and violence, including serious crimes such as murder and gender-based violence.¹⁶⁰ The link between lack of street lighting, access to essential services such as water, sanitation, and safety plays out regularly in informal settlements. Narrow alleyways and the location of communal toilets and ablution blocks in relatively secluded areas can often exacerbate crime and particularly sexual and gender-based violence.¹⁶¹ Many of the women Amnesty International spoke with raised concerns around safety, especially when accessing communal toilets and ablution blocks that were far from their homes. The lack of street lighting in informal settlements added to their concerns.

155 Pavan Kulkarni, "Unrelenting in face of harassment, Shack-dwellers' movement wins in court", 20 June 2018, The Dawn News, <https://abahlali.org/node/16610/>

156 Interviews in person, Barcelona 2 Informal Settlement, Durban, 9 May 2025.

157 eThekweni Municipality, "City responds to flooding incidents as six fatalities are confirmed", 26 February 2025, Newsflash, <https://www.durban.gov.za/press-statement/City+responds+to+flood+incidents+as+six+fatalities+are+confirmed>

158 Meeting in person with residents of Barcelona 2 TRA, eThekweni, 9 May 2025.

159 Interview in person, Barcelona 2 TRA, eThekweni, 9 May 2025.

160 Safer Places: Resilient Institutions and Neighbourhoods Together (SPRINT), *Responding to vulnerability and marginalisation in Area Based Violence Prevention Institutions*, 2023, https://isandla.org.za/en/resources/item/download/349_b72e2229ddd2c7cda8b0345b224bc8e3

161 Tracy Jooste and Nonhlanhla Mathibela, *Improving the Lives of Women in Informal Settlements Starts with Fixing Basic Services*, October 2020 <https://asivikelane.org/wp-content/uploads/2020/12/brief-5-women-in-informal-settlements-nov-2020-final-1.pdf>

Recently, two young women residents of Slovo Park informal settlement in Johannesburg, who had gone missing on 9 September were found dead near the settlement on 17 September. The Slovo Park Community Development Forum in its statement highlighted that between February and September 2025, at least eight people had been shot, and three homes been robbed in the settlement. The statement said, “[b]asic services provision is a GBV issue, as much as it is a socio-economic issue”.¹⁶²

The other issue raised by residents of informal settlements and other underserved areas was gang violence and extortion. Some alluded to the need to pay “protection money” to local gangs if they had income from a job or small business.¹⁶³ Hilda (name changed) in Cape Town told Amnesty International,

“For me as a mother, the biggest worry is crime. My daughter, now she is a teenager, and I worry about gangs preying on her. I am very afraid of the gangs, and I am afraid to walk at night.”¹⁶⁴

Poverty and unemployment have fuelled the rise of gangs and inter-gang violence in many of these areas. Women in Driezik 5 in Johannesburg spoke at length of the lack of investment in youth activities and its connection with the rise in gang violence in their area. They also said that different gangs had established territories in Orange Farm and there were constant gang fights over these. They worried for their children every day – whether they would come back safely from school, whether they would get caught in these gangs and their fights.¹⁶⁵

Residents in different informal settlements also spoke about the lack of sufficient policing. Like other services, they said that informal settlements and other underserved areas were neglected in matters of crime and safety. Women in Driezik 5 said their community had installed gates in their area to monitor the movement of people after dark, but the City authorities asked them to take them down as they did not have the necessary permission.¹⁶⁶

A woman who worked as a security guard in a middle-class area near the informal settlement said,

“I worry about the conditions that we live in here. We have babies and I worry about them. There are fires because people use stoves and candles... my roof leaks every time it rains and the area is full of water at least once a year, if it rains for 10 days continuously. There are also drunk people and there is crime. The police only come when there is a murder, but we are getting robbed every day.”¹⁶⁷

¹⁶² Slovo Park Community Development Forum, “Gender-based violence and crime in Slovo Park are enabled by lack of basic services”, 26 September 2025.

¹⁶³ Sandiso Phaliso, “Extortionists close down informal businesses in Cape Town”, 26 March 2025, GroundUp, <https://groundup.org.za/article/informal-businesses-in-cape-town-closed-down-by-extortionists/>

¹⁶⁴ Interview in person, Blikkiesdorp, Cape Town, 5 May 2025.

¹⁶⁵ Interviews in person, Driezik 5, Johannesburg, 17 May 2025.

¹⁶⁶ Interviews in person, Driezik 5, Johannesburg, 17 May 2025.

¹⁶⁷ Interview in person, Cape Town, 5 May 2025.

INFORMAL SETTLEMENTS AND HUMAN RIGHTS

Housing and access to essential services like water, sanitation, waste collection, and other infrastructure in informal settlements in South Africa, continue to bear the imprint of apartheid era racial segregation. In the most recent rankings for the Sustainable Development Goals, the country ranks 111th out of 167 countries and while the rankings find that there is moderate improvement in the context of access to water and sanitation, progress appears to have flat lined in the context of eradication of poverty, achieving zero hunger, and good health and well-being. Worryingly, the country's progress towards achieving sustainable cities and communities is deteriorating.¹⁶⁸

Lacking access to adequate and affordable housing, many people living in poverty have no choice but to live in informal settlements. The living conditions in informal settlements in South Africa fail to meet the levels of adequacy as per international and domestic human rights law and standards including on the provision of water and sanitation. Residents not only face deprivation but are also trapped as there is nowhere else for them to go, and they are threatened with violence and insecurity. As noted by the UN Special Rapporteur on the right to adequate housing in the context of informal settlements worldwide, "[t]he scope and severity of the living conditions in informal settlements make them one of the most pervasive violations of the human rights of dignity, security, health and life worldwide. It is critical that they be recognized as such."¹⁶⁹

While all residents are affected, the suffering is borne disproportionately by groups at risk of multiple and intersectional forms of discrimination. For example, women and girls are particularly affected by a lack of adequate access to sanitation facilities for toilets and bathing. Women have additional physical needs to men (for example, related to menstruation) and have a greater need for privacy when using toilets and when bathing. Inadequate and inaccessible toilets and bathrooms, as well as the general lack of effective policing, makes women even more vulnerable to crime and gender-based violence. The lack of access to essential services is also particularly difficult to navigate for older people and people with disabilities, especially those who have limited mobility.

A state is in violation of international human rights law if any significant portion of the population is deprived of access to basic shelter or housing.¹⁷⁰ Although there are some efforts by the government to address this issue, the fact that millions of people continue to live in highly inadequate conditions coping with insecure tenure, lack of sufficient access to water, sanitation and electricity, clearly shows that not enough is being done.

While there has been significant progress in terms of housing delivery since 1994, with the government providing around 5.2 million "housing opportunities" (instances where housing has been built, is under construction and housing subsidies that have been approved), there are still about 3.4 million people on the housing needs register.¹⁷¹ In this context, the 2024 White Paper acknowledged that there had been a significant decline in the provision of housing and serviced sites by the state in the last five years. The number of houses delivered fell from 75,000 units in 2019 to 25,000 units in 2023.¹⁷² It attributes this to several factors, including rising costs of construction materials; constraints with regards to limited bulk infrastructure (infrastructure for providing essential services to communities, such as water supply, wastewater management and stormwater drainage); and project initiation or

168 Jeffrey D. Sachs and others, *Financing Sustainable Development to 2030 and Mid-Century. Sustainable Development Report 2025*, 2025, <https://doi.org/10.25546/111909>, p. 378.

169 UN Special Rapporteur on the right to adequate housing, *Report of 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 Context*, 19 September 2018, UN Doc. A/73/310/Rev.1, para. 12.

170 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 3: The Nature of States Parties' Obligations, Article 2 Para. 1 of ICESCR, 14 December 1990, UN Doc. E/1991/23, para. 10.

171 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited). p. 7.

172 The Conversation, "South Africa's low-cost housing model is broken – study suggests how to fix it", 13 December 2024, <https://theconversation.com/south-africas-low-cost-housing-model-is-broken-study-suggests-how-to-fix-it-244876>

THE 2024 WHITE PAPER ACKNOWLEDGED THAT THERE HAD BEEN A SIGNIFICANT DECLINE IN THE PROVISION OF HOUSING AND SERVICED SITES BY THE STATE IN THE LAST FIVE YEARS



completion delays due to social issues and unlawful activities such as land occupation by community members, and take-over and disruption of construction project sites by “construction mafias”.¹⁷³ Corruption, maladministration and undue delays in the delivery of housing have also been a persistent area of concern. Acknowledging this, the 2024 White Paper on Human Settlements reaffirmed the department’s commitment to the National Anti-Corruption Strategy 2020-2030.¹⁷⁴

The UN Committee on Economic, Social, and Cultural Rights in its Concluding Observations in 2018 on South Africa’s initial report on the implementation of ICESCR expressed concern “at the large number of people living in inadequate housing, including those in informal settlements, without access to basic services.”¹⁷⁵ It noted that the increase in informal settlements was due to the rapid rate of urbanization and the reduction in provision of affordable housing by the government. The Committee therefore called on the state to “[i]ntensify its efforts to improve housing conditions and to meet increasing demand, including by continuing to provide adequate social housing in urban areas and to upgrade housing conditions in informal settlements.”¹⁷⁶

South Africa’s Constitution mandates a system of governance which comprises three spheres – national, provincial and local. The three spheres of government are autonomous and yet share several functions of governance. Local government, by the very nature of its function, is on the frontlines of climate change related disasters and the housing crisis and is the first point of contact for people within its jurisdiction. For example, although the Housing Act specifies roles and responsibilities for each sphere of government, local government is explicitly entrusted with ensuring that residents in their jurisdiction have access to adequate housing on a progressive basis; removing or preventing conditions not conducive to the health and safety of residents, providing water, sanitation, electricity, roads, stormwater drainage and transport, identifying and designating land for housing development and facilitating appropriate housing development.¹⁷⁷ Similarly, the responsibility for ensuring spatial equality, climate change adaptation, and disaster preparedness and response, lies with local government. The Municipal Systems Act (MSA) 32 of 2000 requires municipalities to prepare integrated development plans, the main planning instrument for municipalities. These plans must reflect the municipal council’s development priorities and objectives for its elected term, including its local economic development aims, a spatial development framework which must include guidelines for a land use management system, disaster management plans and plans to respond to the climate crisis.¹⁷⁸

173 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited), p. 44.

174 Department of Human Settlements, *White Paper on Human Settlements, 2024* (previously cited), p. 82.

175 UN CESCR, Concluding Observations on the Initial Report of South Africa, 29 November 2018, UN Doc. E/C.12/ZAF/CO/1.

176 UN CESCR, Concluding Observations on the Initial Report of South Africa (previously cited).

177 Republic of South Africa, Housing Act 107 of 1997 (previously cited), Section 2(1), Part 4 Section.

178 Republic of South Africa, Municipal Systems Act 32 of 2000, <https://www.gov.za/documents/local-government-municipal-systems-act>, Chapter 5, Part 2, Section 26.



Resident unlocking their front door, Barcelona 2 informal settlement, eThekweni, 2025 © Amnesty International

However, several studies point to local government being ill-equipped to carry out all these functions in a manner that would achieve their aim. The State of Climate Action in South Africa report by the Presidential Climate Commission acknowledged that “local government actions are stymied by poor management and a lack of enforcement mechanisms for service delivery. In early 2023, the Presidency stated that 163 out of 257 municipalities were dysfunctional due to poor governance, ineffective and sometimes corrupt financial and administrative management, and poor service delivery and planning.”¹⁷⁹

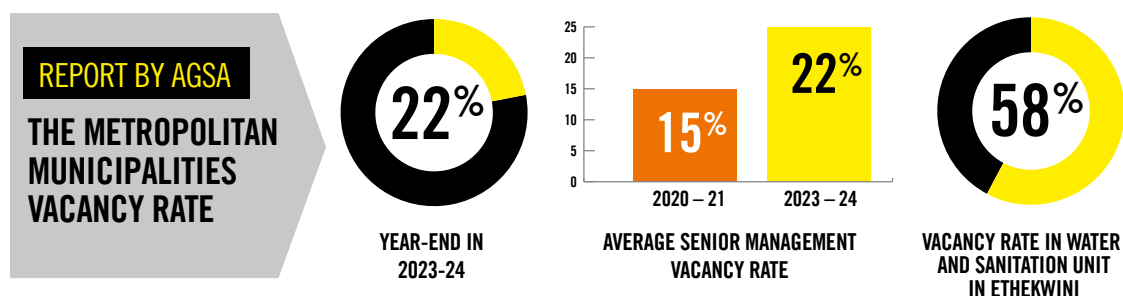
The Auditor General of South Africa’s (AGSA) report for 2023-2024 highlighted some of the overall deficiencies in municipalities. For example municipalities were often short staffed. AGSA’s report noted that the metropolitan municipalities had a vacancy rate of 22% at year-end in 2023-24 and the average senior management vacancy rate worsened to 25% from the 15% reported in 2020-21. It highlighted that eThekweni had insufficient technical staff in the infrastructure section of the water and sanitation unit due to a 58% vacancy rate. Critical maintenance was not performed regularly, which had a negative impact on water provision.¹⁸⁰

AGSA’s report also highlighted underspending in municipalities. As the report points out, “[w]hen grants are underspent due to poor project management, this contributes to delays in completing infrastructure projects aimed at improving service delivery to communities, such as access to water and sanitation, housing and public transport.”¹⁸¹

179 Presidential Climate Commission, *The State of Climate Action in South Africa: Priorities for Action for the Government of National Unity*, June 2024, https://pcccommissionflo.imgix.net/uploads/images/24_REP_State-of-Climate-Action-in-South-Africa_v4.pdf, p. 13.

180 Auditor General of South Africa, Consolidated General Report on Local Government Audit Outcomes 2023-2024, <https://mfma-2024.agsareports.co.za/>, pp. 118 and 119.

181 Auditor General of South Africa, Consolidated General Report on Local Government Audit Outcomes 2023-2024 (previously cited), p. 82.



Under lack of sufficiently integrated development planning, AGSA's report cited the City of Johannesburg and eThekweni as examples.¹⁸² With regards to the City of Cape Town, noting that the City had improved from its performance in the previous years, the report noted that there was a need to enhance quality and availability of housing in informal settlements.¹⁸³

The lack of financial management and technical capacity in local government to adequately address the different responsibilities assigned to them, has significant human rights consequences, particularly for those most impacted by marginalization and discrimination. People living in informal settlements and other underserved areas often pay a very high price for the failure of governments to build robust governance structures that are accountable to the people at the local level. As highlighted by the UN Special Rapporteur on the right to adequate housing, "[p]roximity to stakeholders is only a positive feature if local and other subnational levels of government have the necessary resources and the administrative capacity to perform the functions accorded them; if they are cognizant of human rights, accountable and responsive to stakeholders; if meaningful participatory mechanisms are in place; if local elites do not undermine democratic accountability; and if corruption is addressed."¹⁸⁴

While local government is on the frontlines of the issues that people living in underserved areas face, it is important to note that local government is not the only sphere of government that is responsible for the ongoing housing crisis, addressing climate change or for disaster risk reduction. National and provincial governments also play a key role in the implementation of government laws, plans and policies, and in upholding human rights. National government is responsible for providing the overall strategic and legislative framework which forms the basis of plans and policies at the provincial level.¹⁸⁵ It is also responsible for ensuring that municipalities are adequately resourced to carry out their functions. Provincial government is similarly responsible for strategic oversight. Furthermore, the provincial government is responsible for processing grants to municipalities for bulk infrastructure, housing, and public works and also has the power to intervene including to protect and promote minimum standards of local government delivery.¹⁸⁶

¹⁸² Auditor General of South Africa, Consolidated General Report on Local Government Audit Outcomes 2023-2024 (previously cited), p. 117.

¹⁸³ Auditor General of South Africa, Consolidated General Report on Local Government Audit Outcomes 2023-2024 (previously cited), p. 211.

¹⁸⁴ UN Special Rapporteur on the right to adequate housing, Report, 22 December 2014, UN Doc. A/HRC/28/62, para. 71.

¹⁸⁵ Republic of South Africa, *White Paper on Local Government 1998*, https://www.gov.za/sites/default/files/gcis_document/201409/whitepaper0.pdf

¹⁸⁶ Republic of South Africa, *White Paper on Local Government 1998* (previously cited), https://www.gov.za/sites/default/files/gcis_document/201409/whitepaper0.pdf 1.3.2.

FORCED EVICTION THREATS

The failure of successive governments to address the housing crisis including through providing adequate well-located affordable housing, has led to a growth of informal settlements. Instead of taking steps to address the root causes that give rise to informal settlements, authorities in some cases have sought to target informal settlements.

For example, the Premier of Gauteng province announced in September 2025 that his office would embark on a plan to demolish newer informal settlements in a bid to prevent illegal occupation of land and guarantee adherence to land-use regulations. Threatening midnight demolition raids, the Premier's statement harked back to apartheid era demolitions.¹⁸⁷ Although the statement was roundly criticized, including by the South African Human Rights Commission,¹⁸⁸ as Marie Huchzemeyer points out, this approach can be found in the City of Johannesburg's proposed amendments to its 2018 Land Use Management Scheme and its draft Informal Settlement Policy.¹⁸⁹ The demolition of informal settlements as proposed by the Premier of Gauteng province could amount to a forced eviction. International human rights law, to which South Africa is bound, is unequivocal. Forced evictions (see Chapter 1) constitute a gross violation of a range of human rights including the right to adequate housing and should never be carried out.¹⁹⁰

There are also measures being contemplated that could reduce legal protection for people who occupy land without any legally recognized right to it. Some representatives of local authorities that Amnesty International spoke with cited the Prevention of Illegal Eviction Act 1998 as an obstacle to local government efforts to safeguard vacant land and quell the growth of informal settlements, particularly in uninhabitable areas. In line with this view, the 2024 White Paper on Human Settlements has proposed a review of the Act as a means of controlling occupation of vacant land and the establishment of informal settlements.¹⁹¹

Amnesty International is concerned that this review risks eroding protection against forced eviction and resulting homelessness for millions of people who occupy land due to the failure of the state to respect, protect and fulfil their right to adequate housing. Any change to this law that results in lowering protection against forced eviction and homelessness could amount to a retrogressive measure. If any retrogressive measures are taken, the state has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of maximum available resources.¹⁹²

THE 2024 WHITE PAPER ON HUMAN SETTLEMENTS

HAS PROPOSED A REVIEW OF THE **PREVENTION OF ILLEGAL EVICTION ACT** AS A MEANS OF CONTROLLING OCCUPATION OF VACANT LAND AND THE ESTABLISHMENT OF INFORMAL SETTLEMENTS.



187 Marie Huchzemeyer, "Lesufi's shacklands plan nothing new, and harks back to apartheid days", 22 September 2025, <https://www.businesslive.co.za/bd/opinion/2025-09-22-marie-huchzemeyer-lesufis-shacklands-plan-nothing-new-and-harks-back-to-apartheid-days/>

188 South African Human Rights Commission, "Media Statement: SAHRC Condemns Unlawful Evictions and Calls for Constitutional Compliance and Protection of the Vulnerable", 7 September 2025, <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/4371-media-statement-sahrc-condemns-unlawful-evictions-and-calls-for-constitutional-compliance-and-protection-of-the-vulnerable>

189 Marie Huchzemeyer, "Lesufi's shacklands plan nothing new, and harks back to apartheid days" (previously cited).

190 UN Commission on Human Rights, Resolution 1993/77, March 1993, available at: <http://www.refworld.org/docid/3b00f0c514.html>

191 Department of Human Settlements, *White Paper on Human Settlements, 2024* (previously cited), p. 65.

192 UN Committee on Economic, Social and Cultural Rights, General Comment 3: The Nature of States Parties Obligations (previously cited), para. 9.

