



Refugee Digest 73

February 2023

Migrants, Refugees and Displaced Persons

We live in an era of worsening setbacks for mobile people, especially in terms of their basic human rights. This is evidenced very clearly in many parts of the world. Increasingly, experts point to what they call 'the primary and secondary barriers' to the exercise of human rights.

<https://www.dailymaverick.co.za/opinionista/2023-01-03-uk-courts-go-ahead-on-rwanda-asylum-plan-a-major-setback-for-human-rights/>

<https://mg.co.za/news/2023-01-16-gender-violence-xenophobia-corruption-south-africas-human-rights-problems-continue-in-2023/>

<https://www.hrw.org/world-report/2022/country-chapters/south-africa>

<https://www.news24.com/news24/africa/news/hrw-2023-report-southern-african-leaders-fail-to-address-human-rights-issues-20230112>

In South Africa, 2023 began as we warned it might, with a sustained campaign by xenophobic groups to deny various categories of mobile people access to basic facilities, especially schools and health care facilities.

<https://www.sowetanlive.co.za/news/south-africa/2023-01-25-foreigners-barred-from-clinic-leave-without-life-saving-medicine/>

<https://ewn.co.za/2023/01/21/jeppe-clinic-attacks-anti-xenophobia-group-urges-doh-to-act-against-dudula>

<https://www.news24.com/news24/southafrica/news/foreign-nationals-chased-away-from-joburg-clinic-20230118>

<https://news.pindula.co.zw/2023/01/11/operation-dudula-plans-to-camp-outside-gauteng-schools/>

<https://tinyurl.com/34z2wrda>

This intimidation comes on the back of many already existing obstacles to migrant children accessing education.

https://www.g20-insights.org/policy_briefs/barriers-to-access-to-education-for-migrant-children/

These actions have received political backing from a number of political parties, thus encouraging the formation of a strong, increasingly hegemonic, xenophobic discourse.

<https://tinyurl.com/4un8k5av>

One terrible development in the ongoing saga of denying foreign nationals' children access to basic education, has been the attempts by some schools to deny the children of Zimbabweans who are here on Zimbabwe Exemption Permits (ZEPs) access to schools – on the grounds that these permits will expire midyear, and the children would then have to leave the schools. The excuse has been that they are taking up places that other students could have benefitted from.

<https://www.moneyweb.co.za/news/south-africa/its-back-to-court-for-zimbabwean-children-denied-schooling-in-sa/>

Operation Dudula also sought to take legal action against disabled persons in lodgings in Johannesburg on the grounds of them being foreign nationals. This action was contested.

<https://www.dailymaverick.co.za/article/2023-02-16-seri-to-file-court-papers-against-operation-dudula-over-evictions-of-joburg-disabled-immigrants/>

There are also stories of continued corruption at the borders, and of officials detaining people crossing the border and demanding payment in order to release them.

<https://www.iol.co.za/news/crime-and-courts/saps-captain-arrested-after-she-allegedly-detained-foreign-nationals-demanded-r10-000-for-their-freedom-2a5178e1-1a92-4ec1-9ff9-c33ca37d58d4>

<https://news.pindula.co.zw/2023/01/03/money-speaks-at-beitbridge-border-post-travellers-speak-out/>

The highly-contested issue of the ZEPs, which has virtually become the benchmark for South Africa's treatment of mobile people, continues to draw ire from many sides and, as the time draws nearer to the expiry date of the ZEPs, the measure of vulnerability of the holders is also aggravated.

<https://www.news24.com/news24/africa/news/zimbabwe-exemption-permit-six-months-before-expiry-zimbabweans-in-sa-have-mixed-feelings-20221228>

<https://www.timeslive.co.za/sunday-times-daily/news/2023-02-19-zimbabwean-exemption-permits-sa-expulsions-will-be-disaster/>

<https://tinyurl.com/24yh2pjf>

<https://www.enca.com/news/plan-assist-zimbabwe-exemption-permit-holders-return-home>

Many are waiting with great anticipation for the court case, led especially by the Helen Suzman Foundation, in which the government is being challenged over the ZEPs. The case is due to be heard in April.

<https://www.news24.com/news24/southafrica/news/court-battle-over-zimbabwe-permits-set-for-april-20230127>

Of some note has been the fact that the Gauteng High Court did not allow Operation Dudula to join in the constitutional bid to review the termination of the ZEPs. The Court held that vague allegations of the rise in crime being linked to the presence of foreigners was not substantial enough grounds for the organisation to join the case.

<https://cite.org.zw/sa-court-throws-out-operation-dudula-application-in-zeps-case/>

<https://www.dailymaverick.co.za/article/2023-02-20-operation-dudula-barred-from-joining-zimbabwe-exemption-permit-court-case/>

In a February 2023 report, the Health Professions Council of South Africa castigated the MEC for Health in Limpopo for unprofessional behaviour and unbecoming conduct. This was with reference to her diatribe against a Zimbabwean patient in the Bela Bela hospital, when she accused foreigners of draining South Africa's medical resources.

<https://www.news24.com/news24/southafrica/news/health-professions-council-of-sa-calls-limpopo-mec-to-order-over-xenophobic-rant-report-20230218>

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