

FEATURE

The Multifaceted Challenges of Women's Access to Adequate Housing in South Africa : A Gendered Analysis

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Introduction

The Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights (CE-SCR) guarantee fundamental rights to all people. These rights are set out as colourless, genderless, and classless, but in reality are seldom realised by marginalised groups in society. Human rights, that is to say, are not a universal entitlement enjoyed by all. They often operate to the exclusion and detriment of large segments of the population that bear the brunt of poverty, discrimination, and violence by virtue of their gender.

This is an acute reality in Africa, and continues to be the case in middle-income South Africa, notwithstanding its post-apartheid constitutional order. The Bill of Rights of the Constitution of the Republic of South Africa aspires to advance the equal rights of all, particularly women. Section 9 of the Bill of Rights aims to protect individuals from unfair discrimination based on gender, marking a significant step towards a more equitable and just society.

In particular, sections 25(5) and 26(1) draw special attention to equitable access to land and the 'right to have access to adequate housing', respectively. The Housing Act 107 of 1997 accordingly emphasises giving priority to the housing needs of the poor, ensuring affordability, and prohibiting discrimination based on gender or other unfair grounds. It also recognises the importance of protecting vulnerable groups, including women, and upholding the right to equality.

The above provisions are attempts to address the historical suffering of women, which to a large extent was state-facilitated through apartheid legislation as well as socially practised in the form of discrimination promoted by cultural practices and traditional laws. This

history continues to play a formative role in determining where, how, and whether women of colour can access land and adequate housing today.

As in South Africa, formal gender equality is recognised worldwide in numerous constitutions, laws, and international commitments, but in practice, large gender equality gaps remain due to entrenched attitudes and power structures. As a result, women are condemned to societal, economic and cultural structures that impede substantive equality in the provision of shelter, security, dignity and ultimately, prosperity. As McLean & Chenwi (2009, p 517) note:

A gendered, or feminist, perspective on women and housing focuses on the lived reality of poor women and women-headed households, and the survival strategies employed by these women. It also provides a critique of how existing laws, policies, and social practices perpetuate their situation.

Through this lens, this article attempts to locate women in the struggle against the barriers to realising rights of access to adequate housing and equitable access to land. Outlining these barriers, we draw lessons from women who have fought for the recognition of

Gender-based violence

In South Africa, a real barrier to access is in the very homes or immediate communities of women and girls (Amnesty International 2021). Gender-based violence (GBV) poses a substantial impediment to the attainment of secure and sustainable housing for numerous women. Survivors of domestic violence encounter challenges in securing safe housing alternatives that offer protection from their abusers, compelling them to remain in proximity to their perpetrators.

The dearth of resources confines many women to limited choices, potentially pushing them into homelessness or precarious living arrangements, including informal housing. These risks were heightened during the Covid-19 pandemic, when the home became the most dangerous place for women and girls and restrictions on movement meant survivors were unable to escape abuse (Amnesty International 2021).

The Committee on the Elimination of All Forms of Discrimination against Women recommends that states 'ensure access to financial aid, crisis centres, shelters, hotlines and medical, psychological and counselling services' (Committee 2015: para 16). Less addressed in such recommendations is the inadvertent reinforcement of power asymmetries in removing survivors rather than perpetrators from the home and placing them in situations of transience.

Criminal sanction is a means of addressing this injustice, but the South African criminal justice system is notoriously slow and ineffective in GBV matters (Public Protector 2024). Women therefore experience highly insecure tenure situations, with laws and policy being silent on the displacement and transience imposed on women by violence. Emergency provisions must thus provide for a way toward long-term tenure security, which serves both as a stabilising factor and a means of protection.



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Economic barriers

Urbanisation has laid bare an artificial land scarcity, particularly near economic centres and highly valued land. Access in these instances is barred by socio-economic status, with the majority of poor people in South Africa being women. Economic barriers to entry automatically exclude women from the propertied classes while forcing them to the frontlines of informality, a predicament that attracts criminalisation and further social exclusion.

Women comprise about 53.1 per cent of South Africa's informal settlement population (Mntambo et al. 2024). In 2021, 42.1 per cent of informal settlement households were female-headed. Furthermore, 56.2 per cent of those households had no employed household members, while the highest labour force participation was male (Stats SA 2022). Income inequality and financial constraints significantly impact on women's ability to access adequate housing. This barrier is multifaceted and rooted in systemic disparities that disproportionately affect women's economic standing.

Income disparities between genders

'The gender wage gap is a national disgrace,' said the Institute of Women Policy Research (IWPR) (2024) president and CEO, Jamila K. Taylor:

Even in professions typically dominated by women, men earn more for doing the same job. Equal pay for equal work has been the law of the land for more than a half-century, yet women still cannot get fair treatment when it comes to employment and earnings. And it's worse for women of colour, who face rampant racial discrimination in the workforce in addition to ongoing pay inequities.

