

Desperate lives, twilight worlds:



Blind Zimbabwean in the room he shares with other blind friends in Johannesburg

***How a million Zimbabweans live
Without official sanction or sanctuary in South Africa***

SOLIDARITY PEACE TRUST

Johannesburg

31 March 2010

“[The South African] government has provided no leadership in responding to Zimbabwean migration, its legal responses have been inadequate, and its ability to address and support the livelihood needs of Zimbabweans virtually non-existent.”¹

“The South African government, and organisations like the UNHCR, have an obligation to protect refugees, as does the City of Johannesburg. They have failed that mandate.”²

SAPS Gauteng spends approximately R 350 million per annum on immigration policing. And this with no evidence that foreigners are disproportionately involved in criminal activity.... For all of the time the police spend chasing foreigners, they are convicted of crimes at a rate no higher than the South African citizens amongst whom they live.³

“It’s not a ‘*migration*’ policy failure, it’s a ‘*poverty alleviation*’ policy failure”⁴

¹ T Polzer, *South African Government and Civil Society Responses to Zimbabwean Migration*, Southern African Migration Project (SAMP) Policy Brief No 22, December 2008, page 16.

² Sarah Hjalmarson of MSF, quoted in *Nosweek*, “Abuse or mercy?”, issue 120, Oct 2009.

³ Loren Landau, Forced Migration Studies Programme; “Police Commissioners Irresponsibly Inflate Numbers; Blame Foreigners for Security Woes”; Press Release, 3 March 2010.

⁴ Interview, Paul Verryn, 5 March 2010.

THE SOLIDARITY PEACE TRUST

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To assist individuals, organisations, churches and affiliated organisations in southern Africa, to build solidarity in the pursuit of justice, peace and social equality and equity in Zimbabwe. It shall be the special concern of the Trust to assist victims of human rights abuses in their efforts to correct and end their situation of oppression.

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Abbreviations

ALP	Aids Law Project
ANC	African National Congress
ASP	Asylum Seeker Permit
CDE	Centre for Development and Enterprise
CMM	Central Methodist Mission
COPAC	Constitutional Parliamentary Committee (Zimbabwe)
DH	Department of Health
DHA	Department of Home Affairs
FMSP	Forced Migration Studies Programme
LRC	Legal Resources Centre
MDC	Movement for Democratic Change
MSF	Medicins Sans Frontieres
NGO	non governmental organization
PASSOP	People Against Suffering, Suppression, Oppression and Poverty
RRO	Refugee Reception Office
SAHRC	South African Human Rights Commission
SALHR	South African Lawyers for Human Rights
SANDF	South African National Defence Force
SAPS	South African Police Service
SPT	Solidarity Peace Trust
UNHCR	United Nations High Commission for Refugees
WFC	World Football Cup
WFP	World Food Programme

Overview

The largest mass movement of people into South Africa in its history is continuing into its seventh year, yet the Government appears to have a policy that consists mainly of window dressing and broken promises. The Zimbabwean migration is around three times greater than that of Mozambicans during their civil war, yet astonishingly there is no coherent indication from Government on how it intends to deal with this, either now or in the future. The crisis of immigration into South Africa is a direct product of the crisis in Zimbabwe; as economic recovery in Zimbabwe is not likely to occur soon, its biggest export will remain its people. Bearing this in mind, there is an urgent need for the South African government to develop a more sensible policy towards the hundreds of thousands of undocumented Zimbabweans within its borders. There needs to be a move away from border control to border management – and the promise (apparently forgotten) to give a special dispensation to Zimbabweans under the Immigration Act needs to be renewed and acted upon.

The desperate plight of thousands, caught in a twilight world of poverty and unbelonging, involves Zimbabwean migrants of all walks of life and of all ages. Two case studies in this report highlight two small groups – one reviews 82 unaccompanied minors, and one reviews 456 Zimbabweans displaced in November 2009 in De Doorns in the Western Cape. This latter group, part of around 2,400 in De Doorns, had their shacks destroyed during clearly orchestrated and premeditated xenophobic attacks: four months later they remain, more or less forgotten, on a playing field.

The horrific xenophobic attacks of 2008 have caused much soul searching in South Africa and have further highlighted the dangers faced by migrants as they flee their African nations in search of safety from persecution, humanitarian support and a source of livelihood. However, xenophobia predated the 2008 attacks, with cases on official record dating back to the very birth of the new South Africa in 1994. And tragically, xenophobic incidents and their consequences continue into the present. It seems little has been learnt in South Africa since May 2008 in terms of how to prevent xenophobic violence and in how to respond once it happens. Once more, in De Doorns there has been impunity for perpetrators and not much support for victims. Clear indications of a looming xenophobic attack were ignored.

An assessment of the situation of and policy towards Zimbabweans in South Africa seems timely for the following reasons:

- Calls are currently prevalent for another election in Zimbabwe in 2011, and in this eventuality, there is a high likelihood of political violence and further movements of Zimbabweans into neighbouring states.
- The imminence of the World Football Cup, and concerns about a new upsurge in xenophobia in the aftermath of this, provide further impetus to this report.
- South African local government elections, due in 2011, could precipitate another round of xenophobia, as local political interests have been shown to be used to fuel xenophobia in informal settlements.