OBLIGATION TO USE THE MAXIMUM AVAILABLE RESOURCES

While international human rights law and standards prohibit states to carry out forced evictions, they also require governments to take prompt steps to address lack of adequate housing, not only in the realm of law and policy but also through concrete actions.

Under Article 2(1) of the ICESCR states parties have the obligation to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, to progressively achieve the full realization of economic, social, and cultural rights. In line with this obligation, government has a duty to use its maximum available resources to undo racial segregation and fulfil the right to adequate housing, including by ensuring access to well-located land. The role of the Western Cape Provincial government in the Tafelberg case (see below) however, is incompatible with this obligation.¹⁹³

The case concerns a decision by the Western Cape Department of Transport and Public Works to sell the publicly owned Tafelberg property in Sea Point, Cape Town, to a private entity despite it being marked for social housing. The Western Cape government proceeded with the sale, arguing that social housing could be provided at alternative sites. In May 2017, Reclaim the City and Ndifuna Ukwazi approached the Western Cape High Court to stop the sale. In 2020, the Western Cape High Court ruled that the provincial government and the City of Cape Town failed to comply with their statutory obligations under the Housing Act and the **Social Housing Act**. These give effect to the rights under Sections 25(1) and 26(2) of the Constitution, which require the state to take steps, within available resources, to access adequate housing. This failure contributed to spatial apartheid in central Cape Town, and the court ordered the provincial government and the City to comply with their obligations and submit a detailed report under oath outlining past and future steps to address housing and land access issues in central Cape Town. The court also reviewed and set aside the sale of the Tafelberg property, declaring it unlawful.

The Western Cape government and the City of Cape Town appealed this ruling in the Supreme Court of Appeal and in April 2024, the Supreme Court of Appeal overturned the High Court's decision to set aside the sale of the property, stating that neither the Constitution nor housing legislation mandated the provision of housing in a specific location. Ndifuna Ukwazi and Reclaim the City approached the Constitutional Court, appealing the judgment and the order of the Supreme Court of Appeal to reinstate the High Court's decision.¹⁹⁴ Two weeks before the Constitutional Court hearing, the Western Cape government announced its intention to use a portion of the site for affordable housing.¹⁹⁵ At the time of writing, the Constitutional Court had heard Ndifuna Ukwazi and Reclaim the City's appeal and reserved judgment.

193 Supreme Court of Appeal, *Minister for Transport and Public Works: Western Cape & others v Adonisi and Others* (522/2021 & 523/2021) [2024] ZASCA 47, available at: <https://www.saflii.org/za/cases/ZASCA/2024/47.html>

194 See SERI, "Adonisi and Others v Minister for Transport and Public Works: Western Cape & Others", February 2025. <https://www.seri-sa.org/index.php/more-news/1427-adonisi-and-others-v-minister-for-transport-and-public-works-western-cape-others>

195 Matthew Hirsch, "Affordable housing to be built on contested Sea Point site, says provincial government", 30 January 2025, GroundUp, <https://groundup.org.za/article/affordable-housing-to-be-built-on-contested-sea-point-site-says-provincial-government/>

3. FLOODING IN INFORMAL SETTLEMENTS

“We fear any rain that comes. We don’t know where to go or get hold of people who are supposed to assist us.”

Phindile (name changed), a resident of Dakota informal settlement, eThekweni¹⁹⁶

Informal settlements and underserved areas in South Africa, including Temporary Relocation Areas (TRAs), are highly susceptible to flooding. They are often on land that is unsuitable in terms of soil conditions and topographical constraints, such as being located in wetlands or low-lying areas or within 100-year flood-lines.¹⁹⁷ For example, in eThekweni alone, at least 164 of the city’s 550 informal settlements are located in floodplains.¹⁹⁸ The vulnerability of informal settlements and underserved areas to floods is also a result of years if not decades of institutional neglect. This often results in lack of adequate drainage systems, paved roads and regular waste collection, all of which contribute to the flooding of the area.



Clouds gather over Thembelihle informal settlement, Lenasia, Johannesburg, 2025
© Planact

While there are several types of floods, those most relevant to this report are fluvial floods (or riverine floods), which occur when the water level in a river or stream rises and overflows onto neighbouring land; and pluvial floods, which are caused by excessive rainfall leading to waterlogging and flooding of streets, infrastructure and buildings.¹⁹⁹ Pluvial floods can also lead to groundwater floods where excessive rainfall causes saturation of the water table. This causes water to emerge from the ground.²⁰⁰

196 Interview in person with Phindile (name changed), Dakota informal settlement, eThekweni, 11 May 2025.

197 Department of Human Settlements, *Baseline Evaluation of Informal Settlements Targeted for Upgrading in the 2019-2024 MTSF*, December 2021, ISBN: 978-0-620-97257-4, https://www.dhs.gov.za/sites/default/files/documents/FINAL%20EDITED%2012-2021%20BASELINE%20EVALUATION%20OF%20IS%20TARGETED%20FOR%20UPGRADE_REPORT%2028-01-20221%20%281%29%20%281%29.pdf, p. 28.

198 Mary Galvin and Patrick Bond, “Weathering the climate crisis in flood-prone Durban — tough lessons from the ‘rain bomb’”, 18 April 2022, The Daily Maverick, <https://www.dailymaverick.co.za/article/2022-04-18-weathering-the-climate-crisis-in-flood-prone-durban-tough-lessons-from-the-rain-bomb/>

199 United Nations Human Settlements Programme (UN Habitat) *World Cities Report*, 2024, https://unhabitat.org/sites/default/files/2024/11/wcr_2024_-_chapter_3.pdf, p. 91.

200 United Nations Office for Disaster Risk Reduction (UNDRR) “Groundwater Flooding”, <https://www.undrr.org/understanding-disaster-risk/terminology/hips/mh0605>

Based on Amnesty International's interviews with residents and members of civil society organizations, all the informal settlements and TRAs mentioned in this report had regularly experienced flooding. Some, like the Quarry Road, eNkanini, Barcelona 2, Dakota and KwaMamsuthu settlements in eThekwin, were also severely impacted by the large-scale riverine floods in KwaZulu-Natal Province in 2022 as well as in early 2025. Others in Johannesburg and Cape Town experience pluvial and groundwater flooding every wet season. While seasonal flooding is less destructive in terms of loss of life, it nevertheless impacts lives and livelihoods, and the right to adequate housing among other human rights. Most recently, Amnesty International received reports of seasonal flooding in late June and early July 2025 in informal settlements and underserved areas such as the Blikkiesdorp TRA in Cape Town.²⁰¹



Rising flood waters, Blikkiesdorp, Cape Town, 2025
© City Hope Disaster Relief

3.1 KWAZULU-NATAL FLOODS IN 2022

“It was 2 in the night, and the water came in. My mother called out to me, and I took my children out. I have four small children. My mother, father, and brother were still in the house... My father could not get out of the water. A man who came floating along on a bed pulled him out. My mother also had to be pulled out. We just left with the clothes that we were wearing.”

Thuli (name changed), eThekwin²⁰²

KwaZulu-Natal province has witnessed devastating floods in the recent past. In 2019, for example, an estimated 1,000 people were displaced by floods and 80 people lost their lives.²⁰³ Floods in 2022 caused even greater devastation. From 8 to 12 April, KwaZulu-Natal province and in particular eThekwin municipality experienced exceptionally high rainfall. The consequent floods and mudslides washed away homes, schools, health centres and critical infrastructure. A staggering 435 people lost their lives and a further 80 were reported missing. A total of 19,113 households, with 128,743 people, were affected.²⁰⁴ The floods impacted people across eThekwin, but residents of informal settlements were among the hardest hit as many of them were located along riverbanks, in low-lying areas and in floodplains.

201 Information received by voice call and text message, 10 July 2025.

202 Interview in person with Thuli (name changed), eThekwin, 10 May 2025.

203 Wanjiru Thoithi and others, "April 2022 Floods over East Coast South Africa: Interactions between a mesoscale convective system and a coastal meso-low", 30 December 2022, *Atmosphere* 14, no. 1: 78. <https://doi.org/10.3390/atmos14010078>

204 International Federation of the Red Cross and Red Crescent Societies, South Africa – Floods and Landslides, Final Report, 30 April 2025, available at: <https://reliefweb.int/report/south-africa/south-africa-floods-and-landslides-final-report-mdrza012>

On 18 April 2022, President Ramaphosa declared a national state of disaster.²⁰⁵ According to the Presidential Climate Commission, the floods caused large-scale damage to critical infrastructure, including roads and highways, water treatment and supply, and communication and electrical systems. Food security was a significant concern not only because of the damage caused to agriculture but also because of the disruption of production and supply chains and loss of livelihoods for thousands of people. The City of Durban lost an estimated 1.8% of annual GDP and it took about three months for businesses to return to pre-flood operations. The provincial government estimated economic losses of about ZAR 17 billion (USD 963 million).²⁰⁶

QUARRY ROAD INFORMAL SETTLEMENT

Quarry Road was one of several informal settlements in eThekweni that was severely impacted in the 2022 floods. Established in 1984, it is located on the banks for the Palmiet River, one of Durban's 18 major rivers. The flooding was exacerbated in Quarry Road by broken trees and other debris that blocked the river's flow further downstream. The flood waters washed away many homes.

eThekweni municipality and the University of KwaZulu-Natal's School of Built Environment and Development Studies had been piloting an early warning system (see section 3.4 below), which sounded the alarm in Quarry Road, allowing people to flee before disaster struck. While many houses and civic amenities were destroyed, the early warning system ensured that no lives were lost.²⁰⁷

Residents escaped by making a human chain and moving to the road on higher ground.²⁰⁸ They told Amnesty International that they left their homes as the water was rising and saw all their belongings, including beds and other furniture, being carried away by the river. When they returned the following day, the water was still high. All their remaining belongings were covered with mud and the food stored in their homes was destroyed.²⁰⁹

BARCELONA 2 AND LAMONTVILLE

Another round of serious flooding hit eThekweni in early 2025. On 26 February, heavy rains led to severe flooding in different parts of the city, including the Barcelona 2 TRA and a TRA in Lamontville.

The City of eThekweni had established Temporary Residential Units in Lamontville to house people impacted by the 2022 floods. Located on the banks of the Umlazi river, residents of the Lamontville TRA had to flee flooding again in 2025 to save their lives. Unfortunately, not everyone could be saved. Two women (aged 56 and 60) and three children (aged 5, 11 and 16) from the TRA died.²¹⁰ When Amnesty International researchers visited the area around two and half months later in May 2025, the destruction caused by the floods was still evident. Household items, furniture, clothes and shoes of residents who lost their homes lay strewn where some of the temporary homes of the 2022 flood victims stood.

205 Government of South Africa, "President Cyril Ramaphosa: Declaration of a national state of disaster to respond to widespread flooding", 18 April 2022, <https://www.gov.za/news/speeches/president-cyril-ramaphosa-declaration-national-state-disaster-respond-widespread>

206 Presidential Climate Commission, A Critical Analysis of the Impacts of and Responses to the April-May 2022 Floods in KwaZulu-Natal, A Presidential Climate Commission Issue Brief, March 2023, <https://pcccommissionflo.imgix.net/uploads/images/PCC-Brief-KZN-Floods.pdf> pp. 2-4.

207 Interview in person, Catherine Sutherland, University of KwaZulu-Natal, 12 May 2025, and Representatives of eThekweni Municipality, 13 May 2025.

208 Leonie Joubert, "A Perfect Storm: How the deadly 2022 Durban floods hold crucial lessons for the future of the city and others like it", 10 May 2023, Daily Maverick, <https://www.dailymaverick.co.za/article/2023-05-10-a-perfect-storm-how-the-deadly-2022-durban-floods-hold-crucial-lessons-for-the-future-of-the-city-and-others-like-it/>

209 Interviews in person, Quarry Road informal settlement, 12 May 2025.

210 eThekweni Newsflash, "City responds to flooding incidents as six fatalities are confirmed", 26 February 2025, <https://www.durban.gov.za/press-statement/City+responds+to+flooding+incidents+as+six+fatalities+are+confirmed>

Nkululeko, living in the Barcelona 2 TRA located across a narrow road from the Lamontville TRA, told Amnesty International,

“Around 1am the neighbours were shouting my girlfriend’s name – she took the baby and went out. I went to the transit camp [Lamontville] and I saw that it was flooding – I went with a blanket on my shoulder. People were shouting. I found a rope and fastened it to a tree across the road. People were stuck in their houses. We needed someone to cross with the rope. We made a human chain to cross to the other side and managed to get people out. That night some people stayed with relatives and others stood on the road. The municipality came in the morning to assess the damage, and it was in the afternoon that people were taken to different places.”²¹¹

DAKOTA INFORMAL SETTLEMENT

Amnesty International researchers also visited Dakota informal settlement in Isipingo, south of Durban. Like many other informal settlements, it faces seasonal flooding, was flooded in April 2022 and again in February 2025. Residents recounted impacts of the floods, describing how they lost their homes, clothes, furniture and even their ID cards and other important documents.²¹²

With regards to the floods in February 2025, George (name changed) told Amnesty International that it started raining very heavily at around 5pm and by 6am, the entire area, including his house, was flooded and most of his belongings were washed away. Many residents of Dakota took shelter at the Isipingo community hall, where they stayed for three days before returning to their homes.²¹³ They said they salvaged what they could, as their houses were still flooded. They added that their children had developed sores walking and playing in the water. Many were also suffering from flu and colds.²¹⁴

ENKANINI INFORMAL SETTLEMENT

eNkanini informal settlement in Cato Manor, Durban, has also witnessed death and destruction due to heavy rains, flooding and mudslides. Like many informal settlements in eThekweni, eNkanini is located on a hillside and therefore particularly vulnerable to mudslides when there is heavy rainfall and flooding. Residents told Amnesty International researchers that they face flooding at least once a year, which destroys their belongings, the food they have stored and sometimes important documents, including their IDs.²¹⁵

Mudslides caused by heavy rain often led to retaining walls (walls built to prevent soil erosion and maintain a level surface) collapsing. One woman told researchers that the retaining walls around her house collapsed and damaged all her belongings in the flooding in March 2025. “I am a fighter, so I built everything back on my own,” she said.²¹⁶ In December 2024, two people, a man (aged 38) and a woman (aged 18) died in eNkanini when a retaining wall collapsed on them due to heavy rain and flooding.²¹⁷

211 Interview in person, Nkululeko, Barcelona 2, eThekweni, 9 May 2025.

212 Interviews in person, Dakota informal settlement, eThekweni, 12 May 2025.

213 Interview in person, George (name changed), Dakota informal settlement, eThekweni, 12 May 2025.

214 Interviews in person, Dakota informal settlement, eThekweni, 12 May 2025.

215 Interviews in person, eNkanini informal settlement, eThekweni, 9 May 2025.

216 Interview in person, eNkanini informal settlement, eThekweni, 9 May 2025.

217 Meeting in person, eNkanini informal settlement, eThekweni, 9 May 2025. Also see Karen Singh, “Heavy rain causes retaining wall collapse, resulting in two deaths in Cato Manor”, 23 December 2024, Mercury News, <https://iol.co.za/mercury/news/2024-12-23-heavy-rain-causes-retaining-wall-collapse-resulting-in-two-deaths-in-cato-manor/>

Residents said that trees often fall due to the winds that accompany the rains, causing damage or danger to their lives. Cindy (name changed) said,

“Normally our homes are flooded in March/April but nowadays it is happening any time. Nowadays we are less worried about our houses and more about our lives.”²¹⁸

3.2 FLOODING AS “THE NORM”

“We face disasters seasonally – fires in the summer, floods in the winter. Flooding has become the norm for us [residents of informal settlements]. . . when it floods you need gumboots to walk around the settlement as you don’t know whether you are walking in mud or faeces.”

Kenneth, Barcelona informal settlement, Cape Town²¹⁹

Major floods like those in KwaZulu-Natal in the recent past rightly grab headlines for the loss of life and destruction they cause. However, the regular flooding that occurs seasonally in informal settlements in South Africa goes largely unnoticed. Residents of informal settlements and TRAs in Cape Town, eThekweni and Johannesburg all had similar stories to tell – their homes were often flooded in the wet season, damaging furniture, food stocks, clothes and other essential items. The regular albeit comparatively low-level seasonal flooding meant that people also often lost several days’ pay as daily wage earners as they dealt with the consequences of the water damage.

Residents in all the areas visited by Amnesty International expressed concern that children were unable to attend school when their informal settlements and surrounding areas were flooded. In some cases, damaged school uniforms and books prolonged their absence. Parents said they often worried about the health impacts of the stagnant water on their children, and older people and people with disabilities found it especially difficult to go leave their homes, even to use the communal toilets and ablution blocks.

Island, an informal settlement near Khayelitsha in Cape Town, faces regular flooding. Between May and July 2025 alone, homes in Island had been flooded at least twice. According to the Development Action Group, a civil society organization working on housing and urban development issues, Island is located within a 50-year flood line and therefore highly prone to being inundated.²²⁰ Amnesty International spoke with Nolubabalo, a resident of Island who lives in a one-room shack with her boyfriend and five children. Speaking of recent flooding, she said,

“Last Tuesday [17 June 2025], the water came into the house. Every time it rains, the water comes into the house. But because I raised the house from the ground using rubble last time, now the water is only ankle high. Before it was much worse. When water enters our house, the furniture is spoiled so I don’t have furniture anymore. Our clothes also get damaged by water. The only thing we can do is take the water out with a bucket.”²²¹

218 Interview in person, Cindy (name changed), eNkanini informal settlement, eThekweni, 9 May 2025.

219 Interview in person, Kenneth from Barcelona Informal Settlement, Cape Town, 7 May 2025.

220 Interview in person, Development Action Group, 7 May 2025.

221 Interview by voice call, Nolubabalo from Island informal settlement, Cape Town on 20 June 2025.



Rubber sheet used to stop groundwater rising, Island informal settlement, Cape Town, 2025 © Amnesty International

Nolubabalo spoke at length about the struggles she faced every time her house flooded:

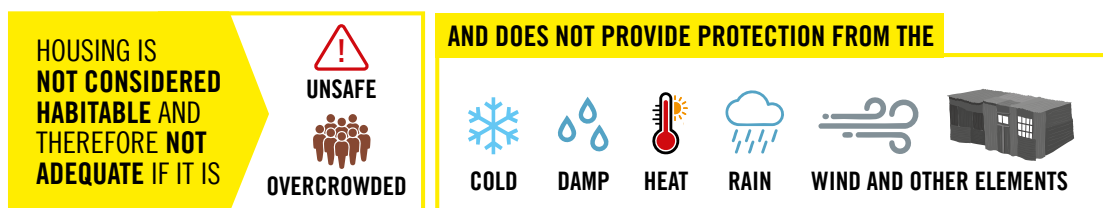
“The children can’t go to school when it floods like this – they just stay at home and face the water. The teachers sometimes complain but most of them know our situation. With some teachers we need to send proof – write a letter and send photos. The creche is in this settlement, but that also gets flooded when our homes get flooded – so I can’t send the smaller children to the creche. But then it is hard to go to work. At my boyfriend’s workplace, they don’t understand our situation. So, he stays with his siblings when our area gets flooded – that way he won’t risk his job.”²²²

Similarly, Rose (name changed) from Thembelihle informal settlement in Johannesburg spoke about her home being flooded every time it rained heavily, ruining her belongings, as well as her wardrobe and other furniture. When Amnesty International visited her in May 2025, she said that her house had recently been flooded in April. She said the yard around her home, and the roads in the settlement, are also submerged when it rains. She attributed this to the lack of a functioning drainage system in the settlement. Rose also described how the ventilated improved pit toilets provided by the municipality were often not cleared and tended to overflow every time the area flooded.

