

# Report of the combined memoranda of human rights and refugee days marches (2022)

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## INTRODUCTION

We, the victims of the failure of pan-Africanism since the end of colonisation (foreign nationals living in South Africa) who found refuge in South Africa called by names in the soil of Africa and the victims of Apartheid (citizens of South Africa who believe in Ubuntu despite the influence of separatism) who believe in the same root we all come from as Africans. We, motivated in the belief that the Human Rights and Refugee Days of 2022 are days of defending our Africanism, came together in the two marches for human rights and the rights of refugees in South Africa; promoting the value of diversity and solidarity of organizations like:

*Voices of Africa for Change (VAC), Global South Against Xenophobia (GSAX), Congolese Civil Society of South Africa (CCSSA), Chronicles of Refugees and Immigrants in South Africa (ChRISA), United Family (UniFam), Western Cape United Safety Front/Manenberg Safety Forum, Sisterhood Movement, Ubuntu Rural Women & Youth Movement, The Network for Immigrant Rights & Responsibilities in South Africa (NIRRSA), Giraffe Heroes South Africa (GHSA), Scalabrini Centre, Kopanang Africa Against Xenophobia )(KAAX), Lawyers of human right and housing assembly.....*

*As a collective initiative towards long-lasting peaceful coexistence and sustainable social cohesion between Refugees, Asylum seekers, Migrants and Local host communities in the Western Cape Province, in particular, and in the Republic at large.*

## **HUMAN RIGHTS, REFUGEES, ASYLUM SEEKERS AND MIGRANTS IN SOUTH AFRICA**

The unjust and unequal society which African politicians created for control of power and an ongoing banalization of a black person as the only weak target when the issue of foreigner has been raised nationally, which change our identity as refugee, asylum seeker and migrant, victimise us black Africans in South Africa with promotion of NO MENTION OF AFROPHOBIA while black foreigner are witnessing themselves how their concerns has been the key of statement from South African politicians and the reason of South Africans miseries.

- The lost of human rights' ideology on black foreigner in South Africa.
- Refugee, Asylum seeker and Migrant: it have been proven that the recognition of refugee, asylum seeker and migrant in South Africa lost 48% of it's human value when a decision is about to be made against foreigners mostly for approving how they can be just accepted as human who is being part of the human race who deserve to be heard for just by being part of our humanity. **Foreigner child is consider like refugee, not as future of our humanity and better Africa.**

**Political statements and violation of refugees rights and migrants are raising very high. Between 2004 and 2008 violation was very low compare to 2008 until 2022 which is in nowadays like a common things, is no longer a sensitive issue to avoid to allow.**

We believe that South Africa is not Xenophobic, but we have seen since 2008 actions against foreigner even in state institutions, we have no idea what can we call it **as we believe no South Africans are xenophobic.**

# **THE VOW OF INTERNATIONAL CONVENTION FOR REFUGEES, ASYLUM SEEKERS AND MIGRANTS AND DURBAN**

In order to rescue the victims of African politicians and rebellions, who are today being called refugees, asylum seekers and migrants in South Africa; the vow of international relevant convention and treaties that guarantee and promote Refugees, Asylum seekers and Migrants' rights which South Africa signed and ratified; provided a period of political will to promote South Africa as one of the best conservators of UBUNTU SPIRIT on the first decency since the signature of international convention and treaties.

- ❖ South Africa: introduced an anti-migrant-isolation system in contrast to other countries who received Africans refugees, South Africa prefer the integration program than the camps, an exceptional decision as a country proud of UBUNTU and conservatory of Ubuntu.
- ❖ The 1951 UN Geneva Convention and 1967 UN New York Protocol Relating to the Status of Refugees; and the 1969 OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa are uncertain in an optimistic way to stand for refugees, asylum seekers and migrants when they are desperately in need of any convention support from any misconduct against their rights.
- ❖ Statements made to be considered supportive from politician which devaluate the reason of the conventions under the circumstances where Refugee, Asylum seeker and Migrants are not the preference of certain group in the host community or political parties: attacks against foreigner nationals who do not deserve to be in South Africa according to certain locals people, Gayton MacKenzie who said he would personally walk through the hospital, switch off foreign nationals' oxygen machines and put South Africans on these machines because the oxygen belongs to South Africa, the concerns which were the illegality of foreigner turn to the mass return of all foreigners even the legal ones, stated by the Dudula Movement.

