



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية والثقافية

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TO: Jacob Zuma, President of the Republic of South Africa
CC: Connie September, Minister of Human Settlements
Ravigasen Ranganathan Pillay, MEC for Human Settlements and Public Works,
KwaZulu-Natal
James Nxumalo, Mayor of eThekweni Municipality, Durban
Senzo Mchunu, Premier, KwaZulu-Natal
Margaret Sekaggya, UN Special Rapporteur on human rights defenders
Raquel Rolnik, UN Special Rapporteur on adequate housing
Magdalena Sepulveda, UN Special Rapporteur on extreme poverty

October 10, 2013

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of over 250 organizational and individual members in 68 countries.

We are writing to you to express our grave concern at the recent murders, arbitrary detentions, intimidation and threats against leaders of the shack-dweller movement and ESCR-Net member, Abahlali baseMjondolo, in the context of mounting popular resistance to forcible evictions and unlawful demolitions of homes in the Cato Crest shack settlement in Durban.

According to reports received, following the forcible eviction of residents of Cato Crest by the eThekweni Municipality in March of 2013, several families proceeded to occupy a piece of land located nearby their original dwelling, naming the settlement "Marikana." Since the formation of this new settlement in March, it has come to our attention that three members of the shack dweller movement have been murdered, several people have reportedly been subjected to beatings and several of the leaders of Abahlali baseMjondolo have been arbitrarily detained. Some leaders have also received death threats, requiring at least one senior leader to be compelled to relocate.

We have also become aware that the eThekweni Municipality's Land Invasion Unit, with the assistance of the Cato Crest Police Station, has demolished hundreds of homes in Cato Crest, including dwellings that were protected by five injunctions established by the Durban High Court, rendering thousands of people homeless.

We wish to express our unequivocal collective rejection of the use of violence against members of Abahlali baseMjondolo in their efforts to resist forced evictions and defend the rights of people living in the slums of South Africa. We firmly reject the acts of violence which took the lives of Theminkosi Qumbelo, president of the Cato Crest Residential Association on March 15, Nkululeko Gwala, leader of the Cato Crest settlement on June 26, and 17-year-old Nqobile Nzuzi on September 30, 2013. We also deplore the shooting of Nkosinathi Mngomezulu, Luleka Makhwenkwa, Gcinithemba Nyathi and Maya Majazi, resulting in serious injuries. We have also received reports of arbitrary detentions and beatings taking place against shack dwellers while in custody, as well as the ongoing intimidation of residents of Cato Crest and their legal teams.

In light of these troubling developments we wish to remind the Government of South Africa that it is bound by the International Covenant on Civil and Political Rights (ICCPR), to which it is party, and bears an obligation to respect, protect and fulfill human rights, including the right to life, the right to be free from cruel, inhuman or degrading treatment or punishment, and freedom from arbitrary arrest or detention. The ICCPR also states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation,” and that all people have the right to the protection of the law against such interference or attacks. Similarly, the UN Commission on Human Rights has established (1993/77) that the "practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing." South Africa is also a party to the International Covenant on Economic, Social and Cultural Rights, which enshrines, among other things, 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. The Committee on Economic, Social and Cultural Rights, in its General Comment No 7, has determined that “forced evictions are prima facie incompatible with the requirements of the Covenant” and that States parties should use “all appropriate means, including the adoption of legislative measures,” to provide the greatest possible security of tenure to occupiers of houses and land and control strictly the circumstances under which evictions may be carried out. We also recall the UN Declaration on the Rights of Human Rights Defenders which establishes the obligation, *inter alia*, to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her actions to defend and promote human rights. The Declaration also establishes the obligation to provide an effective remedy for persons who claim to have been victims of a human rights violation and to conduct prompt and impartial investigations of alleged violations of human rights. Finally, the Constitution of the Republic of South Africa has established the duty not to evict unlawfully (section 26(3)) as well as the obligation to protect everyone's right to life and right to freedom and security of the person (sections 11 and 12).

In response to these deeply concerning reports, and in recognition of South Africa's duties to uphold both its international and domestic obligations related to human rights, we collectively call on the Government of South Africa to:

1. Immediately cease all acts of violence, arbitrary arrests and detentions against shack dwellers and their organizational leaders, particularly those involved in the Cato Crest settlement;
2. Provide effective protection from threats, attacks and defamation against leaders of Abahlali baseMjondolo and other human rights defenders who are working to protect and defend the human rights of shack dwellers in South Africa
3. Launch a full, independent and impartial investigation into all acts of violence, particularly the murders of of Thembinkosi Qumbelo, Nkululeko Gwala and Nqobile Nzuza, as well as attacks against Nkosinathi Mngomezulu, Luleka Makhwenkwana, Gcinithemba Nyathi and Maya Majoji, and ensure that the perpetrators are brought to justice;
4. Stop all illegal forced evictions and unlawful demolitions in Cato Crest and other settlements; and
5. Ensure that the right to adequate housing and right to life for shack dwellers are guaranteed and protected, including via non-discrimination in the allocation of housing.