“I sleep with one eye open because of the water. I send my daughter to sleep at my sister’s house or other extended family when we are flooded. This way she doesn’t have to miss school.”²²³

²²² Interview by voice call, Nolubabalo from Island informal settlement, Cape Town on 20 June 2025.

²²³ Interview in person, Rose (name changed), Thembelihle informal settlement, Johannesburg 15 May 2025.



In Dakota informal settlement in eThekweni, residents told Amnesty International researchers that the only creche they have is in a container that was donated by a local industry. Due to space constraints, the creche is located in a low-lying area that is often flooded, sometimes even when the homes in the informal settlement are not. This is often challenging for parents who have jobs as they have to either find someone with whom to leave their children or risk missing work.²²⁴

Regina, who lives in a low-lying area with her children and grandchildren in Driezik 5 in Orange Farm, which has formal and informal housing, Johannesburg, described the flooding of her house in March 2025. She told Amnesty International that her yard was often flooded when it rained. In March 2025, however, the water entered her house and kept rising.

“We tried to put blankets against the door, but the water kept coming in and rising. It was dirty water with waste, used sanitary pads and diapers floating in it.”²²⁵

Ultimately, with the help of family and neighbours, she broke the wall on one side of the yard for the water to flow out of the settlement.

Nomboniso, who also lives in Driezik 5, told Amnesty International that in addition to everything in her house getting wet due to regular flooding, and the pit latrine overflowing, she was most worried about her son whose bronchitis worsened at such times. The seasonal flooding also meant the family lost income every time the house flooded as her husband, a daily wage earner, had to miss work to help her save their belongings and remove water from the house.²²⁶

The UN Committee on Economic, Social and Cultural Rights (CESCR) has listed habitability as a key component of the right to adequate housing.²²⁷ Housing is not considered habitable and therefore not adequate if it is unsafe, overcrowded and does not provide protection from the cold, damp, heat, rain, wind and other elements. The condition of most of the housing in informal settlements and other underserved areas in the three metropolitan areas Amnesty International visited could be seen as uninhabitable, because not only is it overcrowded but, in the context of regular flooding, it also fails to provide protection from the weather. Furthermore, the lack of adequate access to essential services like water, sanitation and electricity, and the lack of security of tenure, mean the other criteria of adequacy of housing, as articulated by CESCR, are not met.²²⁸

224 Interviews in person, Dakota informal settlement, eThekweni, 11 May 2025.

225 Interview in person, Regina, Driezik 5, Orange Farm, Johannesburg, 17 May 2025.

226 Interview in person, Nomboniso Driezik 5, Orange Farm, Johannesburg, 17 May 2025.

227 UN Committee on Economic, Social and Cultural Rights, General Comment 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991 UN Doc. E/1992/23), para. 8, (a)(b)(c)(d)(e)(f)(g).

228 UN Committee on Economic, Social and Cultural Rights, General Comment 4 (previously cited), para. 8, (a)(b)(c)(d)(e)(f)(g).

3.3 INADEQUATE AND PATCHY RESPONSE

“When flooding is bad, people are sometimes placed in a community hall. It feels like they are responding more to the media than to people’s needs.”

Kenneth from Barcelona informal settlement²²⁹

The **Disaster Management Act** defines a disaster as “a progressive or sudden, widespread or localized, natural or human-caused occurrence which (a) causes or threatens to cause: (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources.”²³⁰

Both large-scale and seasonal flooding cause severe damage and destruction to housing, water and sanitation infrastructure, threaten health, and disrupt access to education and livelihoods. However, interviews with people living in informal settlements and other underserved areas show that disaster response is often inadequate, haphazard and uneven and not grounded in human rights.

Indeed, in 2023, in a media briefing on policy changes, the then Minister for Human Settlements Mmamoloko Kubayi said, “[l]ooking at our response to disasters, we realised that the Human Settlements’ response is underwhelming and slow. As a result, we have seen disaster victims find themselves without homes two to three years after the disaster has struck. In some instances, people have been in temporary structures for more than fifteen years when the policy says these structures must be replaced within six months.”²³¹ The Minister attributed this situation to long delays in applications for disaster grant funding from affected municipalities and provinces; lack of skills for assessment of disasters at a provincial and municipal level; dysfunctionality of municipalities due to political instability; and prolonged delays in land acquisition.²³²

THE 2022 KWAZULU-NATAL FLOODS

In response to the April 2022 floods in KwaZulu-Natal, the government set up 120 “mass care centres” where most of the displaced families from informal settlements were accommodated. These centres comprised community halls, schools and other public facilities.²³³ However, the conditions were far from adequate, especially in relation to the amount of space and access to water and sanitation. Based on monitoring three such shelters, the South African Human Rights Commission termed the living conditions as “worrying and potentially dangerous”.²³⁴ Amnesty International also raised concerns, highlighting overcrowded living conditions, and lack of access to adequate water, safe sanitation and regular medication on which some people were dependent.²³⁵

229 Interview in person with Kenneth from Barcelona Informal Settlement, Cape Town, 7 May 2025.

230 Disaster Management Act 57 of 2002 (previously cited), Chapter 1 Section 1.

231 Ministry of Human Settlements, South Africa, “Statement by Minister Mmamoloko Kubayi on the Occasion of a Media Briefing on Policy Changes to Accelerate Performance in the Sector”, 31 March 2023, <https://www.dhs.gov.za/sites/default/files/speeches/MEDIA%20STATEMENT%20ON%20EMERGENCY%20HOUSING%20AND%20BNG%20MEDIA%20BRIEFING%2031%20MARCH%202022.pdf>, p. 4.

232 Ministry of Human Settlements, South Africa, “Statement by Minister Mmamoloko Kubayi on the Occasion of a Media Briefing on Policy Changes to Accelerate Performance in the Sector” (previously cited), p. 4.

233 eThekweni Municipality, “Resettlement of displaced residents after the floods”, 30 September 2022, <https://www.durban.gov.za/news/Resettlement+of+displaced+residents+after+the+floods>

234 Mayibongwe Maqhina, “KZN temporary shelters pose ‘worrying and dangerous living conditions’ – SAHRC”, 12 September 2022, Daily Maverick, <https://iol.co.za/capetimes/news/2022-09-12-kzn-temporary-shelters-pose-worrying-and-dangerous-living-conditions-sahrc/>

235 Amnesty International, “South Africa: Government must be transparent, accountable and effective in its response to KZN floods”, 23 May 2022, <https://amnesty.org.za/south-africa-government-must-be-transparent-accountable-and-effective-in-its-response-to-kzn-floods/>

The Auditor General of South Africa's first report on flood relief funds found that the response to the floods was too slow. In many cases, water was not provided quickly enough, leaving communities without water for several days. This led to flood affected people having to use poor-quality water for their daily personal needs.²³⁶ The report attributed the slow disaster response to the government not being adequately prepared for the disaster and a lack of capacity, inadequate project management and ineffective monitoring to ensure timely delivery of adequate and quality goods and services to flood affected people.²³⁷

The Presidential Climate Commission in 2022 recommended, among other key actions, the strengthening of the early warning system with “a robust response system, comprising advisories, response protocols, dedicated disaster management units and personnel, and appropriate equipment and infrastructure to react rapidly to ensure minimal mortality and morbidity as well as damages and loss.”²³⁸ However, a follow-up report by the Presidential Climate Commission in October 2025 found that the Disaster Management Department in eThekweni was severely under staffed, which meant that workloads were often unmanageable during crises. The report highlighted that although eThekweni has invested in several different solutions to flooding such as drainage improvements and canal widening, these projects were slowed by procurement bottlenecks, resource constraints, and insufficient geotechnical planning. It also highlighted that the municipality faced entrenched governance issues including persistent financial shortfalls, a disconnect between political leadership and administrative operations, and inadequate accountability. These limit the implementation of resilience strategies and undermine public trust.²³⁹

PROVISION OF TRANSITIONAL EMERGENCY ACCOMMODATION

According to the government of KwaZulu-Natal, by December 2022, all the centres had been closed and the residents moved to 14 Transitional Emergency Accommodation (TEA) facilities in various parts of eThekweni. TEAs are private buildings that are rented by the state to house flood victims. As of June 2025, there were 1,049 families living in TEAs.²⁴⁰

On 30 October, Amnesty International received a response to its 3 October letter to the KZN Department of Human Settlements. The Department acknowledged that TEAs do not provide ideal living conditions, but offer better conditions than community halls and other mass care centers. They also outlined a programme to close all remaining TEAs by December 2026.

In May 2025, Amnesty International visited a TEA in Reservoir Hills. People impacted by the floods from the KwaMamsuthu informal settlement who were living in the TEA said that initially they were accommodated in a local school, where they lived for a month in two separate classrooms for men and women. Following this, they were moved to Truro Hall in Westville, where they stayed for seven months. Once again, accommodation at Truro Hall was in two large halls – one for men and one for women.²⁴¹ Residents of Truro Hall were subsequently moved to a building in Reservoir Hills, where they were living at the time of writing this report.²⁴²

236 Auditor General of South Africa (AGSA), First Special Report on Flood Relief Funds, 31 August 2022, [https://www.agsa.co.za/Portals/0/Reports/Special%20Reports/RealTime/Flood%20relief%20SR%20-%20FINAL%20\(print\).pdf](https://www.agsa.co.za/Portals/0/Reports/Special%20Reports/RealTime/Flood%20relief%20SR%20-%20FINAL%20(print).pdf), p. 11.

237 AGSA, *First Special Report on Flood Relief Funds* (previously cited), p. 11.

238 Presidential Climate Commission, *A Critical Analysis of the Impacts of and Responses to the April-May 2022 Floods in KwaZulu-Natal* (previously cited).

239 Ramkisoan, R, “eThekweni: An example of local government paralysis and governance challenges”, Business Report, 01 October 2025, <https://businessreport.co.za/opinion/2025-10-01-ethekweni-an-example-of-local-government-paralysis-and-governance-challenges/>

240 KwaZulu-Natal Provincial Department for Human Settlements, Letter to Amnesty International South Africa, 27 June 2025, available on file with Amnesty International

241 Interviews in person, Reservoir Hills TEA, eThekweni, 10 May 2025.

242 Khethukuthula Xulu, “Premier says a lot of progress being made to rehouse flood victims”, 2 October 2022, IOL, <https://iol.co.za/mercury/news/2022-10-02-premier-says-a-lot-of-progress-being-made-to-rehouse-flood-victims/>



AS OF JUNE 2025, THERE WERE

**1,049 FAMILIES
LIVING IN TEAs**



Residents in the Reservoir Hills TEA told Amnesty International that the accommodation was overcrowded. They said that most of them had been allocated one room per family, which meant that up to four or five people were living in one small room. It also meant that one apartment/residential unit could have as many as four families living in it, sharing a kitchen and toilet facilities. A woman told Amnesty International that she and her child were staying in a room with another woman and her three children, all of them sharing one bed.²⁴³ Patience (name changed) said,

“We came here in October 2022 and have been put up in flats. We stay here with two or three families, with one family in one room and we have to share toilets and the kitchen. I have one room, and I stay with three of my boys who are in their twenties. Another woman is sharing one room with seven children.”²⁴⁴

Access to essential services was also a challenge. People at the TEA told Amnesty International that their water had been cut off a few days earlier and some believed it was because the municipality had not paid the water charges for several months. Some pointed out that access to electricity was intermittent. Many of the women told Amnesty International that before the floods they were domestic workers but had lost their jobs due to the relocation. Some also spoke about the fear and anxiety they felt when crossing the river since the floods, and how this sometimes hampered their ability to look for work. “Some of us need to beg for food,” said one of the residents.²⁴⁵

Residents in the TEA also spoke about safety concerns arising from the cramped conditions and sharing space with people outside their families. Patience (name changed) said,

“It’s very dangerous. People get drunk and stab each other and our children are watching this. We lock ourselves in our rooms. It’s scary.”²⁴⁶

Some also spoke about feeling trapped in their situation. Residents’ accounts conveyed that living in the TEA was difficult and brought challenges every day. But they stayed as they had nowhere else to go. Some said that going back to their informal settlements was no longer tenable as the land had been washed away. Others had heard that people were being prevented from going back due to the dangers that some areas presented. Thuli, summing up the frustration of many in the TEA, said,

“It’s a long time waiting here, we want the government to address us and tell us what is happening... we want access to safe and permanent houses.”²⁴⁷

243 Interview in person, Reservoir Hills TEA, eThekweni, 10 May 2025.

244 Interview in person, Patience (name changed) Reservoir Hills TEA, eThekweni, Durban, 10 May 2025.

245 Interview in person, Reservoir Hills TEA, eThekweni, 10 May 2025.

246 Interview in person, Patience (name changed), Reservoir Hills TEA, eThekweni, 10 May 2025.

247 Interview in person, Thuli (name changed), Reservoir Hills TEA, eThekweni, 10 May 2025.

NOTICE OF EVICTION

Amnesty International also learned that in May 2025, the provincial Department of Human Settlements had issued “notices to vacate” to some people living in TEAs in different parts of the municipality. Amnesty International has raised concerns about this development with the Department and highlighted that evicting people who do not have access to adequate alternative housing would risk rendering them homeless and could amount to a forced eviction.

The organization highlighted that eviction could leave residents of the TEAs with no alternative but to go back to areas where they would once again be at risk of floods and forced evictions.²⁴⁸ In response, the provincial Department of Human Settlements said that the notices were issued to people who did not qualify for the Housing Subsidy Scheme (see above) as they were not eligible for free permanent housing. The Department’s letter went on to say, “[i]n KZN there is an extensive list of not less than 386,000 needy and qualifying families waiting for their houses be built and it is unfair and contrary to policy to prioritise non qualifying citizens.”²⁴⁹

The Department’s response said that of the 186 families issued notices to vacate, some had RDP houses that were not affected by the 2022 floods; some had houses built after the 2022 floods; and some had refused to cooperate with the verification process. The letter highlighted the various initiatives undertaken by the government to house flood victims. These included rental of TEAs; acquisition of Transnet Lodge to become a government-owned TEA; construction of temporary units on sites acquired by flood victims in areas such as Nqetho, Tshelimnyama, KwaSanti, Zwelibomvu, Dassenhoek and Danganya; building of permanent houses for TEA flood victims in Illovu; building of 20 permanent houses; and a clear road map sanctioned by the presidential eThekweni Working Group to build and complete 1,200 houses in Cornubia before December 2026.²⁵⁰ Amnesty International followed up by asking what other housing options, including subsidized rental housing that can be made available to people who do not qualify for the housing subsidy, were offered to the affected families. The organization reiterated its concern about the evictions resulting in homelessness, which is a violation of the right to adequate housing among other human rights.²⁵¹ Amnesty International is yet to receive a response to the letter.

As mentioned earlier, people living Lamontville TRA had been victims of the 2022 floods and had been placed in the area until permanent housing was provided. Daniel (name changed), one of the flood victims, told Amnesty International that around 100 households of flood victims were once again made homeless in the February 2025 floods. They were subsequently accommodated in a TEA in holiday flats and a hotel in Durban. He said that his family was very comfortable at the hotel and had adequate space and kitchen facilities. Daniel had a job and said that he was not struggling, he also told Amnesty International that many others who had jobs in and around Lamontville before the floods were now unemployed and were finding it difficult to make ends meet.²⁵²

248 Amnesty International South Africa, Letter to the Provincial Department for Human Settlements, KwaZulu-Natal, 25 June 2025, available on file with Amnesty International.

249 KwaZulu-Natal Provincial Department for Human Settlements, Letter to Amnesty International South Africa, 27 June 2025, available on file with Amnesty International.

250 KwaZulu-Natal Provincial Department for Human Settlements, Letter to Amnesty International South Africa, 27 June 2025, available on file with Amnesty International.

251 Amnesty International South Africa, Letter to the Provincial Department for Human Settlements, KwaZulu-Natal, 9 July 2025, available on file with Amnesty International.

252 Interview in person, Daniel (name changed) in Lamontville TRA, 9 May 2025.

To make matters worse, on the night of 8 July 2025, around 150 people living at the hotel were made to leave the TEA due to lack of payment for the accommodation by the provincial Department for Human Settlements.²⁵³ The evicted people were to be moved to Chesterville Community Hall as a temporary measure. On 13 July, the member of the Executive Council for the provincial Department for Human Settlements announced that the Department had purchased Montclair Lodge and that families evicted from the hotel among others would be accommodated there by December 2025 after it had been refurbished.²⁵⁴

Residents of Lamontville TRA and Barcelona 2 told Amnesty International they had heard that the government had identified public land in areas such as Shallcross for flood-affected people to be relocated but the plan did not go ahead because the local community in that area objected.²⁵⁵ According to a media report, host community residents complained of the lack of consultation and infrastructure burden amid existing service delivery failures.²⁵⁶ Lamontville and Barcelona 2 residents attributed the local community's objections to racism.²⁵⁷

HOUSING PRIORITY FOR DISASTER VICTIMS

South African case law – the Kyalami case²⁵⁸ – gives primacy to the state's obligation to house disaster victims over the objections of local communities.

In 2000, the Jukskei River flooded, inundating the homes of around 300 people living on its banks in Alexandra Township in the Greater Johannesburg Metropolitan Area. The authorities decided to set up a transit camp for flood victims on state land on Leeuwkop Prison grounds. Local residents objected, saying that a transit camp would alter land use and contravene the relevant town planning and environmental regulations. The High Court of Witwatersrand directed the government to consult with the residents, take into consideration environmental impacts and applicable laws and then decide the location of the transit camp.

The government subsequently appealed the decision in the Constitutional Court. The appeal was upheld and the Court decided that the decision to establish the camp did not contravene any town planning or environmental laws. In line with the Grootboom case (see above), the Court held that the government's constitutional obligations with respect to the right to housing "included the need to facilitate access to temporary relief for people who had no access to land, no roof over their heads, for people who were living in intolerable conditions and for people who were in crisis because of natural disasters such as floods and fires, or because their home was under threat of demolition." The government had acted with urgency, using its available resources to provide for people whose homes had been devastated by the floods.

General Comment 4 of the CESCR highlights that victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere.²⁵⁹

253 Nonjabulo Mntungwa-Makamu, "150 KZN flood victims evicted from hotel over lack of payment", 10 July 2025, SABC News, <https://www.sabcnews.com/sabcnews/150-flood-victims-evicted-over-lack-of-payment-in-kzn/>.

254 Fanele Mhlongo, "KZN government purchases lodge to house flood victims", 13 July 2025, SABC News, <https://www.sabcnews.com/sabcnews/kzn-government-purchases-lodge-to-house-flood-victims/>.

255 Amnesty International meeting in Lamontville TRA on 9 May 2025; Also see Nonjabulo Mntungwa-Makamu, "150 KZN flood victims evicted from hotel over lack of payment", 10 July 2025, SABC News, <https://www.sabcnews.com/sabcnews/150-flood-victims-evicted-over-lack-of-payment-in-kzn/>.

256 IOL, "Housing development in Shallcross faces local resistance over service delivery concerns", March 2025, <https://iol.co.za/news/south-africa/kwazulu-natal/2025-02-17-housing-development-in-shallcross-faces-local-resistance-over-service-delivery-concerns/>.