- ❖ An undocumented human do not deserve treatment if he/she doesn't have money to pay.
- ❖ A documented father arrested in Cape town police station by immigration who approve without verification a fake status where the metro police still detaining is merchandises.
- ❖ Notifying evidence of lack of the basic of human rights or the weak implementation of human rights value: the South African Government launched the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia, and related Intolerances, and arguably the best human rights-based & human rights-oriented Constitution on earth, the implementation & materialization of these commitments remains a major challenge across the Republic.
- ❖ A promotion of the national action plan in South Africa to combat racism twin sister of xenophobia, racial discrimination, xenophobia, and related intolerances by the president of the republic, this shown the conventions concerning refugees are also affected, meaning evidence of possibility of no full implementation of conventions which protect refugee, asylum seeker and migrant in the circumstances of failing on international agreements.

***N.B: As the 18<sup>th</sup> June been declared since 2019 the international day against racism, discrimination, xenophobia and violence related.***

- ❖ The raise of a movement called DUDULA and others who served as a tools to push the end of the international conventions of refugee, asylum seeker and migrant existence in South Africa by taking government institutions and law to their own hands to challenge any resistance against the not leaving of all foreigner national in the soil of South Africa which lead on visiting wherever foreigner nationals are.

- ❖ SA approved the Durban Declaration and Program of action adopted on September 8th,2001 at the World Conference against racism, racial discrimination, xenophobia and related intolerance (A/CONF.189/12 and A/CONF.189/12/ Corr.1, Chap I) in particular paragraph 2 of the declaration and paragraphs 84 to 86 of the Program as well as the relevant provisions of the outcome Document of the Durban Review Conference of April 24th,2009 (A/CONF.211/8, ChapI), in particular paragraphs 11,13 and 54.
- ❖ The vote of the UN Resolution 74/136 of December 19th, 2019 fighting Nazism, Neo-Nazism, Xenophobia and racism and racial discrimination.

**Political will is the key to solve the fear caused by anti-Africans movement.**

## INTERNATIONAL CONVENTION UNDER FORCED ADJUSTMENT

The convention enabled refugees, asylum seekers and migrants to have a second home for the sake of a second chance of life as any human deserves when their human value is under threat, South Africa the land of no fear. To live in as South Africa's constitution also secure whoever lives in South Africa has the same rights equally.

South Africa was more an advocate for foreigner in Africa and now it sounding like a judge who can not stop strongly the local group and politicians who are making the leaving condition of foreigner national in fear, the illegal are blames and the legal one are also under pressure to leave the country. The challenge of foreigner sound more against illegal officially but the pressure on the ground is for all foreigner even the legal one.

You can see reality of foreigner illegal or legal experience of fear to reside in South Africa at working place, hospital, banks, street, public transport and community.

- ❖ Immigration laws being reviewed so many times up to now to pressure the illegal and to leave the legal one with no hope to survive in South Africa even if all paperwork is correct.
- ❖ The safety which was created by the international convention is being remove slowly because new implementation of new laws in all section concerning foreigner in general.
- ❖ The vulnerable race who are victims because of the immigration law change are black African who supposed to be the less vulnerable in any challenge against foreigner in South Africa because they are the son of African who been victimised since slavery, colonisation, neo-colonisation and apartheid. At least under the leadership of black African, blacks can not be the first class of victim when is about the right of the African lands.

## ILLEGALITY CAUSED BY THE SERVICE PROVIDER

The service provided by Refugee Centres is also the main cause of the illegality of foreigner:

- Final decisions can be based on incorrect translations by the selected interpreter who is not accountable and no independent organisation for translation verification is available nor even an appeal board.
  - Stateless children are increasing every year without any future decision based in the value of human rights to give our African children in South Africa a way out for their participation in the program of the agenda 2063 which is no longer promoted strongly as it started.
  - The gap of timing between the request of asylum seeker and the final decision which can take 10 to 15 years during which time an applicant can already have a family (spouse and children) and being declared illegal when is already old, with big responsibility under the challenge of losing his job because the declaration of his illegality. It's easier for an applicant to return when s/he is a newcomer than after years of living in South Africa.
  - The illegality of children who are born in South Africa because of the very late rejection of parents' documents, children to be forced to lose the education which is needed in our continent for global progress. Battle against illegal migrants
- DHA quality of service (speed, reduction in the waiting time for decisions; consideration of the situation of couples in which one of the parents is illegal; taking into account the situation of children; etc...)

