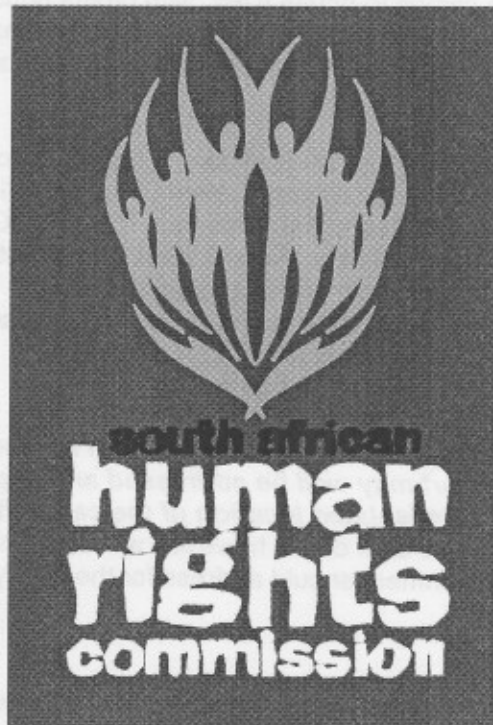


SAHRC Report on Conditions at the Silverstroom Camp for Internally Displaced Non-Nationals, Western Cape



6 June 2008

I. Introduction

Beginning in May 2008, South Africa experienced an intense outbreak of xenophobia. This outbreak included violence against non-nationals, looting and theft of property of homes and businesses, and widespread intimidation against non-nationals. Many non-nationals who reside in South Africa now fear for their life and property.

In the Western Cape, attempts by government, Chapter 9 institutions, and civil society to prevent the violence spreading from the Gauteng province and other provinces were not successful. Violence began on 22 May 2008, and by 25 May 2008, approximately 20,000 non-nationals had fled their homes in the Western Cape to become internally displaced persons (IDPs) under the care of the government. As a result, the government has opened at least five camps to house IDPs, with others housed at shelters and private places of worship throughout the province. The government chose to locate four of these camps at holiday resorts and one at an army military base.

This report focuses on the camp at Silverstroom, a holiday resort located approximately 55 kilometers from the city centre, although some of the conditions at Silverstroom are also present at other camps. Representatives from the SAHRC visited Silverstroom when it first opened at the end of May. Four SAHRC representatives returned to Silverstroom on 4 June 2008 for a more extensive inspection. The SAHRC spoke with dozens of camp residents, the acting camp director, various camp officials, volunteers from the Red Cross, staff of the medical clinic.

This report seeks to identify the most pressing issues in the camp. ***Whilst many of the issues raised in this report may well be addressed and improved, the SAHRC is of the opinion that due to the isolated location of the camp that Silverstroom should be closed.*** Until the camp is shut down, however, we recommend a number of urgent interventions that the government should address for the safety, health, and well-being of the residents.

The SAHRC recognises that South Africa is currently dealing with an enormous humanitarian crisis that is fraught with challenges. We recognise that there are many government, civil society, and faith-based organizations that have been working around the clock to assist in alleviating the crisis. ***The SAHRC does not suggest that this report's findings and recommendations are applicable to all camps.*** We also recognise that efforts are currently underway to address the concerns that we raise. However, the Commission believes that in terms of its constitutional mandate, pursuant to §184, to monitor and assess the observance of human rights and to take steps to secure appropriate redress requires that it issue this report and make recommendations with the intent to alleviate the humanitarian crisis. ***This Commission anticipates that this report will assist the relevant authorities in identifying issues that need addressing at Silverstroom within a human rights based framework***

II. Issues Arising from the SAHRC Inspection of Silverstroom

As of 5 June 2008, 261 IDPs reside in the Silverstroom camp, but this number is in flux. At least 23 (11 Congolese, 12 Somalis) have left in the past week and at least four have arrived, with a number of Mozambicans planning to leave on 6 June 2008. The camp has residents from at least eight countries, including Burundi, the DRC, Malawi, Mozambique, Somalia, Tanzania, Zambia, and Zimbabwe.

A. Water Supply

1. There is no hot water access.
2. All of the water used for bathing and laundering is salt water.

B. Hygiene

1. People are reluctant to bathe because of the cold water.
2. Because of the inadequate laundry facilities and lack of laundry soap, some residents are not washing their clothes.

C. Food Security, Nutrition, and Food Aid

1. Many issues were raised concerning food and it would appear that this is an issue that needs to be addressed. Issues were varied and ranged from quality, quantity, to accessibility.



Here, two men display the mussels they caught from the sea, which they cooked on their own hot plate. They also purchased and cooked pap because they were unaccustomed to the type of food provided at the camp.

D. Facilities and Shelter

1. Residents are living in multiple tents with carpet and plastic sheets as flooring. These tents are inappropriate for the conditions.
2. The roofs leak, and the sides and doors are unsecured, allowing wind and water to enter easily.
3. There are some sandbags and trenches, but they are incomplete and inadequate. As a result, puddles have formed on the floors of the tent.



4. There are no raised beds or mattresses in the camp. Residents sleep either directly on the floor or on top of thin foam pallets.
5. Blankets are inadequate. Residents complained that there were not enough blankets and that those provided were too small.
6. Weather conditions are very poor. Because winter is approaching, it is rainy, windy, and cold. These conditions are exacerbated by the proximity to the sea.
7. There is no hot water in the camp, and residents have complained about the cold.