257 Amnesty International meeting in Lamontville TRA, 9 May 2025.

258 Constitutional Court, *Minister of Public Works and Others v Kyalami Ridge Environmental Association and Others* (Mukhwevho Intervening) (CCT 55/00) [2001] ZACC 19, available at: <https://www.saflii.org/za/cases/ZACC/2001/19.html>.

259 UN Committee on Economic, Social and Cultural Rights, General Comment 4 (previously cited), para. 8 (e).

LIVING WITH FEAR

Not everyone seriously affected by the floods was living in TEAs. Many had returned to their homes in informal settlements. Three years later, when Amnesty International researchers visited Quarry Road informal settlement in May 2025, the scars of the disaster had not faded. Tisetso (name changed) told Amnesty International,

“Even now, when it rains, we are scared – we are scared to sleep – since we are near the edge – even the children are struggling.”²⁶⁰

Although many Quarry Road residents had reconstructed their homes, they told Amnesty International that three years later, eThekweni municipality had not repaired the communal toilets and ablution blocks that were destroyed in the 2022 floods. Consequently, they had no choice but to use the surrounding bushes to relieve themselves. Some said that they (and especially children) were scared to use the bushes close to the river because of the increase in snakes since the floods, so they had to run across the highway to relieve themselves putting themselves in another form of danger due to the traffic.

When asked about disaster preparedness measures like the early warning system, Thokozile (name changed) said,

“Yes, we do have an early warning system – people come around checking if we are safe and ask people to move to certain areas... What we need is RDP houses.”²⁶¹

UNEVEN DISASTER RESPONSE

Residents of Dakota informal settlement in Isipingo, eThekweni described to Amnesty International researchers the authorities’ uneven responses to the floods in 2022 and February 2025. In 2022, they said, their ward councillor took them to the civic hall where they lived for a month before returning to the informal settlement. In 2025, they said they received no help from the authorities. Samukele (name changed), a resident of Dakota, said,

“We even did a toyi toyi [a form of political protest in Southern Africa that includes dance and singing] asking for help. The police came but the ward councillor did not come.”²⁶²

Several residents highlighted that they had little or no help from the authorities after the 2025 floods. They said the only assistance came from charitable organizations like City Hope.

Residents of eNkanini informal settlement in eThekweni who had experienced serious flooding and mudslides in December 2024 and March 2025 also said that there was a difference in treatment by the authorities between the 2022 floods and those that followed. One man said his brother lost his ID when the informal settlement was flooded in March 2025, but he had not been able to get a new one as it cost ZAR 140 (USD 7.9) and he did not have that money. After the 2022 floods, the Department of Home Affairs had arranged for the provision of replacement IDs.²⁶³

260 Interview in person, Tisetso (name changed), Quarry Road informal settlement, eThekweni, 12 May 2025.

261 Interview in person, Thokozile (name changed), Quarry Road informal settlement, eThekweni, 12 May 2025.

262 Interview in person, Samukele (name changed), Dakota informal settlement, eThekweni, 12 May 2025.

263 Interview in person, Enkanini informal settlement, eThekweni, 10 May 2025.

Residents in eNkanini told Amnesty International researchers that they did not receive any assistance or relief from the municipality – not even blankets or food parcels – after the floods in March 2025. They also recounted that when trees fell in the settlement and damaged four houses, there was no response from the municipality. However, after the community raised the money to hire someone to cut the tree, the municipality came to collect the wood. Thandi (name changed) said,

“When trees fall in elite areas the municipality prioritizes those issues. I wish the government would assist the poor like they assist the elite. I wish the government would take us as seriously as they take the elite.”²⁶⁴

From experiences shared with Amnesty International researchers, it appeared that municipal officials rarely visited the community. Residents of eNkanini told Amnesty International that municipal officials did visit the settlement after the flooding in March 2025 and demolished four houses that had been recently constructed. According to the residents, the municipality did not provide any advance warning or notice. Jomo (name changed), a resident of eNkanini, told Amnesty International that representatives of the Disaster Management Centre had visited the settlement in April 2025,

“... they came and gave our houses numbers and said that they would give us electricity – but we have not heard any more.”²⁶⁵



Flooded tuckshop, Dakota informal settlement, eThekweni, 2025
© City Hope Disaster Relief

264 Interview in person, Enkanini informal settlement, eThekweni, 10 May 2025.

265 Interview in person, Jomo (name changed), eNkanini informal settlement, eThekweni, 9 May 2025.

LEFT TO FEND FOR THEMSELVES

One of the main concerns expressed during Amnesty International's research in all three cities was that the regular seasonal flooding that people in informal settlements and underserved areas faced was rarely seen as warranting a disaster response by the municipalities. People interviewed often said that it was only in large-scale disasters like in the 2022 floods in KwaZulu-Natal or the 2025 floods in eThekweni when six lives were lost that they received attention and support in the form of alternative accommodation from the authorities. In all other cases, they said, people devastated by flooding were left to fend for themselves and rely on civil society organizations.

Sometimes in the case of fires or when structures were damaged, the municipalities provided people with plastic sheets and zinc sheets to reconstruct their homes. But, as Nukuzola (name changed) from Ses'khona said,

"... our homes get flooded every year... every time it rains but we don't get help from the authorities. It is NGOs that help us".²⁶⁶

Gladys (name changed), also from Ses'khona, said,

"Sometimes when our area is flooded, NGOs and charitable organizations help us with generators to pump water out, but there is nothing from the authorities."²⁶⁷

In June and July 2025, heavy rains led to flooding in Cape Town.²⁶⁸ Amnesty International received reports of flooding in the Cape Flats and that people had reached out to their ward councillors for support, but nothing was provided. In the informal settlements around Khayelitsha, reports from affected people said that help had come from NGOs and charitable organizations but there was no further help from the municipality.²⁶⁹

When asked whether they would consider moving to another place to avoid the regular flooding, Agnes (name changed), a woman in her sixties in Freedom Park in Johannesburg, said,

"We have no help from anyone, we have to stay and fix it, we can't run away... where will we go?"²⁷⁰

SHACK FIRES IN INFORMAL SETTLEMENTS

This report focuses on flooding, but it is worth noting that fires are also a major cause for concern in informal settlements.²⁷¹ Many interviewees also spoke about the devastation that fires caused. Lacking access to electricity, many residents of informal settlements use candles and paraffin lamps for lighting, which often lead to accidental fires. Closely packed housing, often made of poor-quality material, means that the fires spread rapidly and can devastate homes and lives.

266 Interview in person, Nukuzola (name changed), Ses'khona informal settlement, Cape Town, 7 May 2025.

267 Interview in person, Gladys (name changed), Ses'khona informal settlement, Cape Town, 7 May 2025.

268 Kara Le Roux, "Heavy rainfall and flooding bring misery to Cape Town's informal settlements", 6 July 2025, Daily Maverick, <https://www.dailymaverick.co.za/article/2025-07-06-heavy-rainfall-and-flooding-bring-misery-to-cape-towns-informal-settlements/>

269 Text messages received by Amnesty International.

270 Interview in person, Agnes (name changed), Freedom Park, Johannesburg, 14 May 2025.

271 International Federation of the Red Cross, *South Africa: Fire - DREF Final Report (MDRZA014)*, 25 February 2025, available at: <https://reliefweb.int/report/south-africa/south-africa-fire-dref-final-report-mdrza014>

Nolubabalo, a resident from Island informal settlement in Cape Town told Amnesty International “[m]y house burnt down in February this year. There was a fire in the settlement. We lost everything – my ID, my children’s birth certificates...It is possible to get new ones, but you need a letter from the municipality, and you also need money. I get a social grant for my children, but we had to start from scratch. I even got a letter from the fire department reporting a fire incident in the settlement, but I still had to pay ZAR 140 (USD 8) to get my ID. Now I need to pay ZAR 80 (USD 4.50) for each of the children’s birth certificates. I don’t have the money for it yet.”

In many cases, the layout and location of these areas has meant that it was not always easy for emergency services to enter them. Interviewees also spoke about the deep mistrust between the authorities and people living in informal settlements and that very often the only way any emergency service vehicle would enter an informal settlement was when accompanied by armed guards.²⁷²

On 8 July 2025, a massive fire destroyed roughly 200 homes in Dakota informal settlement in eThekweni. According to reports, affected people living in the settlement lost most of their belongings including identity documents and schoolbooks. People who lost their homes were to be provided shelter in a tent near the settlement.²⁷³

HUMAN RIGHTS IMPLICATIONS

Amnesty International’s research found that while residents of informal settlements were doing what they could to respond to and recover from major and seasonal flooding, it came at a huge personal cost. The inadequate and haphazard response by the authorities makes it even more difficult for them to cope with floods in addition to the other deprivations and neglect that they face. As a result of seasonal flooding many people already living in poverty have to miss work and therefore lose out on income. Damage to personal belongings and loss of documentation causes added expenses. Already deprived children lose school uniforms, books and school days. All this has serious human rights implications and points to another failure by the state to act in line with its human rights obligations.

The UN Inter-Agency Standing Committee (IASC) mandated to formulate policy, set strategic priorities and mobilize resources in response to humanitarian crises, in its guidelines on disaster response has highlighted the importance of a human rights compliant approach to humanitarian response. According to the Standing Committee, such an approach sees victims of disasters as rights holders rather than recipients of charity.²⁷⁴ It is unequivocal that states have the primary duty to provide protection and support to people affected by disasters.

Long-term success of post-disaster responses requires, among other things, high levels of consultation with and direct involvement of impacted people.²⁷⁵ According to the IASC Guidelines on Protection of Persons in Situations of Natural Disasters (IASC Guidelines), people affected by disasters should be informed and consulted on measures taken on their behalf. They should be provided with information in a language and form that is accessible to them on the nature and level of disaster they are facing; measures taken to mitigate the disaster; ongoing or planned humanitarian assistance, recovery efforts

272 Amnesty International meeting in Khayelitsha, Cape Town on 8 May 2025.

273 Tsoanelo Sefoloko, “200 shacks destroyed as fire rips through Isiphingo informal settlement”, 8 July 2025, Ground Up, <https://groundup.org.za/article/200-shacks-destroyed-as-fire-rips-through-isiphingo-informal-settlement/>

274 UN Inter-Agency Standing Committee, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011, https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf, p. 2.

275 UN Special Rapporteur on the right to adequate housing, 20 December 2010, UN Doc. A/HRC/16/42.



Aerial view of Island informal settlement, Cape Town, 2025 © Amnesty International

and their entitlements; and their human rights under international and domestic law. They should also be given the opportunity to participate in the planning and implementation of the various stages of the disaster response.²⁷⁶

Experiences of flood victims as shared with Amnesty International researchers show that many impacted people did not have adequate information about the government's relief and resettlement plans, or even what they were entitled to in terms of disaster response.

The IASC Guidelines advise governments to carry out risk assessments and regularly update them to ensure that the designated evacuation centres or temporary shelter zones where affected people are relocated will not expose them to further risk.²⁷⁷ Additionally, the UN Human Rights Council resolution on the right to adequate housing urges states to ensure that all affected persons, irrespective of their pre-disaster tenure status and without discrimination of any kind, have equal access to housing that fulfils the requirements of adequacy and meets safety standards aimed at reducing damage in future disasters.²⁷⁸

The City of eThekweni's failure to adequately fulfil this responsibility and relocate people to a safe area led to the flooding of 100 temporary residential units and the loss of five lives in Lamontville during the February 2025 floods. This is even more egregious since the Auditor General of South Africa's report in August 2022 had pointed out that 20% of the 30 temporary residential units inspected soon after the 2022 KwaZulu-Natal floods "were built on unsuitable land as they were close to the riverbank or their entrances were inaccessible, waterlogged and required proper drainage."²⁷⁹ Even if the temporary

276 UN Inter-Agency Standing Committee, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (previously cited), Guidelines 1.2 and 1.3.

277 Inter-Agency Standing Committee, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (previously cited), Guideline A.3.1.

278 UN Human Rights Council, Resolution: Adequate housing as a component of the right to an adequate standard of living in the context of disaster settings, 2 April 2012, UN Doc. A/HRC/RES/19/4.

279 AGSA, *First Special Report on Flood Relief Funds* (previously cited), p. 25.

units in Lamontville were not among those inspected, this finding by the Auditor General in August 2022 should have provided fair warning to the authorities to ensure, as the Auditor General's report recommends, that any such temporary accommodation is built on suitable and stable land.²⁸⁰

With regards to temporary accommodation, the IASC Guidelines clarify that transitional shelter or housing should fulfil the requirements of adequacy in international human rights law particularly as articulated in General Comment 4 on the right to adequate housing.²⁸¹ In addition, the guidelines include respect for safety standards aimed at reducing damage in cases of future disasters. Accounts by residents living in the TEAs in eThekweni describing their inadequate living conditions show that conditions in the TEA do not comply with the guidance issued by the IASC.

Everyone has a right to receive support and assistance commensurate with the scale of the disaster. In the case of people impacted by large-scale as well as seasonal flooding, there is an urgent need for authorities to adequately and consistently provide safe and adequate shelter and reconstruction assistance, including through the provision of funds, materials, facilities and infrastructure, as the UN Special Rapporteur on the right to adequate housing has recommended.²⁸²

3.4 DISASTER MANAGEMENT

“When you ask about disaster prevention, that question makes me laugh. They will send machinery to streets to pump water out but not [to] our houses. We don’t even get emergency services coming to our informal settlements. Is it animals who stay in informal settlements?”

Alifeyo (name changed), Cape Town²⁸³

Disaster Management is “the organization, planning and application of measures preparing for, responding to and recovering from disasters. Disaster management may not completely avert or eliminate the threats; it focuses on creating and implementing preparedness and other plans to decrease the impact of disasters and ‘build back better’.”²⁸⁴ Disaster risk reduction aims to prevent new and reduce existing disaster risk and manage residual risk, all of which contribute to strengthening resilience and therefore to achieving sustainable development.²⁸⁵

At the national level, the Department for Cooperative Governance and Traditional Affairs (COGTA) bears responsibility for disaster management as outlined by the Disaster Management Act (DMA) 57 of 2002.²⁸⁶ The DMA also provides for setting up provincial, municipal and district level disaster management centres. The **National Disaster Management Framework 2005** is the legal instrument provided for in the DMA for a consistent approach towards disaster management.²⁸⁷ The Framework comprises four Key Performance Areas covering: 1) institutional capacity for disaster risk management; 2) disaster risk assessment; 3) disaster risk reduction; and 4) response and recovery.²⁸⁸

280 AGSA, *First Special Report on Flood Relief Funds* (previously cited), p. 25.

281 Inter-Agency Standing Committee, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (previously cited), Guideline C.2.1.

282 UN Special Rapporteur on the right to adequate housing, Report: *Towards a Just Transformation: Climate Crisis and the Right to Housing*, 23 December 2022, UN Doc. A/HRC/52/28, para 64(c).

283 Interview in person, Alifeyo (name changed), Khayelitsha, Cape Town on 9 May 2025.

284 United Nations Office for Disaster Risk Reduction (UNDRR), *The Sendai Framework Terminology on Disaster Risk Reduction*, 2 February 2017, “Disaster management”, <https://www.undrr.org/terminology/disaster-management>

285 UNDRR, *The Sendai Framework Terminology on Disaster Risk Reduction* (previously cited), “Disaster risk reduction”.

286 Disaster Management Act 57 of 2002 (previously cited).

287 Disaster Management Act 57 of 2002 (previously cited).

288 Government of South Africa, *National Disaster Management Framework*, April 2005, https://www.gov.za/sites/default/files/gcis_document/201409/275340.pdf

Section 8 of the DMA provides for the establishment of a National Disaster Management Centre “to promote an integrated and coordinated system of disaster management, with special emphasis on prevention and mitigation by national, provincial and municipal organs of state, statutory functionaries, other role-players involved in disaster management and communities.”²⁸⁹ Each province and local government are similarly required to set up Disaster Management Centres at their levels.

Section 23 of the DMA deals with the classification of disasters. A disaster is classified as “local” when a disaster impacts a single local area or municipality, and the municipality is able to effectively deal with it. Similarly, a disaster is classified as “provincial” where more than one municipality or district is impacted and, along with the relevant municipalities, the province can effectively deal with it. A disaster is classified as “national” where more than one province is impacted or even where a single province is impacted but the province is unable to deal with it. The National Disaster Management Centre may reclassify a disaster if the impacts are greater or lesser than initially assessed.²⁹⁰

Regardless of the scale and categorization of the disaster, municipalities are always at the frontline when disasters strike.²⁹¹ As per the Act, municipalities are required to prepare a disaster management plan in consultation with local communities. Municipalities must include a disaster management plan within their integrated development plan²⁹² and all related programmes and structures.²⁹³ The plans must include an assessment of disaster risks and types in their area, promote disaster research, and provide prevention and mitigation strategies with measures to reduce the vulnerability of disaster-prone areas.

The municipalities of Cape Town, eThekweni and Johannesburg all have plans that recognize the multilayered complexity of flooding in underserved areas. For example, Cape Town's 2021 Climate Change Action Plan acknowledges that flooding in Cape Town is largely due to high levels of vulnerability in terms of low-lying areas with high water tables and informal settlements that lack adequate drainage, rather than extreme rainfall.²⁹⁴ Similarly, the City of Johannesburg's Integrated Development Plan for 2021-2026 recognizes that, “in high density areas poorly managed sanitation systems can cause sewage spills, polluting stormwater systems and streams, while in areas with inadequate stormwater drainage, heavy rains cause flooding and lead to the overloading of wastewater treatment works.”²⁹⁵ It also acknowledges that, “[t]he poorest of our communities, mostly living in flood-prone areas, are the most affected, prompting for speedy development processes in ensuring a safe and liveable environment.”²⁹⁶ Furthermore, the plans dealing with disaster management propose several broad steps that the municipalities will take, such as up-to-date risk and hazard profiling, community awareness programmes, introduction of early warning systems, upgrading of critical infrastructure, and preparation of contingency plans. However, as highlighted by residents of informal settlements and TRAs as well as the organizations and experts that Amnesty International interviewed, there is an enormous gap between these plans and their implementation.²⁹⁷

289 Disaster Management Act 57 of 2002 (previously cited), Section 9.

290 Disaster Management Act 57 of 2002 (previously cited), Sections 23 (3), (4), (5) and (6).

291 A 2015 amendment to the DMA further enhanced the roles and responsibilities of local government in disaster management

292 Integrated Development Plans (IDPs) are five-year strategic plans that outline the development priorities, and strategic focus areas of a municipality. They are mandated by the Municipal Systems Act (2000) and are aligned with national and provincial development goals.

293 Disaster Management Act 57 of 2002 (previously cited), Section 53.

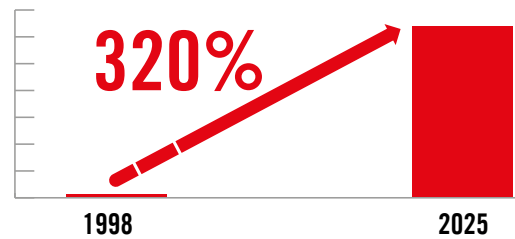
294 City of Cape Town, Climate Action Plan, https://resource.capetown.gov.za/documentcentre/Documents/City%20strategies%2C%20plans%20and%20frameworks/CCT_Climate_Change_Action_Plan.pdf, p. 43.

295 City of Johannesburg Integrated Development Plan 2021-2026, https://joburg.org.za/documents/_Documents/2021-2026%20Final%20IDP/2021-26%20FINAL%20IDP%2021May%202021.pdf, p. 38.

