

Health situation of asylum seekers, refugees and undocumented persons: A submission to SANAC

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A submission has been made to SANAC on the health situation of refugees, asylum seekers and undocumented persons.

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"South Africa has become a primary destination for people from across the African continent who have been forced to leave their own countries to seek refuge and safety elsewhere. On a weekly basis, thousands of people from across Africa cross into SA to seek refuge from persecution, starvation and then also to get access to emergency medical services, maternal health services and access to chronic medication for HIV and/or TB. People come from many countries but mainly from the DRC, Ethiopia Angola, Sudan, Somalia, Malawi, Mozambique, Zimbabwe, Nigeria, Uganda, and Rwanda. At present, the majority of people seeking refuge and assistance in SA through regular crossings of SA's borders are from DRC, Somalia and Ethiopia.

However, it is estimated that Zimbabweans make up the majority of people irregularly crossing the borders of SA. It is estimated that there are between 1 and 4 million Zimbabwean refugees in South Africa (SA) at present. In 2007, it is estimated SA deported an average of more than 20 000 Zimbabweans per month. Human Rights Watch (HRW) has documented⁶ the severe health⁷ and political crisis in Zimbabwe, which has led to thousands of people fleeing to SA.⁸ According to human rights groups and AIDS organizations in Zimbabwe, the socio-economic situation is worsening particularly for people living with HIV/AIDS. People are struggling with services such as transport, the costs of accommodation, food insecurity and lack of basic health care services. Many people have also lost gainful employment due to companies and organisations closing down. User fees for health services have reportedly been reintroduced at the end of 2007 and due to inflation each visit can potentially cost in the region of ZW\$10 million. While good health and a balanced diet are necessary for patients on ARVs, this has become almost impossible in Zimbabwe because of food insecurity and the loss of employment. This has forced many people to leave for neighbouring countries. It is important to note that HRW has estimated that the current HIV prevalence in Zimbabwe is 15% of the adult population.

International law prohibits South Africa from returning refugees to countries where their lives could be in danger, a process called refoulement. South African law also assigns refugees the social, economic, and civil rights necessary to ensure a life of dignity.¹⁰ These include the ability to engage in wage-earning employment, to obtain basic education and health care services, to access public relief and assistance, to be issued with identity papers, and to safeguard their freedom of movement. However, the South African government has been slammed for violating international and national laws, and failing to ratify crucial international conventions and treaties on the rights of migrants, thereby allowing documented and undocumented migrants to suffer widespread and continuous human rights abuses, according to the International Federation for Human Rights. More recently it has been condemned for the raid and arrests on the Central Methodist Church in Johannesburg in January 2008, the arbitrary arrest and threatened deportation of mainly Malawians ironically seeking protection from the SAPS in February 2008 and a few days ago the arrest, inhumane treatment and threatened deportation of a woman and her child at Norwood police station ? the father of the child is South African."

From the submission to SANAC on the health situation of refugees, asylum seekers and undocumented persons.

The following organisations made the submission:

AIDS Law Project (ALP), Legal Resources Centre (LRC), Lawyers for Human Rights (LHR), Treatment Action Campaign (TAC), Consortium for Refugees and Migrants in South Africa (CoRMSA), Médecins Sans Frontières (MSF) SA, Forced Migration Studies Programme (WITS), People Against Suffering, Suppression, Oppression and Poverty (PASSOP), AIDS and Rights Alliance of Southern Africa (ARASA), Centre for Applied Legal Studies (CALS), Wits Law Clinic, Southern African HIV/AIDS Clinician's Society (SAHCS), South African Council of Churches (SACC), AIDS Consortium, Bowman Gilfillan Attorneys Pro Bono Department, Webber Wentzel Bowens Attorneys Pro Bono Department.

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