



PRESS RELEASE
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CITY OF CAPE TOWN PROPOSES EVEN STRICTER MEASURES AGAINST STREET PEOPLE

In a shocking response to the [High Court and Equality Court challenge launched](#) by eleven people experiencing homelessness, the City of Cape Town has [proposed amendments](#) to the [By-law relating to Streets, Public Places and the Prevention of Noise Nuisances](#) (2007) ('the Streets By-Law') that increases the powers of Law Enforcement officials:

- “to remove any obstruction to the safe or free passage of a pedestrian or motor vehicle”;
- direct that a street person “leave and remain out of a specified public place”;
- “arrest a person, who commits an offence in terms of the By-Law”; and
- “impound, in accordance with the City’s Standard Operating Procedure on the Impoundment of Goods and Animals, 2012, any materials used for the making of transient structures or camping overnight.”

It states that “the power to arrest ... may only be exercised in respect of a contravention of section 2(3)(m) if the person has refused to accept an offer of alternative shelter.”

These amendments are similar to the amendments to the By-law that the City sought to introduce last year to which Ndifuna Ukwazi [objected to](#). The City of Cape Town is now again determined to increase its power to remove street people from all public places, arrest them for living on the streets, and confiscate personal materials used for shelter and livelihood. The power to arrest someone without shelter directly and explicitly criminalises homelessness. This is a significant increase of power compared to the current Streets By-Law, which only empowers Law Enforcement to impose compliance notices and issue fines.

According to the [expert evidence](#) of [U-turn](#), there are approximately 14 357 people living on the streets of Cape Town, but only 2 473 beds in the City’s shelters. In other words, there are five times more people struggling with homelessness than there are shelter beds. It will therefore be impossible for a person who experiences homelessness to comply with the amendments which means they will be perpetually subjected to arrest, harassment, victimisation and illegal eviction.

We call on Cape Town residents to stand with the eleven applicants and resist these authoritarian police measures. Uphold the dignity of street people and have your say by commenting on the proposed By-Law amendments by **30 June 2021**. The City of Cape Town needs to hear that it is not a crime to live on the street and that these amendments should be rejected.

According to Carin Rhooide Gelderbloem, one of the applicants in the constitutional challenge against the City of Cape Town:

“These amendments will make our lives even worse. It means that we won’t even be able to walk down the street without the threat of being arrested. There simply aren’t enough shelter beds in Cape Town for someone to comply with this By law. What does the City of Cape Town expect will happen when all street people have a criminal record or are in jail? How will this resolve the complexities of homelessness in Cape Town? This By law amendment has been introduced to serve the rich.”

Our clients maintain that a punitive, criminal justice approach to addressing the complex issue of homelessness in our society is an unsustainable, counterproductive and dangerous response. Criminalisation will never resolve a person’s marginalisation. Rather, it will exacerbate it and deepen their systemic disadvantage. The City’s divisive approach in treating those struggling with homelessness like criminals doesn’t address the root causes of homelessness, such as poverty, inadequate affordable housing, a lack of state assistance, mental health issues, substance-abuse, and discrimination. It is also [expensive and diverts money away](#) from implementing more effective solutions.

- For more, read “Eleven people who are homeless go to court to challenge Cape Town’s discriminatory by-laws”, Ndifuna Ukwazi Press Release (7 April 2021): <https://jumpshare.com/v/E9FaboaGpsqlZN4gvHT8>

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