296 City of Johannesburg Integrated Development Plan 2021-2026 (previously cited), p. 186.

297 The eThekweni Integrated Development Plan for 2024-2025 includes a summary of comments received from residents in the municipality which reflect similar concerns.

**EMERGENCY EXPENDITURE DUE
TO EXTREME WEATHER EVENTS
BETWEEN 1998 AND 2025
HAS INCREASED BY 320%
ACROSS CITIES IN SOUTH AFRICA.**



In March 2025, the South African Local Government Association (SALGA) highlighted that the country's disaster risk management system was in crisis and called for municipalities, provincial and national disaster risk management stakeholders to heighten preparedness and response efforts.²⁹⁸ Drawing from the experiences of the floods in KwaZulu-Natal and other provinces, SALGA highlighted some of the weaknesses in the system. These include inadequate funding for municipalities to implement disaster risk reduction initiatives, poor coordination and communication among local, provincial and national stakeholders, limited community involvement in disaster preparedness efforts, outdated forecasting models that hinder early warning systems and insufficient monitoring and response capabilities, leaving municipalities overwhelmed.²⁹⁹

SALGA representatives in a meeting with Amnesty International also highlighted that while the disaster management and response function was allocated to local governments, the funding for this did not follow.³⁰⁰ In April 2025, COGTA circulated a discussion document for a review of the 1998 White Paper on Local Government.³⁰¹ The discussion document highlights that local government budgets have taken a big hit as a result of climate change-related disasters. Emergency expenditure due to extreme weather events between 1998 and 2025 has increased by 320% across cities in South Africa.³⁰² Further, making existing infrastructure resilient to climate change is very expensive. For example, according to the discussion document, "Durban's stormwater system overhaul requires ZAR 4.8 billion (USD 279 million) to handle 35% increased rainfall intensity – a cost equivalent to 18 months of total municipal revenue."³⁰³

In eThekweni, the municipality had piloted an early warning system in the Quarry Road informal settlement in partnership with the University of KwaZulu-Natal. The partnership with the university was helpful in building relations with the community; as there was a deep mistrust between community members and the municipality. Officials could only enter the informal settlement if accompanied by armed guards.³⁰⁴ The project established in 2016 is an early warning system for floods in the Palmiet Catchment area that is embedded in the community. The system involves using information from the South African Weather Service, as well as real time information shared by the community. In close collaboration with the community, the project developed a toolkit that uses WhatsApp groups, and whistles (to communicate flood risk to community members), as well as ropes and an evacuation map

298 South African Local Government Association (SALGA), "Recurring extreme climate events in KwaZulu-Natal and other parts of the country signal an urgent overhaul of South Africa's Disaster Management System", 10 March 2025, <https://salga.org.za/Documents/Media%20Room/Media%20Statements/ms25/SALGA-media-statement-Recurring-extreme-climate-events-in-KwaZulu-Natal-and-other-parts-of-the-country.pdf>

299 SALGA, "Recurring extreme climate events in KwaZulu-Natal and other parts of the country signal an urgent overhaul of South Africa's Disaster Management System" (previously cited).

300 Meeting by video call with representatives of South African Local Government Association (SALGA), 4 June 2025.

301 Department of Cooperative Governance and Traditional Affairs (COGTA), *Discussion Document on the Review of the White Paper on Local Government*, March 2025, https://static.pmg.org.za/250410Review_of_the_White_Paper_on_Local_Government-4-4.pdf

302 COGTA, *Discussion Document on the Review of the White Paper on Local Government* (previously cited).

303 COGTA, *Discussion Document on the Review of the White Paper on Local Government* (previously cited), p. 42.

304 Meeting In person with representatives of eThekweni municipality on 13 May 2025.

to get them safely out of the flood risk area.³⁰⁵ The early warning system as it is currently designed gives people an estimated 30 minutes warning of floods. The system was put to test in the 2022 KwaZulu-Natal floods. According to a representative of the eThekweni municipality working on climate change and disaster preparedness, this system was highly effective in the Quarry Road informal settlement as everyone (except one person who lost his life due to an illegal electricity connection) was at least able to leave the settlement safely.³⁰⁶ He pointed out that by May 2025, the early warning system had already been triggered five times.

Despite this evidence, and recommendations of the Presidential Climate Commission in 2023 to strengthen the early warning system,³⁰⁷ the system has yet to be replicated in the 180 high-risk informal settlements identified by eThekweni municipality. At the time of publishing this report, Amnesty International learned that projects to replicate the early warning system were underway in two other informal settlements and one per-urban area and there were discussions with the eThekweni municipality's disaster management centre to see how it could be replicated across the city. In the case of Quarry Road informal settlement, Amnesty International's meeting with municipality representatives in May 2025 revealed that at the time, plans did not include identification of locations for where people could go after they had evacuated their homes. For Quarry Road residents, the nearest community hall that could provide shelter is 5km away.³⁰⁸

In the context of seasonal flooding, disaster response at the municipal level, emergency relief and response is deployed only when the mayor declares a "major incident" on the advice of the municipal disaster management centre. As a result, where seasonal flooding is not recognized as a major incident, impacted residents are largely left to their own devices. They often have to remove water from their homes using buckets, ask charitable organizations for help, and send children away to friends and relatives while the area is being cleared. The Social Relief of Distress Grant in such situations can be used to provide financial and in-kind support, including food packets, blankets and replacing lost or damaged belongings. While this has been used in some of the major floods in the recent past, the deployment of this grant is dependent on municipalities declaring flooding as "major incidents" and then verifying and providing details of affected households to the South African Social Security Agency.³⁰⁹ Where municipalities do not recognize regular and seasonal flooding as a "major incident", or apply to the Agency for the grant, impacted people consequently do not receive support to which they are entitled under this grant.

Amnesty International's research found that disaster preparedness initiated by municipalities in the context of flooding largely came in the form of creating water channels to facilitate the flow of water, providing sandbags and carrying out awareness raising campaigns. While disaster management plans³¹⁰ mentioned the importance of early warning systems, residents of informal settlements were largely unaware of them.

305 Meeting by video call with Professor Catherine Sutherland on 10 April 2025 and follow-up meeting in person on 12 May 2025.

306 In person meeting with representatives of eThekweni municipality on 13 May 2025.

307 Presidential Climate Commission, *A Critical Analysis of the Impacts of and Responses to the April-May 2022 Floods in KwaZulu-Natal* (previously cited).

308 In person meeting with representatives of eThekweni municipality on 13 May 2025.

309 Department of Social Development, "When disaster strikes, relief must be swift – and human", 2 June 2025 <https://www.dsd.gov.za/index.php/21-latest-news/592-when-disaster-strikes-relief-must-be-swift-and-human>

310 City of Johannesburg Disaster Management Plan 2021 <https://www.jpoma.co.za/wp-content/uploads/2022/06/202206-CoJ-Disaster-Management-Plan.pdf>, See eThekweni Municipal Disaster Management Plan available at: <https://share.google/EB2Qwb6dPFKquFSyh> and City of Cape Town's Municipal Disaster Management Plan [https://resource.capetown.gov.za/documentcentre/Documents/City%20strategies,%20plans%20and%20frameworks/Municipal%20Disaster%20Risk%20Management%20\(DRM\)%20Plan.pdf](https://resource.capetown.gov.za/documentcentre/Documents/City%20strategies,%20plans%20and%20frameworks/Municipal%20Disaster%20Risk%20Management%20(DRM)%20Plan.pdf)

The Cape Town municipality, in response to Amnesty International's queries about disaster response, said, "[m]ost informal structures are located within stormwater systems, water courses, natural drainage routes, waterbodies or wetlands that expand in the rainy season. There are areas where ground-water levels rise above ground level in the wet season, and trapped low-lying areas, the best solution is for such structures to be moved out of the high-risk areas and for no resident to settle in the same area again."³¹¹

The municipality also described the work of its Winter Readiness Task Team, which identified "high-risk areas and prepared for emergency relief measures through public education and awareness campaigns in targeted high risk areas to advise residents on flooding risk reduction measures they can implement, such as raising floor levels, ensuring proper stormwater drainage, and combating dumping of solid waste materials that block drainage and stormwater systems." The City highlighted that it focused on reducing risk in informal settlements in this programme, which included maintenance and cleaning of stormwater systems to ensure these are functioning effectively before heavy winter rainfall starts. It also includes outreach and communication activities targeted specifically at informal settlement residents.³¹²

NGOs and experts told Amnesty International that the City often engaged in exercises such as "reblocking" or rearranging structures within a settlement to facilitate better services, drainage, etc. However, they said that engagement between the municipality and residents was often difficult due to a lack of trust on both sides. A scholar working on informal settlements and disaster response told Amnesty International that he had witnessed the City of Cape Town carry out one of its awareness raising exercise in an informal settlement. While the City representatives distributed flyers about flood preparedness, community members raised questions about the lack of access to water in the informal settlement. The inability of the City representatives to respond to the community's immediate concerns led to tension and the distribution of flyers had to be discontinued for the day. The scholar also told Amnesty International that following tensions with communities, the City officials went to Khayelitsha on their awareness raising work accompanied by armed guards. This made the relationship between the City and the communities even more difficult.³¹³

EMERGENCY ACCOMMODATION

Access to emergency housing that covers temporary relocation areas and transitional emergency accommodation is a key part of relief and recovery measures in the context of a disaster. The Department of Human Settlements therefore instituted the National Housing Programme for Housing Assistance in Emergency Housing Circumstances (Emergency Housing Programme) and is part of the **National Housing Code**.³¹⁴ The Programme applies to people who are impacted by emergencies including emergencies caused by extreme weather events and disasters. Until recently, the Emergency Housing Programme was implemented through grants to municipalities administered through the Provincial Department for Human Settlements. The grants were specifically for rapid response to emergency situations for the provision of land, municipal engineering services, including essential services such as water, sanitation, refuse removal and temporary housing.³¹⁵

311 Communication from the City of Cape Town to Amnesty International, 6 June 2025, on file with Amnesty International.

312 Communication from the City of Cape Town to Amnesty International, 6 June 2025, on file with Amnesty International.

313 Meeting with Amnesty International in Cape Town on 4 May 2025.

314 Department of Human Settlements, *National Housing Code: Emergency Housing Programme*, 2009, <https://dhs.mpg.gov.za/2%20Volume%204%20Emergency%20Housing%20Programme.pdf>

315 The Department of Human Settlements, *National Housing Code: Emergency Housing Programme* (previously cited), pp. 14 and 21.



Remains of people's belongings scattered after the flooding water receded, Lamontville, eThekweni, 2025 © Amnesty International

However, on 1 April 2023, the National Department of Human Settlements took over implementation of the Emergency Housing Programme.³¹⁶ This resulted in the phasing out of emergency housing grant funding for municipalities and provinces, as recommended in the White Paper on Human Settlements of 2024.³¹⁷ This change was accompanied by the establishment of the Emergency Housing Command Centre, which coordinates disaster response efforts and collaborates with the South African Weather Service to provide early warnings.³¹⁸

While this change was announced as part of efforts to increase the efficiency of emergency housing delivery, there appears to be a lack of clarity of responsibility in specific cases. For example, the floods in KwaZulu-Natal took place in April 2022, prior to the transfer of the Emergency Housing Programme to the National Department of Human Settlements. The emergency temporary housing provided to flood victims was therefore implemented by the eThekweni municipality, including by accommodating them in hotels and apartment buildings. However, the floods in February 2025 also impacted many families in Lamontville, a temporary resettlement area that was created for the flood victims from 2022. According to a representative of the eThekweni municipality, the Department of Human Settlements, despite its mandate to administer the emergency housing programme, asked the municipality to provide temporary housing to the 100 people in Lamontville. According to the eThekweni representative, this created an additional burden for an already overstretched municipality.³¹⁹

316 SA News, "Human Settlements set to respond faster to help disaster victims", 31 March 2023, <https://www.sanews.gov.za/south-africa/human-settlements-set-respond-faster-help-disaster-victims>

317 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited).

318 SA News, "Human Settlements set to respond faster to help disaster victims" (previously cited).

319 Interview with Sarah Watson, eThekweni.

3.5 CLIMATE CHANGE: ADDING FUEL TO THE FIRE

“Perversely, the richest people, who have the greatest capacity to adapt and are responsible for and have benefited from the vast majority of greenhouse gas emissions, will be the best placed to cope with climate change, while the poorest, who have contributed the least to emissions and have the least capacity to react, will be the most harmed.”

UN Special Rapporteur on Extreme Poverty and Human Rights³²⁰

South Africa, like many other countries around the world, is highly vulnerable to the vagaries of climate change caused primarily by greenhouse gas emissions from the extraction, production and burning of fossil fuels.³²¹ In relation to climate change, while South Africa is the highest emitting country in Africa, it is responsible for only 0.99% of global greenhouse gas emissions.³²²

Climate change is known to exacerbate pre-existing social, economic, racial and other inequalities, so different groups are impacted to different extents. Various human rights bodies have highlighted that in many cases, due to pre-existing inequalities and discrimination, people belonging to racialized groups,³²³ women,³²⁴ children,³²⁵ persons with disabilities,³²⁶ older persons³²⁷ and other marginalized groups³²⁸ are disproportionately affected by the human rights harms of climate change. People living in poverty are among the most vulnerable to the impacts of climate change. The UN Special Rapporteur on Extreme Poverty and Human Rights has highlighted that “the greatest burden of climate change will fall on those living in poverty.”³²⁹ For example, people living in poverty are most likely to live in informal settlements, which are particularly vulnerable to climate-related extreme weather events, including flooding caused by extreme rainfall. Generally, they have fewer resources to prepare and adapt to climate change and face more difficulties in post-disaster recovery due to lack of adequate social

320 UN Special Rapporteur on Extreme Poverty and Human Rights, Report, 25 June 2019, UN Doc. A/HRC/41/39, p. 14.

321 Amnesty International, *Fatal Fuels: Why Human Rights Protection Urgently Requires a Full and Equitable Fossil Fuel Phase Out* (Index: POL 30/7382/2023), 13 November 2023, <https://www.amnesty.org/en/documents/pol30/7382/2023/en/>

322 European Commission, EDGAR - Emissions Database for Global Atmospheric Research: GHG emissions of all world countries, 2024 Report, https://edgar.jrc.ec.europa.eu/report_2024

323 UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (UN Special Rapporteur on contemporary forms of racism), Report: *Ecological Crisis, Climate Justice and Racial Justice*, 25 October 2022, UN Doc. A/77/549; UN Working Group of Experts on People of African Descent, Report: *Environmental Justice, the Climate Crisis and People of African Descent*, 21 September 2021, UN Doc. A/HRC/48/78; UN Special Rapporteur on the Rights of Indigenous Peoples, 1 November 2017, UN Doc. A/HRC/36/46.

324 UN Committee on the Elimination of Discrimination against Women, General Recommendation 37 (1028) on the gender-related dimensions of disaster risk reduction in the context of climate change, 13 March 2018, UN Doc. CEDAW/C/GC/37.

325 UN Committee on the Rights of the Child, follow up visit to Cook Islands, Federated States of Micronesia and Tuvalu, November 2023, CRC Follow-Up Visit to the Pacific and the Pacific Launch of the Committee's General Comment 26 | OHCHR and UN General Comment 26 (2023) on children's rights and the environment with a special focus on climate change, 22 August 2023, UN Doc. CRC/C/GC/26.

326 UN Human Rights Council, Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change: Report of the Office of the High Commissioner for Human Rights, 22 April 2020, UN Doc. A/HRC/44/30.

327 OHCHR, *Analytical Study on the Promotion and Protection of the Rights of Older Persons in the Context of Climate Change*, 30 April 2021, UN Doc. A/HRC/47/46.

328 UN Human Rights Council, Report of the Special Rapporteur on the Rights of Indigenous Peoples, 1 November 2017, UN Doc. A/HRC/36/46; Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, Joint Statement on "Human Rights and Climate Change", 16 September 2019, <https://www.ohchr.org/en/statements-and-speeches/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human>; Inter-American Court of Human Rights, Advisory Opinion, OC-23/17, https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf

329 UN Special Rapporteur on Extreme Poverty and Human Rights, Report (previously cited), para 1.

protection.³³⁰ At the same time, people living in informal settlements in cities contribute the least to climate change, due to their low consumption patterns.³³¹

Racial inequality adds another dimension to the way in which the harms of climate change are disproportionately meted out. As highlighted by the UN Special Rapporteur on contemporary forms of racism, “[s]ystemic racial discrimination results in economic marginalization, and in many places racially, ethnically and nationally marginalized groups are trapped in low-income brackets. The economic marginalization of racially marginalized peoples plays a major role in constraining their control over the development of their communities and their exposure to toxic waste and climate disasters.”³³²

While not every incident of flooding experienced by residents of informal settlements can be attributed to climate change, World Weather Attribution, a group of researchers and scientists from key institutions around the world quantifying how climate change influences the intensity and likelihood of an extreme weather event, found that the 2022 floods in KwaZulu-Natal and eastern South Africa were a result of record-breaking rainfall and concluded that, “the probability of an event such as the rainfall that resulted in this disaster has approximately doubled due to human-induced climate change. The intensity of the current event has increased by 4-8%.”³³³ It also noted that an event such as this had a “return time” of about 20 years in the current climate. “An event of this magnitude would have been rarer in a 1.2°C cooler world, with a return time of about 40 years.”³³⁴

Additionally, it is now clear that climate change has led, and will continue to lead, to the increased intensity and frequency of certain rapid-onset weather events, such as extreme heat, wildfires and extreme rainfall from tropical storms.³³⁵ According to UN Habitat’s World Cities Report on Cities and Climate Action,³³⁶ between 14% and 26% of cities will likely change climate type between 2025 and 2040. The report also estimates that by 2030, “at least 517 million people living in cities will be exposed to riverine flooding with a 100-year return period, which is 14 per cent of the global population living in cities. Since 1975, exposure to flooding in cities has grown 3.5 times more than exposure to flooding in rural areas.” The projections about increasing exposure to flooding combined with the disproportionate impact on informal settlements and other underserved areas, show that there is an urgent need to invest in climate resilience through disaster risk reduction and climate change adaptation measures. Sadly, states at COP29 in November 2024 failed to commit to providing sufficient financing to help countries adapt to and recover from loss and damage caused by climate change.³³⁷

330 See, for example, UN Special Rapporteur on Extreme Poverty and Human Rights, Report: *Climate Change and Poverty*, 25 June 2019, UN Doc. A/HRC/41/39, para. 12.

331 UN Habitat, *World Cities Report 2024: Cities and Climate Action*, 2024, https://unhabitat.org/sites/default/files/2024/11/wcr2024_-_full_report.pdf, p. 13.

332 UN Special Rapporteur on contemporary forms of racism, 25 October 2022, UN Doc. A/77/549, para. 50.

333 I. Pinto and others, *Climate Change Exacerbated Rainfall Causing Devastating Flooding in Eastern South Africa*, 13 May 2022, World Weather Attribution, <https://www.worldweatherattribution.org/wp-content/uploads/WWA-KZN-floods-scientific-report.pdf>

334 I. Pinto and others, *Climate Change Exacerbated Rainfall Causing Devastating Flooding in Eastern South Africa* (previously cited).

335 The Intergovernmental Panel on Climate Change (IPCC) has recognized that “[a] changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events, and can result in unprecedented extreme weather and climate events”. See IPCC, *Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation, Summary for Policymakers*, June 2012, https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_FD_SPM_final-2.pdf, p. 5. See also Union of Concerned Scientists, *The Science Connecting Extreme Weather to Climate Change*, 4 June 2018, [ucsusa.org/resources/science-connecting-extreme-weather-climate-change](https://www.ucsusa.org/resources/science-connecting-extreme-weather-climate-change)

336 UN Habitat, *World Cities Report 2024: Cities and Climate Action*, 2024 https://unhabitat.org/sites/default/files/2024/11/wcr2024_-_full_report.pdf, p. xviii.

