

on the sexual and reproductive health and rights of women; likewise, there is a need to redefine 'consent' in the context of procedures such as sterilisation and view it as a 'process rather than an event'.

Participants also expressed strong views about revisiting the prescription period for matters of involuntary sterilisation, given the attendant psychological effects this has on women. It was the general consensus that involuntary sterilisation of women and its continued practice is indicative of the unequal power balance in society, an imbalance that perpetuates the cycle of violation of rights.

Roundtable discussion on 'just cities'

On 13 September 2017, the Socio-Economic Rights Project (SERP) at the Dullah Omar Institute at the University of the Western Cape organised a roundtable focusing on challenges to South African cities' being 'just cities' – cities that use their constitutional and economic clout to enhance the well-being of all city-dwellers in an inclusive and developmental manner.

One of the most visible nature of South Africa's system of multi-level government is the increasing role of metropolitan and secondary cities. The South African city is a microcosm where high economic potential, rapid immigration, urban poverty, environmental degradation and diversity are combined in a local state with constitutionally protected powers. Driven by the need to address urban problems and afford opportunities, cities are asserting their constitutional and economic power and being forced to be at the forefront of devising new strategies to deal with informality.

South Africa's cities thus have significant potential to enable poor and working-class people to advance economically and socially.

At the same time, the conduct of cities in addressing informality (by, among other things, upgrading informal settlements and evacuating dangerous buildings) is coming under the legal spotlight owing to a spate of court judgments relating to the right of access to housing and other socio-economic rights.

The roundtable discussion, facilitated by Gladys Mirugi-Mukundi of the Dullah Omar Institute, had three expert panelists: Dr Margot Strauss (SERAJ, Faculty of Law, Stellenbosch University), Prof. Jaap De Visser (Dullah Omar Institute), and Dr Rike Sitas (African Centre for Cities, University of Cape Town).

In a presentation entitled 'Understanding housing, as if space and justice matter', Dr Strauss observed that despite improvements in the state-subsidised housing programme, human settlements in South Africa continue to be developed without the necessary preplanning requirements for township establishment and the requisite infrastructure and services for making them functional and sustainable. In the lived experience of citizens, human settlements remain fragmented, with poor households being situated – 'dislocated' – in outlying areas. Although the combination of spatial planning, human settlements and housing is intended to redress past imbalances and urban segregation, there is a need, according to Dr Strauss, for alternative thinking to complement the emphasis on law in general and planning laws in particular.

Prof. De Visser's presentation, 'Just Cities and SPLUMA: Business as usual?', focused on the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, which provides a framework for spatial planning and land use management in South Africa. In accordance with this framework, all spheres of government must prepare spatial development frameworks. Consistent with the requirements of SPLUMA, both national and provincial Spatial Development Frameworks for Human Settlements must be developed to ensure integration of services, infrastructure and economic development.

Dr Sitas's presentation, entitled 'Realising Just Cities', stemmed from a joint project in which she is involved. She suggested that in order to realise just cities, academics, researchers, city officials, urban planners, legal practitioners and community members need to comprise a 'talking lab', one in which the different stakeholders and participants adopt a multi-dimensional approach and complement in each other in working towards 'a vision of a just city'.

The roundtable discussion provided an opportunity for academics, community-based organisations, NGOs, policy-makers and stakeholders to deliberate on the challenges of realising 'just cities.' The presentations stimulated much discussion on how cities can overcome problems of spatial justice; the need for greater understanding of SPLUMA; the role of the courts and jurisprudence in advancing spatial justice; and practical examples of 'just cities' around the world.



Updates

CEDAW Committee adopts General Recommendation 35 on Violence against Women

Twenty-five years after its adoption of General Recommendation 19 on violence against women, the CEDAW Committee on 14 July 2017, adopted General Recommendation No. 35 on gender-based violence against women. This serves as an update of General Recommendation No. 19. The new General Recommendation among others establishes new standards on various aspects of violence against women, including its implication for sexual and reproductive health and rights, the need to change social norms and stereotypes that support violence, explicitly defining different levels of liability of the State for acts and omissions committed by its agents or those acting under its authority and for failure to act with due diligence with a view to prevent violence against women. It urges states to take concrete measures to repeal laws and policies that condone violence against women. The Committee notes that violence against women may interfere with the enjoyment of other rights such as life, dignity, health, liberty and security of the person, equality and equal

protection within the family and freedom from torture, cruel, inhumane or degrading treatment. More importantly, in acknowledging the intersectionality of violence against women, the Committee notes that ‘violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed’.

The General Recommendation is available here http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en

Report of the UN Special Rapporteur on the Right to Safe Drinking Water and Sanitation on service regulation

During the 36th Session of the Human Rights Council in September 2017, the UN Special Rapporteur on the right to safe drinking water and sanitation presented a report focussing on service regulation and the human rights to water and sanitation. The report notes that articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights obligate States to take deliberate, concrete and targeted steps to establish a regulatory framework for water and sanitation service consistent with State’s obligations to respect, protect and fulfil these human rights. The report notes that while adopting regulatory frameworks on water and sanitation, states must safeguard provision of services to homeless people, dispersed communities, and to victims of situations of armed conflict, emergencies, natural disasters or climate change effects. It further notes that states must ensure that regulation does not in any way interfere with the enjoyment of affordable services to vulnerable groups. It specifically notes that all service providers-state and non-state actors- must comply with the state regulatory framework. In particular, non-state providers of services do have human rights responsibilities to observe.

The reports of the Special Rapporteur are available here <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/Annual-Reports.aspx>

The ESR Review is a quarterly publication that aims to inform and educate politicians, policymakers, NGOs, the academic community and legal practitioners about key developments relating to socio-economic rights at national and international levels. It also seeks to stimulate creative thinking on how to advance these rights as a tool for poverty alleviation in South Africa and abroad.

Contributions:

should reflect contemporary debate or spark new debate;
 should be opinion pieces or serve an advocacy function, rather than simply stating legal principles or being descriptive in nature;
 should not be on a topic already published in the ESR Review, unless they take the debate forward;
 should not be a marketing exercise for a particular project or programme; and should be written in a simple, clear style that avoids technical language and legal jargon where possible, taking into account that the ESR Review is read by both legal practitioners and grassroots human rights organisations.

Send contributions in electronic format (MSWord) to serp@uwc.ac.za. Provide your full name and present position. Titles and qualifications are not necessary.

If the article has already been published elsewhere, give full details, including whether it has been shortened, updated or substantially changed for the ESR Review and whether the required authorisations have been granted.

Length

Contributions should be no longer than 3 000 words, except contributions for the Events section (1 500 words) and the Publications (Book Review) section (1 000 words).

Previous issues of the ESR Review are available online: <http://dullahomarinstitute.org.za/socio-economic-rights/esr-review>



Call for contributions to the ESR Review

The Socio-Economic Rights Project of the Community Law Centre at the University of the Western Cape welcomes contributions to be published in the ESR Review.