Finally, please keep us apprised of any further developments in the situation.

On behalf of ESCR-Net,



Chris Grove
Director

ORGANIZATIONAL MEMBERS

Action Contre Impunitie Pour Les Droits Humains	Indonesian Legal Aid Society Association
Action for Social Rights - formerly Youth Movement for Peace and People's Rights	Institute for Agriculture and Trade Policy (IATP)
Actionaid International	Institute for Democracy in South Africa
African Centre for Democracy and Human Rights Studies	Institute for Justice & Democracy in Haiti
Afro-Colombian National Movement CIMARRON	Instituto de Estudios Legales y Sociales del Uruguay
Aliança para Promoção do Desenvilmento da Comunidade de Hoji Ya Henda	Instituto de Estudos, Formação e Assessoria em Políticas Sociais
Al-Mezan Center for Human Rights	Instituto de Formacion Feminina Integral
Amnesty International	Instituto LatinoAmericano De Servicio Legales Alternativos
Arab NGO Network for Development	Interchurch Organisation for Development
Asia Pacific Forum on Women, Law and Development	International Centre for Reproductive Health and Sexual Rights
Asian Forum for Human Rights and Development	International Centre for the Legal Protection of Human Rights
Asian Human Rights Commission	International Commission of Jurists
Asian Institute for Human Rights	International Human Rights Internship Program
Asociación Civil por la Igualdad y la Justicia	International Women and Mining Network
Asociación Comité de Familiares de Victimas de Violaciones a los Derechos Humanos " Marianella Garcia Villas "	International Women's Rights Action Watch Asia Pacific
Asociación Q'ukumatz	Jus Semper Global Alliance (The)
Association for the Reconstruction and Development of the Moko-oh People Cameroon	Justiça Global
Association for Women's Rights in Development	Justice, Development & Peace/ Caritas Commission
Association Nigerienne de Défense des Droits de l'Homme, Niger	Karimojong Community Child Welfare Initiatives
Association of Environmental Lawyers of Liberia	Kebetkache Women Development & Resource Centre
Avocats Sans Frontières	Kenya Human Rights Commission
BAOBAB for Women's Human Rights	Kenya Land Alliance
Bretton Woods Project	Kituo Cha Sheria (Center for Legal Empowerment)
Bulgarian Gender Research Foundation	Labour, Health and Human Rights Development Center
Bulgarian Helsinki Committee	Land Center for Human Rights
Butere Focused Women in Development	Lawyers for a Democratic Society
Canadian HIV/AIDS Legal Network	Legal Resources Centre
Center for Constitutional Rights	Legal Resources Centre Organization
Center for Economic and Social Rights	Mahila Sarvangeen Utkarsh Mandal
Center for Economics, Social and Cultural Rights Promotion	Maison des Droits de l'Homme du Cameroun
Center for Reproductive Rights	Masimanyane Women's Support Center
Center for Women's Global Leadership (CWGL)	Mazingira Institute
Center of Concern	Media Mobilizing Project
Centre d'Information Juridique/Femme Justice Aide	mines,minerals & PEOPLE
Centre for Applied Legal Studies	MiningWatch Canada
The Economic and Social Rights Centre (Hakijamii Trust)	Minority Rights Group International
Centre for Equality Rights in Accomodation	Mission Naya Nepal