According to the International Labour Organization (2023), South African women earn about 23 per cent less than men on average, while the South African PayScale Gender Pay Gap Report (2022) indicates that women in South Africa earn about 25 per cent less than their male counterparts. This wage disparity is not just a figure but a fundamental factor that translates into reduced purchasing power and savings for women. Lower earnings mean that women often have less disposable income, which directly affects their ability to afford housing. Whether they are considering renting or buying a home, this wage gap creates a significant barrier to accessing quality housing options.

Beyond wage gaps, occupational segregation plays a critical role in limiting women's financial capabilities. Women are disproportionately represented in lower-paying and less stable job sectors. Many are employed in part-time, informal, or precarious positions that lack job security and benefits. This over-representation in unstable employment limits not only their earning potential but also their ability to save and invest in housing, thus further entrenching their housing insecurity.

Access to credit and financial services

Access to credit is another significant hurdle for women seeking housing. Libertun (2021) argues that financial institutions often exhibit systemic biases that make it harder for women to obtain loans and mortgages. These biases, coupled with women's generally lower income levels and less collateral, restrict their access to essential financial products. Without adequate credit, women struggle to secure the financing necessary for purchasing homes or managing rental payments, factors which are crucial for long-term housing stability.

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Economic dependency and single-income households

Many women, particularly single mothers, head single-income households. These households face the dual challenge of relying on a single income while bearing the entire financial burden, which significantly restricts their housing options. The situation is further complicated for women who depend on male partners or family members for financial support. Such dependency can limit their autonomy and access to housing, especially in cases of domestic violence or relationship breakdowns, where women may need to seek new housing urgently and independently.

The cumulative impact of these economic challenges manifests in various forms of housing insecurity for women. Lower incomes and financial constraints often lead women to live in unstable housing conditions. They may be forced into substandard housing, face frequent risks of eviction, or even experience homelessness. Financial constraints also often result in women living in overcrowded or poor-quality housing, which can severely affect their physical health and overall well-being. Such living conditions undermine their ability to provide a safe and stable environment for themselves and their families, exacerbating the cycle of poverty and housing insecurity.

Absenting women from the creation of space

Urbanisation has taken the character of informality and the face of a black woman, betraying the fact that planning, development, and both private and public sector provision of housing invisibilise her, her family and their need for inclusion in our cities.

A study by Ovens & Associates (2007) on the assessment of planning skills reveals a persistent gender disparity in the planning profession, with a disproportionate representation of male graduates compared to their female counterparts. This imbalance is noteworthy given the critical role that planners play in shaping policies and guiding urban and rural development. The

planning profession, which is responsible for creating and implementing policies that impact on the built environment, continues to be dominated by men, raising important questions about the representation and inclusion of diverse perspectives in the field.

This lack of representation of various stakeholders in planning processes, particularly vulnerable socio-economic groups such as women and children, is highlighted by Greed (1994), who contends that the planning profession is gender-biased, serving as an instrument for men to control spaces and consequently be seen as heroes of the landscape.

Greed (1994) advocates for the incorporation of gender considerations into planning, emphasizing that a better understanding of the challenges faced by women can lead to the development of gender-inclusive policies.

Watson (1999) recommends that gender-sensitive planning should ensure that policies balance the agendas of both men and women to create equal opportunities. Hayden (1980) stresses the importance of including women in planning and policy decisions such as zoning and land use, as these directly impact on the livelihoods of all individuals regardless of gender. Certain housing policies may unintentionally disregard or inadequately address the specific needs of women, particularly those from marginalised communities, often due to a lack of gender-sensitive planning and consideration in policy formulation and execution. The current gap in planning policies also points to a failure to recognise the roles and responsibilities of women in relation to land and the home.

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Women, land rights, and cultural impacts

Matriarchal systems are arguably more attuned with the land than patriarchal ones, with the earth itself assigned a feminine identity in concepts such as terra madre and Mother Earth. The generative force of reproduction in the land and in the home has traditionally lain in women’s hands. This was disrupted by colonial and post-colonial private property legislation, as well as patriarchal concepts of land ownership, commodification, and capitalist land valuation, all of which has resulted in land scarcity.

Women, who have been profoundly dispossessed of their function as guardians of land, are now consistently less likely than men to own land and to have fewer rights to land than them, while the land they do own or have access to is of lower quality than men’s (FAO 2011).

Women and daughters are often denied opportunities to inherit land due to the belief that land can be accessed only through marriage (Moyo 2017). In many South African communities, the inheritance of land and property is typically reserved for male relatives, leading to the marginalisation of women, especially when it comes to inheriting so-called ‘family houses’ in an urban context.

Notwithstanding the landmark Bhe case (cited in Bolt & Masha, 2019), which declared male primogeniture unconstitutional, we contend that this principle remains the dominant paradigm in family house succession, with male ultimogeniture emerging as a secondary alternative. Although the application of male primogeniture is not absolute, and consideration is often given to the housing needs of surviving family members, a persistent bias in favor of male offspring as preferred custodians of inherited property is discernible.