337 Amnesty International, “COP29: Climate finance target a blueprint for violating human rights”, 25 November 2024, [amnesty.org/en/latest/news/2024/11/cop29-finance-target-is-a-blueprint-for-inequalities-and-violations/](https://www.amnesty.org/en/latest/news/2024/11/cop29-finance-target-is-a-blueprint-for-inequalities-and-violations/)

CLIMATE RESILIENCE

Climate resilience is defined as the capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or reorganizing in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation.³³⁸

Climate change adaptation includes adjustments to ecological, social or economic systems in response to actual or expected climatic stimuli or their effects. It encompasses changes in processes, practices and structures to reduce potential damages as much as possible or to benefit from opportunities associated with climate change.³³⁹

Climate change adaptation in the context of flooding in informal settlements includes managing flood risk through putting in place flood proofing measures within and outside homes and properties, installing stormwater drains, “climate proofing” infrastructure, including drainage systems, water supply and treatment plants, and protecting or relocating energy or solid waste management facilities and managing land upstream of settlements to reduce runoff. Overall, upgrading of informal settlements is a key adaptation measure to address extreme weather events such as heavy rainfall and flooding as well as heatwaves, that are exacerbated by climate change and slow onset climate change induced events such as droughts and sea level rise.³⁴⁰

South Africa submitted its first Nationally Determined Contribution (NDC) under the Paris Agreement in 2016, which was updated in September 2021.³⁴¹ South Africa’s first NDC acknowledges the vulnerability of human settlements in South Africa to climate change. It notes, “since 1980 [human settlements] have recorded 86 noticeable weather-related disasters that have affected more than 22 million South Africans and have cost the economy in excess of [ZAR] 113 billion ([USD] 6.81 billion) in economic losses.”³⁴² The NDC recognizes that the vulnerability is only partially due to the growing frequency and intensity of extreme weather events and that “high socioeconomic vulnerability inherent within communities, as well as poor land-use practices, growing informality, and a failure to rapidly deploy resilient infrastructure associated with accommodating a growing urbanising population [emphasis added]”³⁴³ are also contributors to it. The NDC commits to ensure that urban planning reflects climate change concerns and that coastal settlements are prioritized to address rising sea levels.³⁴⁴

338 IPCC, *Climate Change 2014: Impacts, Adaptation, and Vulnerability Part A: Global and Sectoral Aspects Working Group II Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 2014, Cambridge University Press, https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-PartA_FINAL.pdf, p. 5.

339 United Nations Framework Convention on Climate Change (UNFCCC), *Adaptation and Resilience*: <https://unfccc.int/topics/adaptation-and-resilience/the-big-picture/introduction>

340 UNFCCC, *Adaptation in Human Settlements: Key Findings and Way Forward, Report by the Secretariat*, 19 February 2018, FCCC/SBSTA/2018/3, paras 25 and 45. Also see Dodman, D., B. Hayward, M. Pelling, V. Castan Broto, W. Chow, E. Chu, R. Dawson, L. Khirfan, T. McPhearson, A. Prakash, Y. Zheng, and G. Ziervogel, 2022: Cities, Settlements and Key Infrastructure. In: *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 907–1040, doi:10.1017/9781009325844.008

341 The Paris Agreement requires states parties to prepare and communicate NDCs that they intend to achieve in order to meet the broader climate goals, every five years. See Paris Agreement, Article 4 para 2, https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

342 Republic of South Africa, *South Africa’s First NDC, 2020/21 Update*, September 2021 (previously cited), pp. 6-7.

343 Republic of South Africa, *South Africa’s First NDC, 2020/21 Update*, September 2021 (previously cited), p. 7.

344 Republic of South Africa, *South Africa’s First NDC, 2020/21 Update*, September 2021 (previously cited), p.11.

On 30 July 2025, South Africa published its second draft NDC for comment. On adaptation targets, the draft contains goals covering water and sanitation in the context of droughts and floods; disaster risks; health and sanitation; transport; food security; climate services, including early warning systems; ecosystem-based adaptation, including biodiversity restoration and alien plant clearing; building the capacity of all spheres of government to implement the Climate Change Act 2024; *and building climate resilient human settlements and infrastructure*.³⁴⁵ Among the priority interventions to achieve these goals are those to support municipalities to restore water catchment areas, establish emergency shelters and temporary accommodation for flood victims, and develop a Human Settlements Climate Change Adaptation Strategy/Plan. However, a major gap in the draft is that financing sources and allocations for these goals remain to be determined.³⁴⁶

South Africa's National Climate Change Adaptation Strategy acknowledges that different types of human settlements and their locations have varying vulnerabilities to the impacts of climate change and capacities to cope with them. Further, it recognizes that informal settlements and their residents are the most exposed to these impacts.³⁴⁷ It also acknowledges that the National Climate Change Response Policy (NCCRP), published in 2011 identifies human settlements as one of the key sectors identified for adaptation.

South Africa's National Disaster Management Centre collaborated with universities, government departments, civil society organizations and other peer groups to develop the "Green Book", an online planning tool that identifies climate change related risks and vulnerabilities and guides local government to respond to these challenges through climate change adaptation actions. The planning tool uses scientific evidence to support local government in the development of climate resilient cities.³⁴⁸

However, the ever-worsening climate crisis will require not only urgent action to implement the strategy, but also to constantly review both it and the Green Book to ensure they are responding to the latest scientific information on climate risks and solutions.

345 Department of Forestry, Fisheries and the Environment, *Publication of the Second Nationally Determined Contribution for the Republic of South Africa*, Gazette No 53092 https://www.dffe.gov.za/sites/default/files/legislations/cca_2ndndc_g53092gon6460.pdf, pp. 7-10.

346 Department of Forestry, Fisheries and the Environment, *Publication of the Second Nationally Determined Contribution for the Republic of South Africa (previously cited)*, pp. 7-10 Also see Kirstin Engel, *It's time to comment on South Africa's latest climate commitments*, Daily Maverick, 31 July 2025, <https://www.dailymaverick.co.za/article/2025-07-31-its-time-to-comment-on-sas-latest-climate-commitments/>

347 Department of Forestry, Fisheries and the Environment, *National Climate Change Adaptation Strategy*, August 2020, <https://unfccc.int/documents/307117>

348 Greenbook, <https://greenbook.co.za/about-the-green-book.html>



4. UPGRADING OF INFORMAL SETTLEMENTS

“The world has come to accept the unacceptable. It is a human rights imperative that informal settlements be upgraded to meet basic standards of human dignity.”

UN Special Rapporteur on the right to adequate housing³⁴⁹

The housing crisis in South Africa, most visible in the grim living conditions in informal settlements and other underserved areas, is a clarion call for urgent and sustained action to guarantee the human rights of people who continue to face neglect, marginalization and discrimination. Upgrading informal settlements in situ (where residents are already living), as far as possible, is widely recognized as a key measure to realize the right to adequate housing.³⁵⁰ In situ upgrading is often preferred by local communities and advocates of the right to adequate housing as it avoids the negative impacts on people’s livelihoods, access to essential services and disruption of community networks, that usually accompany relocation.

Human rights compliant upgrading of informal settlements includes genuinely participatory, community-led, and inclusive processes and strong accountability mechanisms to ensure timely implementation. It also includes a commitment to ensuring that relocation as an option is the last resort and only takes place through a process of meaningful participation of impacted people.³⁵¹

Upgrading typically involves legislative, policy and budgetary commitments to improve the physical, social and economic environment of an existing informal settlement. The purpose is to ensure that informal settlements have access to all the essential civic amenities that are available to people living in officially recognized areas of a city. A holistic upgrading of an informal settlement includes the regularization of the land on which the informal settlement is located so that residents may have security of tenure; public structures and services such as water pipelines, sanitation systems, electricity connections, street lighting, paved roads and waste collection; and structural improvements to housing so that it is safe and habitable. Upgrading also includes measures to support access to other essential services such as schools, health centres, places of work, including by improving transport connections; and constructing or improving communal facilities such as playgrounds and community centres.³⁵²

Upgrading of informal settlements was explicitly pronounced as part of the government strategy in 2004 with the announcement of its plan “Breaking New Ground”.³⁵³ The National Housing Code, which

349 UN Special Rapporteur on the right to adequate housing, Report, 7 August 2018, UN Doc. A/73/310.

350 See UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing*, 26 December 2019, UN Doc. A/HRC/43/43/, para. 46.

351 UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing* (previously cited), para. 46.

352 UN Habitat, *Housing the Poor in African Cities, Quick Guide for Policy Makers*, <https://unhabitat.org/quick-guides-for-policy-makers-housing-the-poor-in-african-cities-2-low-income-housing>

353 Department of Human Settlements, *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*, Progressive Informal Settlement Eradication, 2004, pp. 18, https://www.dhs.gov.za/sites/default/files/documents/26082014_BNG2004_0.pdf

was introduced in 2000 and revised in 2009 following the adoption of “Breaking New Ground”,³⁵⁴ lays down the framework for the Upgrading of Informal Settlements Programme.

UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME

The Upgrading of Informal Settlements Programme (UISP)³⁵⁵ prioritizes in situ upgrading and provides grants to municipalities to implement upgrading projects that include provision of security of tenure and essential services on an area-wide basis.³⁵⁶ It notes that where this is not possible, relocation should be explored as a last resort option, implemented on a voluntary basis.³⁵⁷

Municipalities are the key implementors of the UISP and determine whether a particular settlement requires upgrading. Their responsibilities include preparing plans, implementing the project as agreed in the plans, providing materials and support for the project, providing essential services, and facilitating transport of people and their belongings where applicable.

Provincial government responsibilities include funding the projects,³⁵⁸ assisting municipalities in implementing them, and monitoring progress.

National government responsibilities include apportioning funding to the provinces for the programme, participating in project conceptualization and management, monitoring implementation, and assisting in the implementation of the project where relevant.³⁵⁹

As part of the evaluation for upgrading of informal settlements, each settlement is categorized based on feasibility:³⁶⁰

Category A: Imminent full upgrading – rapid formalization, full services, formal tenure, township establishment.

Category B1: Interim/incremental basic services – provision of interim essential services such as water, sanitation, roads, electricity, waste removal, key social facilities leading to eventual formalization.

Category B2: Emergency basic services – provision of emergency basic services such as water, sanitation, fire protection, and solid waste removal, but leading to eventual relocation.

Category C: Rapid relocation to a site that is already available or imminently available (greenfield housing [completely newly built] project, temporary relocation area (TRA), site and service (serviced land release)).

354 Tissington Kate, *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, Socio-Economic Rights Institute of South Africa (SERI) Resource Guide, February 2011, https://housingfinanceafrica.org/wp-content/uploads/2025/01/SERI_A-Resource-Guide-to-Housing-in-South-Africa_Feb11.pdf For a detailed discussion see Chapter 6 of the Resource Guide.

355 The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme*, Part 3, Volume 4 2009, pp. 14, <https://dhs.mpg.gov.za/5%20Volume%204%20Upgrading%20Informal%20Settlement.pdf>

356 For more information on funding for UISP see Carlene Van der Westhuizen, *How are Upgrades to Informal Settlements Financed in South Africa's Metropolitan Municipalities?*, International Budget Partnerships, March 2017, <https://internationalbudget.org/wp-content/uploads/ibp-south-africa-budget-brief-upgrades-informal-settlements-2017.pdf>

357 The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme* (previously cited), pp. 14.

358 Funding for the first three phases of a project are secured by provincial governments from the annual allocation from the Integrated Housing and Human Settlement Redevelopment Grant from the National Government. Once a project is approved, the funds are transferred to the municipality. Funding for the last phase of housing construction will be linked to either the individual housing subsidy beneficiary or the relevant National Housing Programme.

359 The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme* (previously cited), pp. 20 -22.

360 Department of Human Settlements, *Baseline Evaluation of Informal Settlements Targeted for Upgrading in the 2019-2024 MTSF*, December 2021, https://www.dhs.gov.za/sites/default/files/documents/FINAL%20EDITED%2012-2021%20BASELINE%20EVALUATION%20OF%20IS%20TARGETED%20FOR%20UPGRADE_REPORT%2028-01-20221%20%281%29%20%281%29.pdf, p. 47.



Dilapidated sanitation services in Barcelona 2 informal settlement, eThekweni, 2025 © Amnesty International

UISP envisages the upgrading of informal settlements in four broad phases:

Phase 1: Application by municipalities for the grant to carry out the project through the submission of interim business plans.

Phase 2: Project initiation, which involves, among other things, preparing studies with geotechnical details of the site, acquisition of land if necessary, providing temporary essential services, and preparing a demographic profile of the settlement.

Phase 3: Project implementation, which includes approval of the final business plan by the provincial government, formalization of land occupancy rights and dispute resolution, land rehabilitation, installation of engineering works and civic and social amenities, and relocation assistance where necessary.

Phase 4: Establishing the township and housing construction, ownership and registration.³⁶¹

Additionally, the **Spatial Planning and Land Use Management Act 2013** provides support to the UISP. The Act recognizing that spatial planning, land use laws and practice were based on “racial inequality, segregation and unsustainable settlement patterns” and that informal land use processes are poorly integrated into formal systems,³⁶² promotes an incremental or phased approach depending on local context and the inclusion of informal settlements in spatial planning and upgrading.³⁶³

361 Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme* (previously cited), pp. 43-44. For a detailed discussion see Tissington Kate, *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, Socio-Economic Rights Institute of South Africa (SERI) Resource Guide (2011) Chapter 7.10, https://housingfinanceafrica.org/wp-content/uploads/2025/01/SERI_A-Resource-Guide-to-Housing-in-South-Africa_Feb11.pdf

362 Republic of South Africa, *Spatial Planning and Land Use Management Act 16 of 2013*, Government Gazette, 5 August 2013, https://www.gov.za/sites/default/files/gcis_document/201409/367305-8act16of20.pdf, Preamble.

363 Republic of South Africa, *Spatial Planning and Land Use Management Act 16 of 2013*, Government Gazette, (previously cited), Section 24 2 (c).

The government's March 2025 Medium Term Developmental Plan 2024-2029 includes plans to initiate upgrading for 4,075 informal settlements across the country. Included in the strategic interventions are releasing public buildings and land and reviewing building and land regulations to enable the development of low-cost housing.³⁶⁴

Broadly speaking, informal settlement upgrading projects have been mired in delays for several reasons, including bureaucratic hurdles, lack of access to resources and allegations of corruption. In the Nokotyana case concerning the Harry Gwala informal settlement, the High Court of South Gauteng found that the delay in deciding whether the informal settlement could be upgraded was “unjustified and unacceptable” and did not comply with Section 237 of the Constitution, which enjoins the state to carry out all constitutional obligations without delay.³⁶⁵

As noted by the Isandla Institute, an organization working on urban development issues in South Africa, the upgrading of informal settlements has been patchy and uneven. In many cases, long incremental processes have meant that communities are often only provided with a few services like portable toilets.³⁶⁶ Several experts told Amnesty International many factors have contributed to the slow progress, including lack of political will, corruption, lack of access to resources for bulk infrastructure and the slow process of in situ upgrading that does not lend itself to populist election promises.³⁶⁷

After in situ upgrading of informal settlements was formally recognized as a policy objective, the government set a target of providing upgraded services and security of tenure to 400,000 households (in situ or greenfield) between April 2010 and February 2014.³⁶⁸ According to a report prepared for the government and the World Bank in 2014, although the Department of Human Settlements claimed to have exceeded this target, it transpired that the Department had counted a variety of interventions rather than simply those pertaining to upgrading informal settlements.³⁶⁹ The report also found that because UISP projects were likely to take at least five to seven years to implement, many provinces opted for seemingly quicker options such as relocation or new housing construction to meet targets.³⁷⁰ Other barriers the report highlighted included resistance to informality in related regulations such as town planning, building standards and requirements for completing projects, and registration of home builders. The report also noted that where community members perceived the upgrading interventions and co-creating options as inferior, the demand was often in favour of fully constructed (RDP) housing, which was the main form of new housing in the first two decades of post-apartheid South Africa. The demand for RDP housing was expressed unequivocally by many of the people living in informal settlements interviewed by Amnesty International.

364 Department of Planning, Monitoring and Evaluation, *Medium Term Developmental Plan 2024-2029*, 20 March 2025 <https://www.dhs.gov.za/sites/default/files/Reform%20Symposium/MTDP%202024-2029%20Final%20Edit%20Version%20-%2011%20March%202025.pdf>, p. 134.

365 See, for example, *Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others* (CCT 31/09) [2009] ZACC, <https://www.saflii.org/za/cases/ZACC/2009/33.html>. However, despite this ruling, residents of Harry Gwala informal settlement are still waiting to access adequate housing. See M. Huchzermeyer, “Critical planning advocacy in solidarity in the pursuit of informal settlement upgrading in Harry Gwala and Slovo Park, Greater Johannesburg”, 2025, *Environment & Urbanization*, 0(0), <https://doi.org/10.1177/09562478251363140>

366 Isandla Institute, *Making Sense of a Just Urban Transition for Informal Settlement Upgrading*, 2024 [Making_sense_of_a_Just_Urban_Transition_for_Informal_Settlement_Upgrading_Isandla.pdf](https://www.isandla.org.za/wp-content/uploads/2024/09/Making_sense_of_a_Just_Urban_Transition_for_Informal_Settlement_Upgrading_Isandla.pdf)

367 Michael Clark and Kate Tissington, *Courts as a Site of Struggle for Informal Settlement Upgrading in South Africa*, Chapter 21 in Cirolia, L., Gorgens, T., van Donk, M., Smit, W. and Drimie, S. (eds.) *Upgrading Informal Settlements in South Africa: Pursuing a Partnership-Based Approach*, UCT Press, 2015.

368 Government of South Africa, *For Outcome 8 Delivery Agreements: Sustainable Human Settlements and Improved Quality of Household Life*, September 2014, https://www.gov.za/sites/default/files/gcis_document/201409/delivery-agreementoutcome-81.pdf, p. 8.

369 Clive Forster and David Gardner, *Financing Housing Consolidation in In-Situ Informal Settlement Upgrading Programmes in South Africa*, Prepared for The World Bank, National Upgrading Support Programme & City Support Programme, 29 August 2014.

370 Clive Forster and David Gardner, *Financing Housing Consolidation in In-Situ Informal Settlement Upgrading Programmes in South Africa* (previously cited).

2019-2024 MEDIUM TERM STRATEGIC PERIOD



The Department of Human Settlements' Baseline Evaluation for Informal Settlements published in 2021 found that many UISP programmes were unable to reach targets due to the lack of availability of land, slow land release and administration processes.³⁷¹ The evaluation also cites implementation inconsistencies across provinces and municipalities and a lack of prioritization of the UISP since its inception as some of the challenges. It notes that while 1,500 informal settlements were identified for upgrading in the 2019-2024 Medium Term Strategic Period, provinces and municipalities had submitted business plans for only 1,061. The evaluation found that in some cases, the identified UISP projects were greenfield projects, which it highlighted as defeating the purpose of the programme.

