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Editorial

Welcome to the *ESR Review 1* of 2024, the first of two special issues on gender-based poverty, women and housing in urban areas.

These themes are timely and relevant not only for South Africa but the world at large – it is estimated that by 2050, the majority of people will live in urban areas. Even today, one in seven people live in deprived urban areas, a situation that is often reflected in the non-realisation of the right to adequate housing.

The focus on housing is important, as housing connects to gender-based poverty in urban areas in various ways. While adequate housing provides a person with a place to live in dignity and security, it also holds opportunity for income generation and serves a social function as a site for social exchange and gathering. These functions and assets of housing play a key role in urban areas, and are determined mainly by gender, race, and socio-economic status. The gender inequality inherent in political, legal, and social structures, as well as the legacy of apartheid, influences the socio-economic status of women in general and racialised women in particular.

In this issue, our first article, by Deborah Raduba and Adenike Fabohunda, contextualises the right to housing in South Africa from a historical point of view and demonstrates the limitations of post-apartheid law and policy in regard to tenure security for black women.

From the perspective of international human rights law, tenure security forms an important component of the right to adequate housing provided for in article 11(1) of the Covenant on Economic, Social and Cultural Rights. The right also has several other components, such as availability of services, materials, facilities, and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.

Our second article, by Mpho Raboane and Noziphiwo Sigwela, delves deeper into the challenges women face in accessing adequate housing, and highlights the multidimensionality of the issue linked to a number of those components. The third article, by

Justin Winchester and Ashita Alag, focuses on the implications of customary law and sketches out how to bridge the current gaps between customary and common law in South Africa, thus linking to the components of tenure security and cultural adequacy.

The intersections of gender, racialisation, and socio-economic status are at the heart of the topic of gender-based poverty, women, and housing in urban areas. Multiple forms of discrimination create a unique experience, conceptualised as ‘intersectional discrimination’, which is greater than the sum of each of the multiple forms of discrimination on their own. Based on a feminist perspective, the current international human rights legal framework is often criticised for not being able to adequately address intersectional discrimination, thus leading to gaps and limitations in addressing gender-based poverty and the right to housing.

The fourth article is a policy analysis in this issue, written by Pamela Masiko-Kambala, the Director of Infrastructure Policy and Research of the Western Cape Department of Infrastructure, explains how intersectional discrimination can be addressed in practice and how the Department uses gender mainstreaming in its programme for upgrading informal settlements and, in particular, within its participation processes.

The need for affected people to participate in decision-making processes is, indeed, a common denominator of all four of the contributions: participation is a key ingredient for finding adequate solutions in relation to the right to housing and intersectional discrimination. Moreover, the international human rights framework itself emphasises the need for people affected by poverty, and for women in particular, to be included more effectively in decision-making processes.

These ideas are underlined in our fifth article, an interview with Mymoena Scholtz, the director of the non-profit organisation Where Rainbows Meet, which is based in the informal settlement of Vrygrond, Cape Town. Scholtz stresses the importance that participation and community organisation have as

tools for addressing the multifaceted challenges surrounding housing in urban areas. In the interview, she makes it clear that unsafe living conditions and location far away from social infrastructure and services exclude people living in informal settlements from participating in society and accessing social and income opportunities.

Indeed, the Special Rapporteur on Extreme Poverty and Human Rights has recognised social exclusion as one of the critical manifestations of poverty. In a multidimensional understanding of poverty, the latter has several dimensions, with these relating to income, capabilities or development, and participation – social exclusion is closely bound up with the dimension of participation. As such, participation should not only be viewed as a process-related issue determining how housing policies should be developed, but should also be looked at from a substantive point of view.

A human rights approach to gender-based poverty, women and housing in urban areas should thus be mindful of how housing can strengthen the social inclusion of women affected by gender-based poverty. These topics are explored further in our second issue, dealing with the challenges faced by women in realising their right to housing in urban areas. This second issue of ERS Review highlights specific questions relating to the social function of housing, such as location, gender-based violence, spatial segregation, and the criminalisation of homelessness – all of which may be drivers of exclusion.

Kelly Bishop
Guest Editors

Inspired by these valuable contributions, and drawing on my Swiss socialisation and academic background in international and human rights law, I have aimed in this editorial to add a different perspective on the topic of gender-based poverty, women and housing in urban areas. I believe these discussions are not only helpful in enhancing understanding and developing solutions within the South African context, but have the potential to inform international policy developments as well.

I look forward to the continuation of these conversations, and thank the Socio-Economic Rights Project at the Dullah Omar Institute for the opportunity I have had to learn from the numerous experts, academics, and practitioners contributing to this special issue of the ESR Review.

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