



Press Statement

17th September 2008

Postponement of Constitutional Court Case Presents Opportunity to Address Concerns of Shelter Residents on Reintegration

The Consortium for Refugees and Migrants in South Africa (CoRMSA) welcomes the decision of the Constitutional Court to postpone the case regarding the closure of the temporary shelters for people displaced by the recent xenophobic violence until 20th November 2008. The case has dealt with issues pertaining to the reintegration of those displaced back into communities but also looks at the standards of humanitarian assistance provided by government to people displaced as the result of a disaster and could have important implications for government planning and resultant assistance in future disasters. The postponement of the matter will provide the opportunity for government, together with civil society and the broader humanitarian assistance community, to address some of the key reasons why shelter residents are struggling to reintegrate. The Constitutional Court is expected to shortly issue further orders regarding the interim relief pending the hearing for 20th November.

Currently there are close to 4000 people in shelters across Gauteng, including the shelters in Akasia and Malas in Tshwane. Whilst CoRMSA recognises the need to resolve the current situation as quickly as possible, it is unlikely that a humanitarian and dignified solution can be implemented before 30th September. The postponement of the matter allows all stakeholders a further opportunity to resolve some of the key challenges that have been identified by shelter residents as preventing them from leaving the sites. Some financial assistance has been provided by civil society but shelter residents have indicated that this by itself is in most instances not enough to secure accommodation given that most landlords also require a deposit. In addition, no assistance in terms of food has been given to those who are trying to leave the shelters. As a result, many of those who have already left the shelters are in a desperate situation and struggle to feed their families. The additional time provided by the Constitutional Court allows all parties to try to provide remedies for this situation.

Many shelter residents have indicated that prior to the violence they were self-employed and ran their own small businesses. As a result of the violence, they have lost the means to continue these businesses that also provided employment for many South Africans. Without assistance in restarting these businesses, many have indicated that they and their families will remain destitute.

At the same time, security remains a concern in particular areas in the province. Whilst some government representatives, community members and civil society organisations

endeavour to create safe conditions in particular areas, there are indications that certain areas remain unsafe to foreign nationals. In addition, the outbreak of violence against foreign nationals in Honeydew last week is a telling reminder that more work needs to be done to ensure that the violence of May is not repeated.

Whilst the temporary shelters remain open, the Gauteng Provincial Government (GPG) is required to provide all services to the shelters at the levels it was providing prior to the intended closure of 15th August. The GPG and its agents are also required to treat all shelter residents with dignity and sensitivity at all times. Within this framework, CoRMSA will continue to engage the various structures of government as well as all other parties in a position to assist in resolving the ongoing crisis as rapidly as possible whilst also ensuring that all people affected are treated in a humane and dignified manner.

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