



THE ROLE OF THE OMBUDSMAN FOR AN ENHANCED QUALITY OF LIFE



In celebration of International Ombuds Day 2023 and to facilitate two-way interaction between residents, our office and the City of Johannesburg, the Ombudsman, Advocate S'du Gumede hosted our first webinar on 19 October 2023, under the theme "The Role of the Ombudsman for An Enhanced Quality of Life".

This webinar enabled us to enhance our existing communication channels (making our services even more accessible) and educate the public about the role of our office in the delivery of efficient and equitable municipal services by the City of Johannesburg and the value it brings to local government and the constituents it serves.

Although the City possesses a progressive legislative framework for service delivery, there remain notable disparities in access to basic services, such as sanitation, housing, refuse and waste removal, particularly in underprivileged communities. This formed the basis of our discussions, which were centered around key topics such as basic human rights, improved citizen participation and engagement, administrative justice, effective dispute resolution mechanisms and improvements within the administrative arm of the City.

Overall, we were able to bring together individual and collective action with real-time access to mechanisms to report issues to our office and ultimately contribute towards the acceleration and improvement of service delivery outcomes.

Note: With digital citizen engagement having recently emerged as an effective and efficient communication tool between multi-stakeholder groups involved and affected by service delivery, we hope to host more sessions with the broader communities. For regular updates, please like and follow us on X (@jhbombudsman) and Facebook (Joburg Ombudsman).

FRIENDS OF THE JOHANNESBURG CEMETERY HELP TO PRESERVE THE CITY'S HERITAGE (BURIAL) SITES

The Office of the Ombudsman believes in establishing and strengthening relationships with a multitude of stakeholders within the City of Johannesburg, to ensure that the allocation of basic services is delivered equitably and efficiently. One such example is our engagement with the Friends of Johannesburg Cemeteries (FOJC), which saw the office embark on a cleaning drive at the Brixton Cemetery, as part of FOJC's weekly clean-up campaign.

Cemeteries carry a rich past and as with many cities, Johannesburg's history can be traced across thirty-five of its burial sites, dating back as far as the Witwatersrand Goldrush in 1888. Managed by the Johannesburg City Parks and Zoo, many of these heritage cemeteries are home to several struggle heroes who have been laid to rest in various sites across the City of Johannesburg.

In 2022, several issues ranging from water leaks and the maintenance of ablution facilities to security concerns and the general upkeep of the Braamfontein and Brixton heritage cemeteries were brought to the attention of the Ombudsman, Advocate S'du Gumede by the Friends of Johannesburg Cemeteries, leading to an own-instance investigation into the structural integrity and security of all the cemeteries within the City of Johannesburg, conducted by the Office of the Ombudsman.



Image: Dilapidated headstone structures at the Brixton Cemetery

This required discussions with the relevant city-owned entities viz., Johannesburg City Parks and Zoo, City of Johannesburg's Health and Development Department as well as Johannesburg Water to agree and honour the recommended remedial actions brought forward.

With so much history, we hope that through our ongoing engagement with the respective entities and FOJC partnership with Johannesburg City Parks and Zoo, we will work together to not only restore the integrity of all the cemetery sites but also honour the memory of state heroes and thousands of loved ones lost by many families, who have made these burial sites their final resting place.





PUTTING THE SPOTLIGHT ON EVICTIONS

Recently, the Office of the Ombudsman was invited by PR Councillor Lawrence Baloyi to address residents from Protea Glen in Soweto on the contentious issue of evictions. We were joined by our colleagues from the Socio-Economic Rights Institute of South Africa (SERI), a non-profit organisation that works extensively with evictions and human rights-related matters.

The basic right to adequate housing is an important human right that is recognised in the Constitution as well as various international human rights instruments as it ensures that people can have a safe place to eat, sleep, relax and raise a family in a dignified manner.

Human rights are indivisible and interdependent, so the right to adequate housing cannot be separated from other rights such as water, sanitation, and healthcare. And while the state is required to take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right, the unfortunate reality of our country is that the average person's rights are seldom realised nor protected.

Evictions are not a unique phenomenon in the City of Johannesburg; every year, we see thousands of families forced out of their homes by various government structures, private organisations, and individuals across South African cities.

So, what does the law say about evictions?

Parliament enacted several laws, such as the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act) which prohibits unlawful evictions and makes it a criminal offense for any person to unlawfully evict anyone. In fact, anyone found guilty of unlawfully evicting anyone (or evicting anyone in an unfair or inhumane manner) is liable to pay a fine or imprisonment not exceeding two years.



Adv. S'du Gumede (Ombudsman) and Adv. Livhwani Tshiwulule (Acting Executive Manager: Legal) in Protea GlenD

The role of the Department of Housing

Social housing must adhere to the general principles laid down in the Housing Act, 1997 (Act 107 of 1997) Part 1 Section 2, as well as in relevant sections of subsequent legislation such as the Rental Act, 1999 (Act 60 of 1999). In addition, the policy must be read in conjunction with the White Paper on Housing (1994), the Urban Development Framework (1997), and the National Housing Code. The Social housing policy is underpinned by the following principles:

- Must support the economic development of low-income communities by ensuring that they are close to job opportunities, markets, and transport and stimulating job opportunities for emerging entrepreneurs in the housing services and construction industries.
- Social housing must encourage and support residents in their efforts to fulfil their own housing needs in a way that leads to the transfer of skills and empowerment. Residents must receive education, training, and information sharing before occupation and this must be done throughout the process so that residents can make informed decisions about their housing and protect themselves as responsible housing consumers.
- Social housing is based on mutual respect for the rights of tenants and owners, and the speedy resolution of conflicts that may arise. Social housing institutions and the Government need to cooperate to develop a consensus on roles and responsibilities, educate all parties on these roles and responsibilities, and allow for effective implementation of the contractual obligations of all parties.

The role of the Office of the Ombudsman

As an independent and impartial institution, our core mandate is to (a) receive and proactively investigate complaints of alleged maladministration, and unfair treatment of residents and (b) raise awareness of human rights-related issues in and around the communities in which we serve; helping to ensure a sense of accountability and fair treatment of residents by public officials in the City of Johannesburg.

For feedback and/or suggestions, please email the editorial team at editor@joburgombudsman.org.za.

