



# National Homeless Network

20 March 2020

To: Adv Tseliso Thipanyane  
Chief Executive Officer  
South African Human Rights Commission  
33 Hoofd Street, Braamfontein  
Johannesburg

cc: Regional offices of SAHRC

**Re: Systematic Abuse of the Rights of Homeless Citizens**

Dear Adv Thipanyane

We are a network of organisations working with homeless people in every major city in South Africa, bringing together the voices of NGOs, faith-based organisations, academic institutes and homeless people themselves. We are writing to ask the SA Human Rights Commission to initiate an investigation into the persistent human rights abuses experienced by homeless citizens at the hands of law enforcement and private security.

Between us, we interact with tens of thousands of homeless men and women on a daily basis, providing them with access to nutrition, sanitation, shelter, healthcare, counselling, rehabilitation, training and employment. We are thus well informed about the reality of their lives and the indignities they suffer.

In the past few years, we have been pleased to work closely with some arms of Government who do recognise the rights of homeless men and women. The Independent Electoral Commission collaborated with members of this network to ensure that eligible homeless people were registered as voters for the May 2019 elections; and StatsSA is committed to partnering with us to ensure that the 2021 census accurately includes the homeless.

But we constantly hear reports of ways in which the rights of homeless people are undermined by the actions of security forces: members of the South African Police Service, metropolitan law enforcement, and private security firms.

We have heard repeated accounts of homeless people experiencing the following:

- Being abducted without arrest or charge and transported against their will;
- Theft or destruction of belongings including prescription medicines and identity documents;
- Physical, mental and sexual abuse under the guise of 'keeping the peace';
- Refusal to accept complaints of criminal ill-treatment at the hands of other citizens;
- Refusal to accept complaints of criminal ill-treatment at the hands of the police, law enforcement or private security personnel;
- Excessive use of violence by police or municipal law enforcement officers when conducting a search or arrest
- Being arrested for "source of danger", with no clear justification for the basis of arrest

Of course, there are also many positive rights – to housing, to healthcare, to food and a healthy environment – that are not realised for homeless people and that we continue to champion. But it is even more shocking when the actions of Government-funded agents are under-mining even the negative rights that homeless people should expect.

A number of rights that other South Africans can now take for granted are ones that homeless people still do not enjoy and often are deprived of because of the actions of law enforcement personnel:

- The right to dignity and equality
- The right to life
- The right to security of the person
- The right to privacy
- The right to property
- The right to just administrative action and access to the courts

The repeated nature of the allegations and the patterns of abuse that we see suggest that the indignities suffered by the homeless are not the result just of 'rogue officers'. We believe that they are part of a systematic refusal on the part of security forces to honour the rights of homeless people. A few recent legal cases have clarified what security personnel are and are not entitled to do, but we still hear about regular actions in different cities that undermine the rights of the homeless.

In each major city, because of the close interaction with the homeless that each of our members enjoys, we are able to provide you with more specific examples. We can also give your investigators the opportunity to interview members of the homeless community who have suffered in this way. In some cities, we have been working with legal professionals to bring together a more systematic body of evidence. We are especially pleased to be working in partnership with the Navi Pillay Research Centre at the School of Law at UKZN and have received a personal endorsement for this work from Justice Navi Pillay herself.

This week on Human Rights Day we will remember the anniversary of the Sharpeville massacre. This was a day when ordinary South Africans were turned on by the very police who were supposed to protect them. But sadly, 60 years after Sharpeville, this is still what many homeless people experience in our cities today.

We urge the South African Human Rights Commission to take this complaint seriously and initiate an investigation into this matter. Homeless Rights are Human Rights.

Yours sincerely,

### **The South African National Homeless Network**

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<http://homeless.org.za/national-homeless-network/>

including:

Bloemfontein: Towers of Hope

Cape Town: U-Turn, Africa Criminal Justice Reform, Community Chest, Ladles of Love, Lawyers for Human Rights, Streetscapes, Souper Troupers, Sea Point for All, Thandanani – help one another, Triangle Project, Ubuntu-Circle-of Courage, Women’s Legal Centre

Durban: Denis Hurley Centre, i-Care, We Are Durban

Johannesburg: Fountains for the Thirsty, Homeless Writers Project, JOSH, Madulammoho Housing Association, Mould Empower Serve (MES), Rosebank Homeless Association,

Pietermartizburg: Life Changer

Pretoria: Centre for Faith and Community at the University of Pretoria, Homeless Upliftment Projects, Tshwane Leadership Foundation