

TAC and ALP Win Critical Victory in Court Action Against Government on Behalf of Displaced Persons

By *moderator*

Created 2008/08/15 - 5:47pm

15 August, 2008 - 17:47 ? moderator

Today is an important day for displaced people and a victory for Hirsi and TAC.

[At the end of July 2008, the Treatment Action Campaign, the AIDS Law Project and Mahammad Hirsi took all tiers of government -with the Western Cape Provincial Government being the first respondent- to court](#) after waiting for about 9 weeks to ensure that minimum norms and standards on sanitation, food and shelter amongst others would be implemented in places of shelter in accordance with our Constitution and the obligations we have under international law.

For many weeks, TAC stepped in to provide humanitarian relief because our government ? the province and the city- failed to fulfil their Constitutional obligations. After it became clear that government was not executing its duties, despite requesting many times for it to develop norms and standards and to implement it, we approached the Cape High Court for relief. The case was due to be argued on 1 September 2008.

After we lodged our court papers, and while waiting for their response, today, we can announce that there is no longer a need to continue with the case as the provincial cabinet has approved a set of [emergency guidelines ? or norms and standards](#).

- These guidelines have come about directly because of the litigation Hirsi and TAC initiated and will be applicable to all emergencies and disasters from hereon.
- We started this case in good faith and will continue in good faith to work to implement these guidelines which deal with food, nutrition, vulnerable groups, health, water, sanitation, refuse collection, accommodation, hygiene, safety and security as well as communication.
- The norms and standards are based on a number of international humanitarian law documents that we distilled into a summary document that was presented to the province, city and the court.
- The guidelines mostly comply with what we had demanded and included in our model norms and standards.
- The guidelines were adopted by the provincial cabinet this week and it is now up to government to make sure it is implemented ? our task will now be as it always has been to ensure that people are fed, sheltered and protected in a proper and reasonable manner- we will monitor the implementation of these guidelines and go back to court if necessary if they are not implemented.

Our lawyers have just informed the legal representatives of the province and the city that on this basis there is no need to proceed with this case. The province has consented to this without any order as to costs. We hope City will do the same. In TAC and ALP's long history of litigating against government this is the first court action in which government has acted reasonably and rationally.

The real work begins now and we intend holding government accountable to these guidelines.

We want to thank our legal team and the many volunteers who made this case possible. Ironically, one positive aspect of the xeno crisis has been the development of these guidelines -- that will be used in all disasters in this province from hereon.

- [Immigrants and Refugees](#)
- [Immigrants and Refugees](#)

Source URL (retrieved on 2017/06/24 - 12:47pm): <http://www.tac.org.za/community/node/2400>