Amnesty International's meetings with municipalities reflected some of these challenges and barriers. For example, representatives of the Johannesburg municipality told researchers that implementation of upgrading projects was often challenging as the situation on the ground was always "dynamic". They said that in the best-case scenario, if the upgrading project did not need any relocation, it would take three years to implement. In their experience, once people heard that the informal settlement was slated for upgrading, those who had left the project area returned in the hope of receiving permanent housing, thus increasing numbers and delaying projects. Representatives of the City of Johannesburg said that another challenge was that the budgets were rarely aligned with plans. Upgrading projects where additional land was necessary added further delays as land acquisition could take years.³⁷² Certain geographical constraints also added time and costs to upgrading projects. For example, they said, in cases where the land is located on dolomite rock, which is susceptible to sink holes, rehabilitation of land was critical before any infrastructure work could take place. This again was often time-consuming and added significant costs. However, as per the UISP, funding is available to municipalities for rehabilitation of marginal or degraded land as well as interim and permanent essential services.³⁷³

In a meeting with the eThekweni municipality, officials listed the availability of land as one of the major challenges. They explained that large tracts were needed in "roll over" upgrading projects where the community is moved to a temporary site until the original site, including its infrastructure and other facilities, is upgraded. Even where projects were approved, they said that these were not progressing fast enough due to lack of bulk infrastructure (infrastructure for providing essential services to communities, such as water supply, wastewater management and stormwater drainage) capacity.³⁷⁴ The setting up of bulk infrastructure often resulted in undue delays. According to the representatives, the tendering process was also slow and administrative processes around it meant that the grant period for the funds from national government often expired.³⁷⁵

³⁷¹ Department of Human Settlements, *Baseline Evaluation of Informal Settlements Targeted for Upgrading in the 2019-2024 MTSF* (previously cited).

³⁷² Online meeting with Johannesburg municipality representatives, 7 July 2025.

³⁷³ The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme*, (previously cited).

³⁷⁴ Online Meeting with eThekweni municipality representatives, 18 June 2025.

³⁷⁵ Online Meeting with eThekweni municipality representatives, 18 June 2025.

Participation of impacted communities and their representatives in the planning, design and implementation of upgrading projects is key to its completion and success. The National Housing Code 2009 highlights that “the programme is premised upon extensive and active community participation.”³⁷⁶ The Upgrading of Informal Settlements Programme allocates specific funding for activities such as survey and registration of residents, participation, facilitation and dispute resolution.³⁷⁷ Despite this, experts and civil society organizations cited meaningful participation of communities and dialogue between the community and the municipality as the developer of the upgrading project as a significant challenge. The reasons for this, according to Isandla Institute, include lack of innovation in municipal leadership, a tendency for local government to work in silos, and an emphasis on quantitative outputs (such as the number of standpipes provided) rather than qualitative results (such as positive working relationship with informal settlement communities). Additionally, the Institute attributed lack of participation to complex internal politics at the municipal level as well as complex community dynamics and local interests in informal settlements.³⁷⁸

The ongoing struggles of many residents in Slovo Park and Thembelihle informal settlements illustrate some of these issues, particularly the lack of meaningful engagement.

SLOVO PARK

Slovo Park informal settlement³⁷⁹ is in Johannesburg municipality, in Region G, near the Nancefield industrial area. Established in 1991 on public land, it is home to around 10,000 people.³⁸⁰ According to the Slovo Park Community Development Forum, a body of community representatives formed in 2007 from existing community structures, Slovo Park residents were promised permanent housing as far back as 1994. On 25 July 2003, representatives from the national Department of Human Settlements and Gauteng’s provincial housing department announced in a community meeting in Slovo Park that the informal settlement would not be relocated, and that 950 houses would be built in the area.³⁸¹ In 2005, the City of Johannesburg installed 1,060 ventilated improved pit toilets, ostensibly as a first step towards upgrading. This was followed by several developments that indicated to Slovo Park residents that they were finally on the verge of receiving formal housing. Officials representing the provincial government visited Slovo Park to announce the imminent provision of housing. The municipality of Johannesburg issued documents to the residents of Slovo Park confirming their rights to state-subsidized housing.³⁸² In early 2009, a notice of township establishment for Slovo Park was published in the government gazette.³⁸³

376 The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme*, (previously cited).

377 The Department of Human Settlements, *National Housing Code: Upgrading of Informal Settlements Programme*, (previously cited).

378 Isandla Institute, *Making Sense of a Just Urban Transition for Informal Settlement Upgrading*, 2024. [Making sense of a Just Urban Transition for Informal Settlement Upgrading Isandla.pdf](#)

379 For a detailed account of events see Socio-Economic Rights Institute of South Africa, *Slovo Park: Twenty Years of Broken Promises*, August 2014, https://www.seri-sa.org/images/SlovoPark_CPN_Final.pdf and Kate Tissington, *Towards Greater Community Participation in Informal Settlement Upgrading: A case study from Slovo Park, Johannesburg*, 2012, SERI, <https://ggln.org.za/media/k2/attachments/SoLG.2012-SERI.pdf>

380 SERI, *Melani and Further Residents of Slovo Park vs. City of Johannesburg and Ors, Applicants Heads of Argument*, 2014, Case No: 02752/14, https://www.seri-sa.org/images/Melani_Heads_final_for_website.pdf

381 Kate Tissington, *Towards Greater Community Participation in Informal Settlement Upgrading: A case study from Slovo Park, Johannesburg* (previously cited), p. 53.

382 SERI, *Melani and Further Residents of Slovo Park vs. City of Johannesburg and Ors, Applicants Heads of Argument*, https://www.seri-sa.org/images/Melani_Heads_final_for_website.pdf Case No: 02752/14, 2014, p. 3.

383 SERI, *Slovo Park: Twenty Years of Broken Promises*, Community Practice Notes, August 2014, https://www.seri-sa.org/images/SlovoPark_CPN_Final.pdf

Slovo Park residents on their part, in line with the UISP, prepared plans for upgrading their settlement, including options for guaranteeing security of tenure, and presented them to the municipality. Faced with a lack of response, in 2014, some residents filed an application in the South Gauteng High Court to request that the court compel the City to take the necessary steps to apply for funding under the UISP to upgrade the informal settlement. Instead of responding to the concerns raised, in 2015 the municipality sought to relocate “qualifying beneficiaries” among Slovo Park residents to Unaville, a site 11km from Slovo Park.³⁸⁴

On 5 April 2016, the High Court of South Gauteng found that the Johannesburg municipality’s failure to apply the UISP was unlawful and breached not only the residents’ rights to just administrative action, but also to adequate housing under Section 26(1) of the Constitution. The judgment found that Johannesburg municipality’s unilateral decision to relocate residents without consultation “flies in the face of established constitutional jurisprudence regarding the need [for] meaningful engagement in instances where the right to adequate housing is concerned.”³⁸⁵

Despite this, progress on upgrading of Slovo Park remained painfully slow. It was only in 2018 that most residents received electricity connections.³⁸⁶ The remaining households finally received their electricity connections in 2025.

Amnesty International researchers visited Slovo Park in May 2025. Close to 10 years after the High Court judgment, the residents were still waiting for their settlement to be upgraded. Meanwhile, they continued to have inadequate essential services and face flooding like other informal settlements. Residents described the lack of safe sanitation and how toilets overflowed when it rained heavily. They also spoke about the difficulties they faced when their homes were flooded by every heavy rainfall, and how the mud roads in the settlement turned to sludge in the wet season due to flooding. Mapaseka (name changed), a resident in Slovo Park, said,³⁸⁷

“It is very difficult especially for older people and people with disabilities when the area is flooded. The wheelchairs become unusable. They can’t leave their homes or even go to the toilets when it is flooded.”

The day after Amnesty International’s visit there was a public meeting in the settlement where a member of the mayoral committee shared news that the upgrading process for installing water and sanitation infrastructure would begin in December 2025 and possibly continue into 2027.³⁸⁸ One of the community leaders³⁸⁹ in Slovo Park said,

“We have been fighting for a long time and following up since 2016. The solution is upgrading in its totality – roads, drainage, lighting... everything.”

384 SERI, *Melani and Further Residents of Slovo Park vs. City of Johannesburg and Ors, Applicants Heads of Argument*, https://www.seri-sa.org/images/Melani_Heads_final_for_website.pdf, Case No: 02752/14, 2014, p. 3.

385 High Court of South Africa, *Gauteng division Melani and Others v City of Johannesburg and Others* (02752/2014) [2016] ZAGPJHC 55, available at: https://www.seri-sa.org/images/Slovo_Park_Judgment.pdf

386 City of Johannesburg, “Today, residents of Slovo Park and Elias Motsoaledi have electricity in their homes for the first time”, 2018, <https://joburg.org.za/media/MediaStatements/Pages/2018%20Press%20Releases/Today,-residents-of-Slovo-Park-and-Elias-Motsoaledi-have-electricity-in-their-homes-for-the-first-time.aspx>

387 Interview in person with Mapaseka (name changed) in Slovo Park on 16 May 2025.

388 Interview via video call with SERI on 22 May 2025.

389 Interview in person with community leaders in Slovo Park on 16 May 2025.

THEMBELIHLE

Thembelihle informal settlement in Lenasia, south-west Johannesburg, has also been involved in a long, drawn-out engagement with the Johannesburg municipality over upgrading.³⁹⁰ In May 2025, when Amnesty International researchers met community members in the settlement, many were still dealing with highly inadequate access to essential services and regular flooding, and living in inadequate and informal housing.

The informal settlement was established in the 1980s. Many of its residents had come to Johannesburg from rural areas in search of work.³⁹¹ According to the upgrading plan prepared in 2019, the informal settlement is home to an estimated 8,662 households.³⁹² The land on which Thembelihle is located covers dolomite rocks and is therefore considered susceptible to subsidence and sinkholes.³⁹³ Reports commissioned by the municipality in 1992 and 1998 held that this meant the informal settlement on dolomitic land made it unsuitable for upgrading. By the 1990s, the settlement had been regularized as a transit area under the **Prevention of Illegal Squatting Act 52 of 1951**, which allowed for some basic services like water and sanitation for parts of the settlement and the marking and numbering of residential plots.³⁹⁴

Residents of Thembelihle have faced attempts by the Johannesburg municipality to evict and resettle them elsewhere, including to Vlakfontein 8km away in 2002 which was opposed by many residents as it would take them further away from their work. The Thembelihle Crisis Committee (TCC), a community-based organization, also opposed the relocation as they said it meant going “from a shack to another shack. People wanted permanent housing.”³⁹⁵ The eviction resulted in some families moving to Vlakfontein while others resisted.

In 2003, in the context of an application by the Johannesburg municipality in the High Court of Gauteng to evict Thembelihle residents, a report commissioned by the lawyers representing the community showed that large portions of the informal settlement could be upgraded provided some precautionary steps were put in place to rehabilitate the land. In 2005, the municipality agreed to explore the possibility of in situ upgrading while maintaining its position on relocation of the community. However, the municipality refused to pay for the new geotechnical survey necessary for such exploration. The next few years were marked by several engagements between the municipality and TCC, followed by a 2008 mayoral committee resolution that the settlement should not be upgraded due to its location in a dolomitic area, and a rejection of the appeal by TCC in the High Court of Gauteng against the resolution.³⁹⁶

At the same time, efforts by the TCC and community members led to the municipality installing ventilated improved toilets in 2009 and electricity connections in 2016.³⁹⁷ Discussions on a possible upgrading took place between the TCC and municipality in 2017 and 2018. According to TCC members, at that time, the settlement was categorized by the municipality under the UISP as B1, which meant it was earmarked for provision of interim essential services such as water, sanitation, roads, electricity, and waste removal, leading to eventual formalization. Indeed, the Medium-Term Strategic

390 For a detailed description of developments see Socio-Economic Rights Institute of South Africa, *Thembelihle: Engaging an Unresponsive State*, Community Practice Note, August 2014, https://www.seri-sa.org/images/Thembelihle_CPN_Final.pdf

391 Centre on Housing Rights and Evictions, *Any Room for the Poor? Forced Evictions in Johannesburg, South Africa*, 17 February 2005.

392 Available on file with Amnesty International.

393 Socio-Economic Rights Institute of South Africa, *Thembelihle: Engaging an Unresponsive State*, Community Practice Note, August 2014, https://www.seri-sa.org/images/Thembelihle_CPN_Final.pdf

394 Socio-Economic Rights Institute of South Africa, *Thembelihle: Engaging an Unresponsive State*, Community Practice Note (previously cited).

395 Interview with a member of the Thembelihle Crisis Committee, 20 May 2025.

396 Socio-Economic Rights Institute of South Africa, *Thembelihle: Engaging an Unresponsive State*, Community Practice Note (previously cited).

397 Interview with a member of the Thembelihle Crisis Committee, 20 May 2025.

Framework report on informal settlements targeted for upgrading in the 2019-2024 period categorizes Thembelihle as a B1 settlement.³⁹⁸

However, engagement between TCC and the municipality on this matter halted in 2021, despite several attempts by TCC members to hold meetings. At the time of the interview with Amnesty International, TCC members were concerned that the settlement had now been categorized as B2 (suitable for provision of emergency basic services such as water, sanitation, fire protection, solid waste removal but leading to eventual relocation) or C (slated for rapid relocation to a site which is already available or imminently available). They were seeking to challenge this change of categorization, but the municipality had so far not engaged with them meaningfully.³⁹⁹ There is little or no progress in informal settlement upgrading or the relocation of people from high-risk areas to suitable settlements. In cases where settlements have been relocated, the new site is a distance from the city (that is far from economic opportunities) and, as mentioned, relocated residents often return to the original informal settlements closer to the city.

4.1 UPGRADING AS CLIMATE CHANGE ADAPTATION AND DISASTER RISK REDUCTION

“The upgrading of our informal settlements is a national imperative. The recent disasters, which continue to drain our resources, are a testament that we should do something impactful in these informal settlements.”

Minister Thembi Simelane⁴⁰⁰

The upgrading of informal settlements, in the context of climate change and its disproportionate impact on people living in poverty, is a much-needed adaptation measure.

Goal 11 of the Sustainable Development Goals pledges to “making cities and human settlements safe, inclusive resilient and sustainable.”⁴⁰¹ Target 11.1 of this goal aims to do this by “ensuring access to all for adequate, safe and affordable housing, basic services and *upgrading slums* [emphasis added].”⁴⁰²

The New Urban Agenda, provides a global framework to guide the sustainable development of cities and human settlements.⁴⁰³ States including South Africa have agreed to “promote planned urban extensions and infill, prioritizing renewal, regeneration and retrofitting of urban areas, as appropriate, *including the upgrading of slums and informal settlements* [emphasis added], providing high-quality buildings and public spaces, promoting integrated and participatory approaches involving all relevant stakeholders and inhabitants and avoiding spatial and socioeconomic segregation and gentrification.”⁴⁰⁴

398 Republic of South Africa, Department of Human Settlements, *Baseline Evaluation of Informal Settlements targeted for upgrading in the 2019-2024 MTSF*, December 2021, ISBN: 978-0-620-97257-4, https://www.dhs.gov.za/sites/default/files/documents/FINAL%20EDITED%2012-2021%20BASELINE%20EVALUATION%20OF%20IS%20TARGETED%20FOR%20UPGRADE_REPORT%2028-01-2021%20%281%29%20%281%29.pdf, p. 66.

399 Meeting with members of the Thembelihle Crisis Committee in Thembelihle on 15 May 2025.

400 Republic of South Africa, *Minister Thembi Simelane: Human Settlements Dept Budget Vote 2025/26, NCOP*, Speech by Minister Thembi Simelane, MP, during the National Council of Provinces Policy Debate on Budget Vote 33: Human Settlements, 9 July 2025, <https://www.gov.za/news/speeches/minister-thembi-simelane-human-settlements-dept-budget-vote-202526-ncop-09-jul-2025>

401 United Nations, Sustainable Development Goals, Goal 11, <https://www.un.org/sustainabledevelopment/cities/>

402 United Nations, Sustainable Development Goals, Goal 11, <https://www.un.org/sustainabledevelopment/cities/>

403 *The New Urban Agenda was adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador, on 20 October 2016 and endorsed by the United Nations General Assembly on 23 December 2016. It lays out standards and principles for the planning, construction, development, management, and improvement of urban areas along its five main pillars of implementation: national urban policies, urban legislation and regulations, urban planning and design, local economy and municipal finance, and local implementation. See UN Habitat, New Urban Agenda, https://unhabitat.org/sites/default/files/2019/05/nua-english.pdf*

404 United Nations Conference on Housing and Sustainable Urban Development (Habitat III), *The New Urban Agenda*, 23 December 2016, <https://habitat3.org/wp-content/uploads/NUA-English.pdf>, Principle 97.



Rising flood waters in Dakota informal settlement, eThekweni, 2025 © City Hope Disaster Relief

The New Urban Agenda also includes commitments from states “to promote the development of infrastructure that is resilient and resource efficient and will reduce the risks and impact of disasters, including the rehabilitation and *upgrading of slums and informal settlements* [emphasis added]”; to “promote measures for strengthening and retrofitting all risky housing stock, including in slums and informal settlements, to make it resilient to disasters, in coordination with local authorities and stakeholders”; to “support to incremental housing and self-build schemes, with special attention to programmes for upgrading slums and informal settlements”; and to “consider increased allocations of financial and human resources, as appropriate, for the upgrading and, to the extent possible, prevention of slums and informal settlements, with strategies that go beyond physical and environmental improvements to ensure that slums and informal settlements are integrated into the social, economic, cultural and political dimensions of cities.”⁴⁰⁵

As articulated by the UN Special Rapporteur on the right to adequate housing, climate change adaptation efforts should prioritize the needs of those most marginalized and vulnerable to discrimination and start by identifying the measures to be introduced for their protection. This includes installing protective infrastructure, supporting buildings of better quality, through technical support and appropriate finance systems, and assisting those who live in the most dangerous sites to move to safer sites. In this context, access to affordable and well-located land for people living in poverty is essential to avoid further unplanned settlement expansions or relocating them far away from income-earning, educational and other developmental opportunities.⁴⁰⁶

405 United Nations Conference on Housing and Sustainable Urban Development (Habitat III), *The New Urban Agenda*, (previously cited), Principles 77, 107 and 109.

406 UN Special Rapporteur on the right to adequate housing, “With and for the poor” planning, the key to protect urban dwellers from climate change, 5 October 2009, <https://www.ohchr.org/en/statements-and-speeches/2009/10/and-poor-planning-key-protect-urban-dwellers-climate-change>

Furthermore, the UAE Framework for Global Climate Resilience urges states parties to accelerate action at scale towards achieving targets that form key components of informal settlement upgrading, including minimizing climate-related impacts on infrastructure and human settlements, ensuring climate-resilient water supply, climate-resilient sanitation and access to safe and affordable potable water for all.⁴⁰⁷

Adopted at the COP28 climate conference in Dubai in December 2023, it is the first international declaration of its kind with climate adaptation as the primary focus.

In a context of a huge unmet housing need, the growth of informal settlements, and the continuing climate crisis, upgrading of informal settlements if done in a manner that is expeditious and human rights compliant can provide the much-needed climate resilience and significantly reduce the risk of disaster.

The 2024 White Paper on Human Settlements makes several commitments. These include a review of the current informal settlements upgrading instrument with a view to improving planning, implementation, meaningful community engagement, and monitoring and evaluation. It also commits to shift greater resources to upgrading of informal settlements.⁴⁰⁸ Although the White Paper does not directly address disaster risk reduction, it does factor in disaster risk assessments in the context of upgrading informal settlements and particularly increased densification, and in the provision of essential services. It also commits to integrating climate resilience and sustainable development approaches into the planning, construction and maintenance of housing and human settlements.⁴⁰⁹

South Africa is a signatory to the Sendai Framework for Disaster Risk Reduction 2015-2030,⁴¹⁰ a global agreement that aims to reduce disaster risks and losses in lives, livelihoods, health, and economic, physical, social, cultural, and environmental assets over the 15-year period. Priority 3 – Investing in disaster risk reduction for resilience – highlights the importance of promoting and mainstreaming disaster risk assessments into land-use policy development and implementation, including urban planning, land degradation assessments and informal and non-permanent housing, and the use of guidelines and follow-up tools informed by anticipated demographic and environmental changes. The UISP therefore provides fertile ground for ensuring that disaster risk assessments and mitigation measures are woven into plans and designs.