Centre for Minority Rights Development	Mouvement pour le Progres de Roche Bois
Centre for the Sustainable use of Natural and Social Resources	Movement for the Survival of the Ogoni People
Centro de Apoyo Comunitario Trabajando Unidos	Movimento dos Atingidos por Barragens
Centro de Archivos y Acceso a la Información Pública	Multi-Initiative on Rights: Search, Assist, Defend
Centro de Asesoría Laboral del Peru	Nairobi Peoples Settlements Network
Centro de Capacitación y Desarrollo de la Mujer y la Familia	National Center for Advocacy Studies
Centro de Derechos Economicos y Sociales	National Economic and Social Rights Initiative
Centro de Derechos Humanos y Ambiente (Center for Human Rights and Environment)	National Fisheries Solidarity
Centro de Estudios Aplicados a los Derechos Económicos Sociales y Culturales	National Union of Domestic Employees
Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia)	Network Movement for Justice and Development
Centro de Estudios Legales y Sociales	Observatoire Congolais des Droits de l'Homme (OCDH),
Centro Mexicano de Derecho Ambiental A.C	Observatorio de Derechos de los Pueblos Indígenas
Charter Committee on Poverty Issues	Observatorio de Política Social y Derechos Humanos de INCIDE Social, A.C
Child Rights Information network	Office of Human Rights Studies, Mahidol University
Citizens for Justice	Ogiek Peoples Development Program
Collectif des Femmes du Mali	Pakistan Fisherfolk Forum
Comisión Colombiana de Juristas (Colombian Commission of Jurists)	People's Health Movement
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C.	People's Movement for Human Rights Learning
Commonwealth Human Rights Initiative Organization	Plataforma Dhesca Brasil
Community Law Centre (University of the Western Cape, South Africa)	Posco Pratirodh Sangram Samiti
Conectas Direitos Humanos	Poverty Initiative
Confederación Campesina Del Peru	Program on Human Rights and the Global Economy (The)
Conscience International, formerly People Against Injustice (PAIN)	Programa de Justicia Global y Derechos Humanos
Corporate Accountability International	Programa DESC, Universidad Diego Portales
Corporate Responsibility Coalition	Programa Venezolano de Educacion Accion en Derechos Humanos
Defend Jobs Philippines	Programme on Women's Economic, Social and Cultural Rights
Democracy and Workers' Rights Center in Palestine (The)	Project on Organizing, Development, Education and Research (The)
Democracy Center (The)	Proyecto de Derechos Económicos, Sociales y Culturales
Desarrollo, Educación Y Cultura Autogestionarios Equipo Pueblo A.C.	Rencontre Pour LA Paix Et Les Droits De L'Homme
Dignity International	Right to Education Project
EarthRights International	Rights and Accountability in Development
Eastern Africa Coalition for Economic, Social and Cultural Rights	Sahmakum Teang Tnaut
Economic and Social Rights Academic Network UK-Ireland	Samata
Economic, Social and Cultural Rights Asia Education and Research Association for Consumers Malaysia	Section 27
	Shelter Forum

Egyptian Center for Housing Rights	Social and Economic Rights Action Center
Egyptian Initiative for Personal Rights (EIPR)	Social and Economic Rights Action Center - Indonesia
Ekta Parishad	Social Rights Advocacy Centre
El Centro de Derechos Humanos de la Montaña "Tlachinollan"	Socio Economic Rights Initiative (formerly Shelter Rights Initiative)
EnGendeRights	Socio Legal Information Centre
EQUIS: Justicia para las Mujeres	Socio-Economic Rights Foundation
Equitable Cambodia	Socio-Economic Rights Institute of South Africa
Estudio Para La Defensa De Los Derechos De La Mujer	Sœurs Unies à l'œuvre
European Anti Poverty Network	South Africa Human Rights Non-Governmental Organization Network, Tanzania Chapter
European Roma Rights Centre	Southeast Asian Council for Food Security and Fair Trade
Federação dos Orgãos de Assistencia Social e Educacional	Spaces for Youth Development and Social Change (Spaces For Change)
Fédération internationale des droits de l'Homme	Stakeholder Democracy Network
Federation of Women Lawyers	Sustainable Development Foundation (SDF)
Femmes Cote d'Ivoire Experience	Take Back the Land
Food First Information and Action Network Organization	Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education)
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	Terra de Direitos
Foundation For Human Rights And Democracy	Thailand Burma Border Consortium
Foundation for the Conservation of the Earth	Tierraviva a los Pueblos Indigenas del Chaco
Frente Autentico del Trabajo	Tribunal de Mujeres y Derechos Económicos, Sociales y Culturales
Front Line - The International Foundation for the Protection of Human Rights Defenders	Uganda Environmental Education Foundation
Fundacion Emmanuel Internacional	Video Volunteers
Global Action on Aging	Waso Trustland Project, Kenya
Global Basic Income Foundation	WaterLex
Global Initiative for Economic, Social and Cultural Rights	Western Shoshone Defense Project
Habi Center for Environmental Rights	WITNESS
Habitat Int. Coalition-Housing & Land Rts. Network	Women and Law in Southern Africa Research and Educational Trust
Habitat Int. Coalition-Housing & Land Rts. Network	Women in Law and Development in Africa
Habitat Int. Coalition-Housing & Land Rts. Network	Women's Economic Agenda Project
Harvard Law School Project on Disability	World Forum of Fisher People
Heartland Alliance for Human Needs & Human Rights	World Organization Against Torture
Human and Environmental Development Agenda	Yiaku Peoples Association
Human Rights Centre at the School of Law, Queens University Belfast	Zi Teng
Human Rights Law Resource Centre	Zimbabwe Environmental Law Association
Human Rights Tech	Zimbabwe Women Lawyers Association
Inclusive Development International	

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