

## **The plight of African refugees in South Africa**

### **An emergency response from IMADR and the International Alliance of Women**

As I attended the triennial Congress of the International Alliance of Women (IAW) near Johannesburg, South Africa, I had the opportunity to meet two young refugee women, from the Democratic Republic of the Congo (DRC) and Somalia, who had come to present a plea for help during the Congress. As they were francophone, I helped them formulate a resolution for the Congress as well as a press release. Through them, I met the Director of Our Voice, a local NGO dealing with refugees and displaced persons, with whom I discussed a possible action on the part of international NGOs in support of his efforts. He subsequently assembled a large documentary file, which has since been used for the submissions to the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination Against Women (CEDAW) discussed below. I subsequently went to visit the shelter described in this article, as well as an isolated campground where eight families had erected protective huts with discarded pieces of plastic and cardboard.

The 2008 xenophobic attacks in South Africa, which saw thousands of foreigners being assaulted, dispossessed and even killed, shocked the entire world and have been well covered by the press. The victims were essentially refugees or asylum-seekers from various conflict zones on the continent, such as the DRC, Somalia and, of course, a huge proportion from neighbouring Zimbabwe, whose nationals have finally benefited recently from a special regime, leaving all other nationals still in limbo.

The level of violence was gruesome, as people were burned, stoned and shot at, with no woman or child spared. Families were destroyed and people's lives ruined. Today, two years later, although there are fewer attacks, with only a few reported in 2009, many foreign nationals are still unemployed and homeless, waiting to be able to leave South Africa. It is, however, interesting to note that there was a revival of attacks on foreigners after the Soccer World Cup.

Several camps and shelters for refugees were opened in 2008 and 2009. *Our Voice*, in collaboration with other volunteer groups, tries to ensure respect of human rights for refugees and displaced persons. Recently, the group's attention has focused on a shelter funded by the United Nations High Commissioner for Refugees (UNHCR), where some of the victims had been relocated after attacks in larger camps. The plight of these people, a large number of them women and children, including several infants, is exacerbated by threats of imminent eviction, dismal living conditions and a variety of abuses.

The vast majority of shelter residents have little or no access to health care services. The few who had been able to be treated in a clinic were out of medication and unable to acquire any more. I saw a three-month old infant suffering from bronchitis, whimpering on the floor under the despairing look of his young mother. I was told that the local health care clinic had refused to admit them.

The few older children who had been sufficiently foolhardy to attend the local public school had quickly been identified as foreigners and harassed or beaten. As a result, no child in the shelter attended school now.

A small neighbourhood Catholic Church had provided food assistance until recently, but had suddenly given notice that they had to stop. From speaking to neighbours of the shelter, it appeared that there had been pressure put on the church authorities to curtail their help. Clearly, the municipality wants these foreigners out of their community.

Omar Mohammed Omar, a young refugee from Somalia who lived with eight families in makeshift plastic and cardboard huts, an hour away from the city in the middle of isolated fields, managed to get a job in a nearby village. The day before I left South Africa, on the evening of November 29, as he was making his way home, two men stopped him and shot him with six bullets. His fate is not too unusual; the refugee community is rife with similar tales of horror.

I left with a complete file of documentary evidence assembled by *Our Voice* to prepare submissions to CERD, and possibly other Treaty Bodies.

Back in Geneva, I first met with the UNHCR Deputy Director for the Africa Bureau, who admitted that the UNHCR was aware of the situation of refugees in South Africa and that it was an extremely thorny problem. He promised to look into this particular case, and later called to say that he was following it up with Pretoria.

Then, Daisuke Shirane, a staff member of the IMADR Geneva Office, and myself prepared a joint submission (IMADR and IAW) under CERD's "*Early Warning and Urgent Action Procedures*," which was submitted on December 15, 2010. This is all the more relevant since already, in 2006, a Shadow Report filed by the South African Human Rights Commission raised the issue of refugees and that CERD had asked for the adoption of specific measures and an update on the progress of their implementation.

Finally, South Africa's report is being examined by CEDAW in January 2011. Although it is too late to file an official report, I noted that the issue had been taken up by the South African Women Legal Centre, and mailed the report with a summary analysis to two of the CEDAW experts, asking that this be used as complementary evidence.

The good news in this depressing tale of woes is that South Africa has one of the best legal frameworks in the world, granting non-citizens all the rights of citizens without reservation. So, we are all hopeful.

In conclusion, to those who often despairingly question the usefulness of the UN Human rights mechanisms, we would like to say that these tools are only effective if we use them. In practical terms, the immediate impact of our efforts might be minimal, but we are certain that they contributed, albeit modestly, to refocus the light on a crisis that has been eclipsed by innumerable new, fresh ones, all deserving equal attention. States need to know that with the passing of time, civil society will simply forget to look over their shoulders.

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