South Africa in its Presidency of the Group of Twenty (G20) in 2025, has set its agenda under the theme “Solidarity, Equality, Sustainability”, and has announced it will strengthen disaster resilience and response as one of its four overarching priorities.⁴¹¹ South Africa also holds the presidency of the G20 Disaster Risk Reduction Working Group (DRR WG) whose priorities include implementation of the Sendai Framework. The Issues Paper for the DRR WG in the context of South Africa acknowledges “[r]apid urbanisation has also led to informal settlements, which are highly vulnerable to floods and fires, underscoring the need for better integration of DRR into urban planning.”⁴¹² It is time the government mobilizes all the necessary human, financial and technical resources to ensure that disaster risk reduction is fully integrated into urban planning processes and implemented with a view to protecting residents of informal settlements from disasters – climate induced or otherwise – and protecting their human rights.

407 UAE Framework for Global Climate Resilience, Decision 2/CMA.5 Glasgow–Sharm el-Sheikh work programme on the global goal on adaptation referred to in decision 7/CMA.3, [cma2023_16a01E.pdf](#), para 9.

408 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited), p. 60.

409 Department of Human Settlements, *White Paper on Human Settlements 2024* (previously cited), p. 98.

410 United Nations Office for Disaster Risk Reduction (UNDRR), *Sendai Framework for Disaster Risk Reduction*, <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>, Para 30 (f).

411 G20 Presidency, South Africa, <https://g20.org/g20-south-africa/g20-presidency/>

412 G20 South Africa 2025, Disaster Risk Reduction Working Group: Issue Note, December 2024, https://g20.org/wp-content/uploads/2024/12/Issue-Note_DRR-WG-1.pdf, p. 3.

4.2 CIVIL SOCIETY AND COMMUNITY INITIATIVES

In all three municipalities where Amnesty International researchers met residents of informal settlements and other underserved areas, they came across individual and community efforts to protect their homes and improve their surroundings. Some residents had themselves raised the level of their homes to prevent flood waters from entering. Others had used old tyres to bolster retaining walls. Many had made rudimentary channels around their homes to divert rainwater runoff. In some houses, Amnesty International researchers noticed plastic sheets on the floor as a way of flood proofing homes. Nomusa (name changed) from the Dakota informal settlement in eThekweni, said,

“People do what they can to save themselves from flooding – put sandbags, raise structures, make little water channels.”

However, as others pointed out, putting in place these measures was not easy for everyone, and households with only older people and, in some cases, women-headed households, faced difficulty in procuring the necessary material and constructing the rudimentary water channels without help from community members.

One of the major civil society initiatives seen by researchers in informal settlements in all three metropolitan municipalities studied was Asivikelane (isiZulu for “Let’s protect one another”), a coalition of eight grassroots organizations focused on raising concerns about the lack of access to water, sanitation and waste collection in informal settlements and other underserved areas in South Africa. The coalition engages with all spheres of government, and trains residents of informal settlements to engage in processes like the preparation of integrated development plans by municipalities, budget analyses, data collection and monitoring, and basic repair and maintenance work so that residents can sort out minor problems such as leaking taps instead of waiting for the municipality to respond. Asivikelane operates in 500 informal settlements and other underserved areas in eight metropolitan municipalities in South Africa and has provided training on different issues for 87,000 people.⁴¹³

The People’s Plan for the Right to Housing in the Age of Climate Change was devised by the Durban Coalition, a collective of civil society organizations including community based organizations, NGOs, members of the academia and residents associations, set up in the aftermath of the 2022 KwaZulu-Natal floods as a result of frustration with the official responses.⁴¹⁴ The plan emerged from an 18-month engagement using participatory methodology, between people from diverse housing backgrounds, including people living in informal settlements, refugees, people living in hostels and social housing flats, and formal middle class suburbs.⁴¹⁵

The People’s Plan recommends a more participatory approach to planning and implementation and calls on the municipality to engage representatives from different sectors in the city, to design, prepare and review existing plans, including on climate change and disaster response. It also recommends several steps that call for the involvement of local communities to better plan for and respond to disasters. The People’s Plan calls for human rights-centred housing. It also calls for all housing programmes to be based on the establishment of decent, healthy and safe residential areas, and for strengthening the capacity of the eThekweni municipality to implement these plans.⁴¹⁶

413 See Asivikelane: Voices of Informal Settlements, <https://asivikelane.org/about/#asivikelane>

414 Julia Evans, “How a city came together to rewrite its future in the age of climate change”, Daily Maverick, 2 June 2025, <https://www.dailymaverick.co.za/article/2025-06-02-how-a-city-came-together-to-rewrite-its-future-in-the-age-of-climate-change/>

415 The Durban Coalition, *People’s Plan for the Right to Housing in the Age of Climate Change*, November 2024, [https://www.durban.gov.za/storage/Documents/COGTA%20-%20Digital%20Appendices/Appendix%2017%20Peoples%20Plan%20\(English\).pdf](https://www.durban.gov.za/storage/Documents/COGTA%20-%20Digital%20Appendices/Appendix%2017%20Peoples%20Plan%20(English).pdf)

416 The Durban Coalition, *People’s Plan for the Right to Housing in the Age of Climate Change*, (previously cited), p. 5.

ASIVIKELANE

(isiZulu for “Let’s protect one another”)

A coalition of eight grassroots organizations focused on raising concerns about the lack of access to



in informal settlements and other underserved areas in South Africa.

THE PEOPLE’S PLAN FOR THE RIGHT TO HOUSING IN THE AGE OF CLIMATE CHANGE

A collective of civil society organizations including



Set up in the aftermath of the 2022 KwaZulu-Natal floods as a result of frustration with the official responses.

Acknowledging the reality of climate change, the People’s Plan also calls for new norms and standards for climate resilient human settlements, decentralizing essential services, planning for resilience to floods, extreme heat and heat stress, retrofitting state-provided housing, and developing a loss and damage (unavoidable harms from climate change) costing for eThekweni to support the city’s most at-risk people and communities.

Recognizing that security of tenure goes beyond individual ownership, the People’s Plan recommends that the municipality explore the full range of options for guaranteeing security of tenure to protect people from forced evictions. It also calls for a publicly available, independent and comprehensive land audit detailing the ownership of parcels of land within the municipality, as this is key for building safe and well-located communities within eThekweni. The People’s Plan further highlights the need to take a harm reduction approach to homelessness,⁴¹⁷ plan for and develop housing for refugees and migrants, and adequate temporary housing for those displaced by climate change.⁴¹⁸ In May 2025, the City of eThekweni adopted the People’s Plan as part of its integrated development plan.⁴¹⁹

417 A Harm Reduction approach recognizes that drug and alcohol dependence often co-exist. It therefore integrates strategies to address homelessness with harm reduction strategies including needle exchange, methadone maintenance, and supervised injection services to prevent the harms of substance use.

418 The Durban Coalition, *People’s Plan for the Right to Housing in the Age of Climate Change*, (previously cited).

419 Julia Evans, “How a city came together to rewrite its future in the age of climate change”, 2 June 2025, Daily Maverick, <https://www.dailymaverick.co.za/article/2025-06-02-how-a-city-came-together-to-rewrite-its-future-in-the-age-of-climate-change/>



CONCLUSION AND RECOMMENDATIONS

Informal settlements in South Africa along with other underserved areas like Temporary Relocation Areas, are not only a sore reminder of the racial injustice and disenfranchisement that characterized the colonial and apartheid regimes preceding 1994, but also of the ongoing housing crisis in the country. They are a manifestation of the failure of successive governments in South Africa to guarantee the right to adequate housing and other human rights.

With climate change intensifying extreme weather patterns, people living in informal settlements are also increasingly having to deal with flooding disasters, particularly as the lack of well-located, affordable housing in South Africa means that many informal settlements are located in floodplains and low-lying areas.

Trapped in poverty and facing neglect, residents of these settlements do what they can to cope with and mitigate the risks of flooding. However, the primary duty for disaster preparedness and response lies with the government.

The recent floods in June 2025 in the Eastern Cape province, which caused the death of 100 people and washed away the homes of thousands of people, was a stark reminder that urgent and long-term action by the government is needed. While South Africa's Disaster Management Act and National Disaster Management Framework aim to reduce the risk of disaster, there is ample evidence that not enough is being done towards this end.

Based on the experiences of people living in informal settlements documented in this report, interviews with experts and practitioners in the field and a review of reports, laws and policies, it appears that South Africa's response to flooding disasters – whether major or seasonal – is patchy and piecemeal, with not enough done to prepare for such events. For instance, people displaced by KwaZulu-Natal floods in 2022 are still in temporary emergency accommodation in poor conditions nearly three years later, indicating a lack of preparedness for recovery efforts. Some of those displaced died after they were relocated to an area that was severely flooded in 2025, highlighting a serious failure to ensure that flood victims are relocated to safety. In the case of seasonal flooding, the support and assistance that many residents of informal settlements experience is alarmingly poor or absent.

South Africa has announced it will strengthen disaster resilience and response as one of its G20 Presidency's four overarching priorities. It is time the government mobilizes all the necessary human, financial and technical resources to ensure that disaster risk reduction is fully integrated into urban planning processes and implemented with a view to protecting residents of informal settlements from disasters – climate induced or otherwise – and protecting their human rights.



Resident of Island informal settlement, Cape Town, 2025 © Amnesty International

With the persisting climate crisis, it is wholly foreseeable that the extreme and/or unseasonal rainfall and flooding will only get worse. While crises cannot always be prevented, their impacts can be mitigated through planning, preparation, and implementation of public policies grounded in human rights. The government of South Africa needs to go beyond merely recognizing the vulnerability of residents of informal settlements to flooding and other disasters and take swift and ambitious long-term action to reduce this risk in line with the New Urban Agenda and the UAE Framework on Climate Resilience. The upgrading of informal settlements is not only key to fulfilling the right to adequate housing but also to climate change adaptation and disaster risk reduction. However, while upgrading has been part of the government's wider housing policy since 2004, progress has been slow. A human rights compliant process for upgrading of informal settlements, which includes meaningful participation by affected people and robust accountability and remedy mechanisms, is crucial to realizing the right to adequate housing as well as successful climate change adaptation and disaster risk reduction.

It is imperative that local government is fully supported in carrying out this task as there appears to be a misalignment between the responsibilities of local government in addressing these issues and their capacity to do so. Furthermore, South Africa needs to ensure adequate budgetary allocations to address housing needs in informal settlements.

South Africa has a plethora of laws and policies that address access to housing, provision of essential services like water and sanitation, upgrading of informal settlements, and preparing for and responding to disasters. It is also a state party to the United Nations Framework Convention on Climate Change and the Paris Agreement, as well as all the major international and regional human rights instruments. And yet, there are obvious failures to guarantee human rights including the rights to housing, water, sanitation, and a healthy environment, which come at a huge cost to the lives and livelihoods of millions of people.

IN LIGHT OF THE FINDINGS OF THE RESEARCH PRESENTED IN THIS REPORT, AMNESTY INTERNATIONAL IS MAKING THE FOLLOWING RECOMMENDATIONS:

TO THE HUMAN SETTLEMENTS DEPARTMENTS IN ALL THREE SPHERES OF GOVERNMENT

In line with South Africa's national and international (including regional) human rights obligations:

- Take steps to urgently and adequately plan for, resource and implement the right to adequate housing for all, and end the de facto spatial segregation and inequality that endures in post-apartheid South Africa.
- Ensure that all plans for upgrading informal settlements are carried out expeditiously and in a manner that is compliant with human rights, and climate change adaptation and disaster risk reduction requirements.
- As committed to in the Comprehensive Plan for the Development of Sustainable Human Settlements, take clear timebound steps to integrate informal settlements into the broader urban landscape to address their spatial, social and economic exclusion.
- Ensure the use of the maximum available resources to fulfil human rights obligations including by ensuring the availability of suitable land for the construction of truly affordable low-cost housing.
- Take steps to urgently and adequately plan for, resource and implement the rights to water and sanitation and to a clean, healthy and sustainable environment, and ensure access to essential services, including electricity and waste collection for all.
- Take steps to adequately plan, resource and implement Disaster Risk Reduction measures in a manner that protects everyone, including people living in poverty, in informal settlements and other underserved areas.
- Take steps to urgently and adequately put in place measures to prevent, minimize and address the impacts of the climate change crisis, including on people living in informal settlements.
- In line with the commitment to the National Anti-Corruption Strategy 2020-2030, put in place robust systems for transparency and accountability at all levels of governance.

TO THE DEPARTMENT OF COOPERATIVE GOVERNMENT AND TRADITIONAL AFFAIRS

- Take steps to ensure that municipalities receive the financial, technical and human resources support they need to carry out their duties, including those pertaining to delivery of essential services, housing, climate change adaptation, and disaster risk reduction.
- Ensure that local government is supported in filling vacancies, and as a matter of priority for posts that are critical for ensuring access to adequate housing, essential services, disaster preparedness and response, and climate change adaptation.
- Ensure that provincial and local governments are adequately resourced to design and implement their climate change adaptation and disaster management plans.
- Ensure that all plans for disaster management and response and their implementation is compliant with human rights standards and with the guidelines on disaster response as issued by the UN Inter-Agency Standing Committee, including vis-à-vis provision of information to and participation of affected communities.

TO ALL LOCAL GOVERNMENTS INCLUDING MUNICIPALITIES OF CAPE TOWN, ETHEKWINI AND JOHANNESBURG

- Take urgent steps to ensure that all residents of informal settlements and Temporary Relocation Areas, including those with restricted mobility, have access to all essential services such as adequate water, sanitation and energy (electricity) in line with their human rights, including those living in informal settlements established during the Covid-19 pandemic.
- Take steps to ensure that informal settlements located on private land have adequate access to essential services in a manner that is physically accessible to all residents.
- Work with community leaders and other community-based organizations to build a relationship of trust and partnership with residents of informal settlements and Temporary Relocation Areas.
- Ensure that plans for housing, essential service provision, climate change adaptation, and disaster management in the integrated development plans are implemented.
- Prioritize the upgrading of informal settlements as a way to uphold the right to adequate housing.
- Take steps to publicize municipal plans for all informal settlements as per the Upgrading of Informal Settlements Programme so that residents may know when and how they can access adequate, affordable housing.
- Take urgent action to make permanent housing opportunities available to people who have been living in temporary relocation areas or temporary emergency accommodation prioritizing those who have been in these housing situations for more than six months.
- Work with leadership within communities to plan for setting up emergency response systems within communities, including in the case of disasters and extreme weather events.
- Work with residents of informal settlements and Temporary Relocation Areas to develop localized, climate resilient plans for preventing and responding to seasonal flooding including by building on community led initiatives already in place.
- Review criteria for declaring “major incidents” that trigger emergency relief from municipalities to impacted communities to ensure that these also apply to seasonal flooding.
- Monitor the incidence of extreme weather events to ensure that all people affected by flooding – major or seasonal – are provided with relief and support commensurate with the scale of damage and destruction.
- Ensure that disaster preparedness measures, including the setting up of early warning systems and demarcation of nearby temporary shelter areas, are established throughout the municipal area and that this information is communicated to all, including those who may not have access to electronic messaging platforms.
- Work with law enforcement and community members to address issues of crime in informal settlements and other underserved areas.

TO THE PROVINCIAL GOVERNMENT OF KWAZULU-NATAL

- Urgently disclose details of any inquiry carried out into the decision to relocate households impacted by the 2022 floods in Lamontville, in eThekweni, and any lessons learnt from the tragedy.
- If such an inquiry has not been conducted, initiate an independent inquiry into the planning and decision-making process that led to the relocation of households impacted by the 2022 floods to Lamontville which led to the loss of life and displacement in the 2025 floods.
- Ensure that victims of the 2022 floods in the province who have been housed in Temporary Emergency Accommodation are not evicted under circumstances that render them homeless or leave them without access to adequate housing.
- Take urgent steps to improve living conditions at the Temporary Emergency Accommodation provided to the 2022 flood victims at Reservoir Hills in eThekweni in a manner that upholds their right to housing among other human rights.

TO THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS

- Review the downward trend in provision of housing options and increase the provision of housing options with a view to significantly reducing and ultimately ending the housing backlog.
- Review with an aim to revising in line with inflation the ZAR 3,500 income threshold set in 2008 under the Housing Subsidy Scheme for availing fully subsidized housing.
- Ensure that any review of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 does not result in retrogression of the right to adequate housing by lowering protections against forced evictions and homelessness, including by removing the obligation on the state to provide adequate alternative housing in case of evictions.
- Support provincial and local governments to ensure that their development frameworks integrate informal settlements in their approaches to spatial planning with a view to dismantling apartheid era systems of segregation in housing.
- Ensure adequate resourcing of grants to local government to carry out upgrading of informal settlements in line with national and international human rights standards.

TO THE NATIONAL GOVERNMENT OF SOUTH AFRICA

- Ratify the Optional Protocol to the ICESCR and opt in to the inquiry and inter-state procedures.

TO ALL STATES

- Substantially increase funding for adaptation to climate change to address the adaptation finance gap.
- Rapidly and equitably phase out all fossil fuel extraction, production and use, and shift towards renewable energy for all, produced in a manner consistent with human rights, as quickly as possible based on a state's capacities and responsibility for emissions.
- Cease all new oil, gas and coal exploration and development, and stop financing fossil fuel projects domestically and abroad.
- Phase out all tax incentives and subsidies for fossil fuel production. In doing so, ensure any changes to taxation and subsidies do not disproportionately impact people with lower incomes by conducting human rights impact assessments and introducing appropriate social protection mechanisms to compensate as necessary.

TO ALL STATES IN A POSITION TO DO SO, ESPECIALLY HIGH-INCOME COUNTRIES WITH HIGH HISTORICAL GREENHOUSE GAS EMISSIONS

- Rapidly provide adequate, new, additional and predictable finance – primarily in the form of grant equivalent public finance – to support lower-income countries in reducing emissions, adapting to climate change, ensuring just transitions away from fossil fuels in all sectors, and addressing loss and damage.



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TO ONE PERSON, IT
MATTERS TO US ALL.**

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FLOODED AND FORGOTTEN

INFORMAL SETTLEMENTS AND THE RIGHT TO HOUSING IN SOUTH AFRICA

Informal settlements in South Africa along with other underserved areas are a sore reminder of the racial injustice and disenfranchisement that characterized the colonial and apartheid regimes. They are also a manifestation of the ongoing housing crisis and of the failure of successive governments in South Africa to guarantee the right to adequate housing among other human rights.

The lack of adequate, well-located affordable housing in South Africa has led to the growth of informal settlements in floodplains and low-lying areas. People living in informal settlements are increasingly impacted by flooding, in addition to the lack of adequate housing and essential services. Trapped in poverty and facing neglect, residents of these settlements do what they can to cope with and mitigate the risks of flooding.

With climate change increasing the intensity and frequency of extreme weather events, upgrading of informal settlements can be a key disaster risk reduction measure. It is time that all three spheres of government in South Africa mobilize the necessary human, financial and technical resources and redouble efforts to upgrade informal settlements and uphold human rights.