## SAFE PASSAGE REQUEST AND RECOMMENDATIONS

The current situation requires a safe passage plan for better South Africa which we always want:

- ❖ Dealing with illegal accordingly, by not letting power to be out of government institutions hand.
- ❖ Reviving the value of international conventions.
- ❖ Creating a safe environment for legal foreigner who are part of economic grow and African right to be.
- ❖ Making the refugee center and immigration service more efficient because of the huge delay of service increase the illegality of refugee and asylum seeker.
- ❖ South Africa as refugee-host State is in a better position to assist, preferably via regional (e.g. SADC; EAC; ECOWAS; CEMAC), and continental (AU) mechanisms, towards having human rights-based and human rights-oriented democratic governance institutions in these African refugee-sending countries, in order to reach negotiated terms and conditions for voluntary repatriation of these African refugees, as the one most preferable durable solution to the refugee problems in Africa.
- ❖ We strongly wish to highlight that the negotiated Ts & Cs, that ought to be facilitated (or at least initiated, supported and possibly sponsored by South Africa, as currently the top priority of African asylum seekers destination), via regional & continental relevant mechanisms, would also provide for reintegration and rehabilitation of these African refugees back in their homelands, to have an opportunity to contribute to socio-cultural, socio-economic, & socio-political initiatives of their home countries. Most African refugee-sending countries to South Africa have dictatorial repressive regimes, and/or internal politically-induced wars (in contrast to externally imposed wars), which force their citizens into exile to South Africa. These countries are characterized by gross violations of basic and fundamental human rights; a lack of democratic practices; exclusionary public social policies;

- ❖ Negotiated terms & conditions for voluntary repatriation would work for the best interests of South Africa's local communities, as rivalries over scarce resources between local citizens and, more particularly, African immigrants would be substantially cut off.
- ❖ In the best interests of both local South Africans and African immigrants, we request the implementation of the White Paper on International Migration for South Africa (DHA, 2017) using a proactive approach, which would entail engaging and challenging these African refugee-sending countries to put in place multiparty systems and effective democratic mechanisms, as stated by the sub-section "Management of Refugees and Asylum seekers" on page 60 of the above White Paper.
- ❖ Obviously, not only strong, effective, and conducive human rights-based & human rights-oriented democratic mechanisms would progressively keep African people inside their homelands, but also it would motivate, strongly encourage, and enable the majority of African refugees in South Africa (if not all) , to subscribe to voluntary repatriation back to their respective home countries, under negotiated terms and conditions, for reintegration into their respective national societies, and rehabilitation into their respective socio-cultural groups, once back home.

- ❖ Although African migrants, refugees and asylum seekers in South Africa would love to be in their respective homelands, contributing their best to the prosperity of their own home countries, rather than being killed in South Africa, the socio-political and socio-economic conditions back home in those different African refugee-sending countries are not conducive enough to safeguard their social security, cultural emancipation, legal protection and economic prosperity.
- ❖ **We finally plead for the reopening of refugee reception offices (RROs) across the Republic, and that the technological problems of the online application system to be revisited so that the daily volume of online applications of refugees and asylum seekers can be effectively and efficiently processed.**

We appreciate this dialogue initiative which allows everyone to understand the challenges and efforts made for a lasting solution. We suggest that the engagement of this dialogue initiative continues. This will allow us to assess progress but also to better educate our nationals on progress and what remains to be done. It is by working together that we can iron out our differences. The gap and lack of dialogue between us and institutions/departments are not conducive to a better way forward.

We are pleading with the portfolio committee to work closely with community leaders for improved relations between African migrants, refugees, asylum seekers and South Africans for a better outcome for African migrants in South Africa.

***Please contact the mixed nationality organisations mentioned in the introduction.***

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