Moreover, research suggests that even when a male heir who has inherited the family residence is married, the surviving spouse is frequently subjected to intimidation and coerced into vacating the family home upon his

demise. This phenomenon can precipitate protracted legal disputes or, more egregiously, the wife's relinquishment of her property rights. This pattern underscores the entrenched influence of patriarchal norms in shaping inheritance practices, exacerbating the vulnerability of women's property rights in the face of deeply ingrained gender biases.

Although women comprise the majority of participants in social movements advocating for housing rights, men predominantly hold leadership positions. This gender disparity raises critical concerns about the representation and prioritisation of women's issues within these movements.

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Culturally, men are often perceived as natural leaders, perpetuating a patriarchal dynamic that may overshadow women's voices and concerns. As a result, there is a risk that women's specific needs and perspectives may be marginalised or overlooked despite their being the majority stakeholders in the movement. This highlights the need for intentional efforts to amplify women's leadership and ensure their issues are prioritised and addressed.

Improving women's access to and control of economic resources has a positive effect on the realisation of a range of human rights, such as the right to adequate housing provided for in article 11(1) of CESCR, the right to non-discrimination in economic and social life in articles 3 and 13 of CEDAW, and the right to equal treatment in land resettlement schemes, as provided for in article 14(2)(g); improvements in this regard also serve a range of development goals, including poverty reduction and economic growth (FAO 2011).

Indeed, women are at the strategic centre of reducing hunger, malnutrition, and poverty, as they play a central

role in household food security, dietary diversity, and children's health. Moreover, in the urban context, we argue that women hold the key to community-building – which is a cardinal tenet of social and spatial transformation.

Women in the struggle for land and housing

Women, having faced the obstacles above, are now at the helm of social movements fighting for decent housing and access to land. One such activist, a single mother and community leader in Haven View, Cape Town, asserts that her activism is rooted in changing the material conditions for herself and children.

'I do not want my children to inherit poverty from me,' she says. Having been failed by the state, she has implemented an eco village in her community that promotes food security, self-reliance and climate-conscious practices. Her premise is that all change starts from having a 'base', a secure place to be. Through the act of occupation, she has been freed of the monetary impediment to accessing land, namely having to pay feudalistic tributes to a landlord. She has liberated herself from being at the mercy of another, especially in situations of unemployment and unequal economic opportunity. Her self-reliance has not detracted from her work of keeping the state accountable, work she continues under the banner of her movement, Housing Assembly.

Similarly, the women who lead the occupations of Ahmed Kathrada House in Sea Point and Cissie Gool House in Woodstock are testament to the liberatory potential of women accessing land and housing and the positive multiplier effect of benefiting whole communities and bringing about societal change.

These women have fearlessly led the struggle to access valuable and highly contested land in their respective areas, thereby confronting the capitalist machinery that operates to negate the social value of land. These women have created spaces for households to thrive and rebuild their lives after eviction or endemic homelessness and landlessness. They have created hope through programmes, feeding schemes, and

political leadership to house residents, converting once-empty and derelict state buildings into homes for almost 2,000 people.

The occupations thus stand as beacons of hope demonstrating the centrality of location for a dignified life. Better access to amenities, economic opportunities and resultant employment and better quality of life are but some of the stories to be told as a result of occupation, albeit that these victories come with challenges. What was once a political standpoint has become the self-attained realisation of sections 25(5) and 26 of the Constitution.

Conclusion

The analysis here highlights the multifaceted challenges faced by women in accessing suitable housing in South Africa, despite the protective measures outlined in the Constitution and subsequent legislation. Economic constraints, discrimination, social and cultural norms, and gender-based violence collectively contribute to housing insecurity for women, perpetuating gender inequalities and violating universal human rights of equality, notably the right to adequate housing provided by articles 11(1) of the CESC and 14(2)(h) of CEDAW.

Women have thus had to forcibly take up space, undertaking a redistributive agenda outside of the state albeit legally unrecognised and therefore insecure. The state's redistributive policies have acknowledged the need to focus on marginalised people and women, as discriminatory practices against women acquiring property and accessing land impact on half of South Africa's population. The act of occupying land, specifically as it finds manifestation in the South African context, necessitates weaving together households from different walks of life with only a need for a place of belonging in common for the well-being of all.

Overall, addressing these complex challenges requires a comprehensive approach that takes into account not only legislative reforms and policy improvements but also shifts in societal attitudes, economic empowerment, and concerted efforts to combat GBV. These approaches should learn from and be centred on the experience of women from the village to the

occupation in addressing questions of equitable access. Specifically, the heart of the urban redistributive project should be the promotion of women's access to land, property and economic opportunities. Securing a woman's rights of access will be the rebuilding of our nation's relationship with land, space, and the concept of home.

Only through an intentional and holistic approach can South Africa make meaningful progress towards ensuring that all individuals, especially marginalised women, have access to adequate and dignified housing, as provided for in international human rights law such as the ICESCR and CEDAW and mandated by the Constitution.

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