E. Location and Access to Employment/Education

1. The camp is approximately 55 kilometers from city centre, and 15 kilometers from Atlantis, the nearest town.
2. No transport exists to any location.
3. As a result, camp residents are unable to go to work and children are unable to attend school.
4. Residents complain about the lack of contact with the outside world and the feeling of isolation and abandonment.

The residents mockingly call the Silverstroom "Lost City" because of the isolated and inaccessible nature of the camp, even referring to a newborn child as the "Lost City Baby."

5. The location has also made it difficult thus far for the Commission to monitor the camp effectively. Unlike at other camps, the Commission has thus far been unable to recruit volunteer monitors. A group of potential volunteers from Atlantis refused to volunteer because of the lack of transport.

F. Security

1. Residents are required to have wristbands to enter the camp, and reported that they cannot return to the camp if they do not have a wristband.
2. There appeared to be little internal security in the camp, and some residents are fearful that their belongings will be stolen.
3. The men and the women and children in the camp share tents.
4. Some women reported that they fear walking around the camp at night, including when they need to use the toilet.
5. Several male residents also indicated that they did not feel secure when they were alone. They currently perceive some police officers as being possibly xenophobic and are fearful.

A non-national man and a South African woman are afraid to be reintegrated to their community because of threats to their child's safety due to the xenophobia.

G. Healthcare

1. The clinic on site is staffed by nurses.
2. The clinic is located several hundred meters from the tents, and this is especially a problem for those who are ill or infirm.
3. Nurses reported many cases of the flu, some of diarrhea, some toothaches, and one case of pneumonia in a two-month-old baby who was transferred to a local hospital.
4. Nurses report that only two of the 261 residents are on ARVs.
5. No mental health experts or counseling is available to the camp residents, many of whom indicate that are traumatized.

A mother gave birth three weeks ago, one week before entering the camp. Her new baby girl joined her two older sisters, ages three and five. The woman is still in pain from the birth and finds it difficult to access the medical care onsite. Other residents fear for her health because of the conditions in the camp. She is desperate to return to the Congo, her home country.

H. Non national/Staff Relations

1. Generally, there is a great deal of mistrust between the camp residents and the camp officials and staff.

2. Residents lodged many complaints about the food, healthcare, and provisions that were countered by the staff.
3. Staff accused the residents of lying/cheating to get more supplies, and on one occasion, threatening to burn down the camp.

III. Recommendations

Primary Recommendation

The SAHRC recommends that the Silverstroom camp be closed. This process must be carried out in consultation with the residents, and the government must operate in accordance with a plan so that the residents will not suffer additional trauma.

Ultimately the non-national residents need to be reintegrated, repatriated, or resettled, based on their informed decisions. Since this is a lengthy process, the Commission recommends that the residents be transferred to a different camp as soon as possible.

Additional Recommendations

A. International

1. The UNHCR should communicate its mandate, the legal situation, and options for assistance.

B. National

1. There is an urgent need for the national government to request the United Nations High Commissioner for Refugees (UNHCR) and related agencies to assist and to provide expertise in alleviating the crisis.
2. There is an urgent need for the South African government to develop and share with Chapter 9 institutions, civil society, faith-based organisations, and non-national communities its overall plan to deal with the crisis.
3. There is an urgent need to document or redocument the non-nationals in this camp, at no expense to the non-nationals.
4. The government is strongly encouraged to declare a moratorium on all arrests and deportations of non-nationals affected by the xenophobic violence. The government must then communicate this moratorium to all levels of government officials.
5. Those non-nationals who wish to return to their country of origin should only do so under the auspices of the UNHCR.

C. Provincial and Local

1. There is an urgent need for the province and the city to prepare and disseminate a joint plan on how these authorities will respond to the current crisis.

2. There is an urgent need for senior government and public officials to visit the camps regularly and assess the conditions.
3. There is an urgent need for these officials to address the non-nationals by clearly communicating how long the camps will be in existence and the governmental efforts to alleviate the conditions in the camp and to address the xenophobia crisis overall.

D. Silverstroom management and non national residents

Primary Recommendation

There is an urgent need for leadership in the camp to be identified and encouraged to work together in order to articulate the challenges that they are currently facing. The management on site at the camp is also strongly urged to hold daily meetings between camp leaders, disaster management, police officials and service providers at the camp. There is an urgent need for relationships to be built and for trust to be strengthened between all parties at the camp.

Additional Recommendations

Until such time as Silverstroom is closed down there are many material conditions at the camp which can be improved in order to ensure that residents rights are respected and protected, these include:

Water Supply and Hygiene

- a. Provide hot water for both showers and laundry.

Food Security, Nutrition, and Food Aid

- b. Discuss issues of quantity, quality and access to food.

Facilities and Shelter

- c. Provide tents that do not leak and that are better insulated.
- d. Provide raised beds and mattresses for all residents.
- e. House the women with small children in the bungalows, which provide greater protection against the elements and security threats.
- f. Distribute the mattresses, blankets, and other supplies that are on site.
- g. Improve water drainage on site.
- h. Provide secure flooring that does not retain water.

Location and Access to Employment/Education

- i. Provide transportation for those residents who work or are seeking work.
- j. Provide schooling or transport to schools for all school-aged children.
- k. Make newspapers and/or other outside sources of information available to residents.
- l. Install a telephone at State expense to allow those non-nationals to communicate with their employers .

Security

- m. Improve internal security, especially for women and children.
- n. Consult with residents to soothe their fears concerning the outside community and police officers.
- o. Separate the men and women in different tents. However, provisions should be made for families who choose to remain together to do so.

Healthcare

- p. Create better access to the clinic for those who have difficulty walking to the clinic.
- q. Make mental health experts and counseling available to all residents.