While the South African government has a very clear constitutional duty to respond to the crisis and to provide protection to all who live within the borders of their nation, there is also a need for the Zimbabwean government to deal more cohesively with the fact that so many of

its citizens are in exile, ranging from the highly talented and competent, to the sadly vulnerable, ill and weak. The patchy attempts by the Zimbabwe coalition government to engage with and develop a policy for the diaspora leave much to be desired. While this may be partly a matter of money and partly a matter of being over stretched at home, there needs to be a comprehensive move to make it worthwhile for people to return, and also a clear attempt to engage those in the diaspora in processes such as national healing and devising a new constitution. People will not come home as long as there are no jobs for them, and as long as they do not feel safe from political violence. There are no easy solutions for these problems, but apart from a conference in the Cape in December 2009 that engaged a very elite group of the diaspora only, and a few inappropriate calls from senior MDC officials simply appealing to the diaspora to come back, there is little systematic attempt to deal with the diaspora. The Constitutional Parliamentary Committee (COPAC) announced recently that there would be no diaspora outreach during the constitutional process, owing to no funds being available, but in our experience there is a very keen interest to be involved, among Zimbabweans in South Africa at least. Civics in either South Africa or Zimbabwe could play a role in ensuring that at least some in the diaspora are kept involved and are encouraged to make submissions in writing, to reduce the sense of alienation felt by so many.

The reasons for Zimbabweans leaving in their thousands will be taken as understood in this report – Zimbabwe has suffered a highly publicized and dramatic plunge in the last decade with: wide spread political violence; repression; mass displacements of urban dwellers and farm workers as a result of deliberate urban demolitions and farm invasions; collapse of food production resulting, at times, in half of the population needing WFP food to survive; closure of schools and hospitals in 2008; the biggest cholera epidemic in Africa in 15 years affecting 100,000 people; hyperinflation estimated at 87 septillion percent at its peak. While the situation is now more stable, formal employment remains almost impossible to find, and living wages among the employed are also rare. For now, hundreds of thousands of Zimbabweans will continue to make the long journey southward in the increasingly vain hope of a better life. The job market in South Africa is showing signs of being oversubscribed; with 40% unemployed locally, and the boost to the labour market given by construction linked to the WFC about to come to an end, this situation is likely to worsen.

Since 2004, some progress has been made both in terms of the South African authorities' official recognition of the mass migration of Zimbabweans into South Africa, and in the growth of non-governmental responses to the crisis. However, in both cases, responses remain too insignificant to deal with the scale of the migration. Official documentation channels remain *ad hoc* and inappropriate to deal with the scale of arrivals.

Need for services and resources by Zimbabwean migrants continues to outstrip the capacity of either government or NGOs to respond, and the abuse or denial of fundamental rights is prevalent as a result. Zimbabwean migrants, and migrants generally, fall outside of core South African government policies in terms of service delivery – but then so do millions of South Africa's poorest citizens, and the lack of access to support that migrants experience is no different to the marginalization of many of South Africa's own destitute.

Across South Africa, some Zimbabweans and other migrants continue to report lack of access to health and education, and a lack of understanding among prospective employers of their rights to work. It has become easier for Zimbabweans with passports to enter South Africa, with the introduction in May 2009 of a 90-day visa issued free at entry. This was not a special dispensation, and simply belatedly brought Zimbabwe in line with other neighbouring countries who have had visa free entry to South Africa for some time. However, most

Zimbabweans do not have passports and continue to face violence and extortion during illegal border crossings, and all the difficulties of being undocumented once in the country. In spite of the moratorium on deportations, a few Zimbabweans are still being deported.

The phenomenon of **unaccompanied minors** from Zimbabwe has gained wide press attention in the last six months, as increasing numbers of youngsters make remarkable and treacherous journeys in search of a better life. This report provides a profile of some of the children who were staying in Johannesburg in 2009, and their harrowing experiences both en route and in South Africa.

The current report also examines events around the Central Methodist Mission (CMM) in Johannesburg, which has attracted huge media attention in the last two years. Paul Verryn, the resident priest at the CMM, has courted controversy with his truly open door policy, in which no-one is turned away. The CMM has taken in an estimated 20,000 individuals over the last seven years, mostly Zimbabwean, and seldom has fewer than 1,500 migrants under its roof – and at times as many as 4,000. The CMM has been subjected to raids, insults, and accusations. The CMM is the highly visible tip of a huge iceberg of Zimbabweans in central Johannesburg, and we visited some other sites in its vicinity to compare how Zimbabweans live around the corner. The CMM is disliked by many officials as it is situated right next door to the High Court building, and the unpleasantness, the untidiness of South Africa's (lack of) diaspora policy is rubbed in the faces of High Court judges and other officials every day. By providing basic shelter, food to the most vulnerable, and schooling to the children, Verryn has succeeded in doing for migrants on a small scale what the government has failed to do on any scale at all. Conditions in the church are tough, and criminal acts occur there from time to time – inevitable with such an open door policy. But closing down the church as a place of accommodation will not mean that the thousands passing through there melt into thin air – they will continue to exist in increasingly desperate and increasingly invisible spaces.

Migrants are messy; their awkward twilight world stands in the way of the Johannesburg city plan to regenerate the inner city – a plan which preceded the World Football Cup, and will continue afterwards. Clampdowns, which have intensified in the vicinity of the CMM, will therefore not end with July 2010, but will continue, with evictions, harassment and arrests, into the indefinite future. State dealings with the CMM and with Zimbabwean migrants generally, are inconsistent. On the one hand the State has shown willingness to be humane, by planning to open a half way house for migrants in the city – which a year after initially being promised has not yet quite materialized – and on the other hand, Zimbabweans are regularly arrested for “loitering”, even while standing in a clinic queue awaiting medical treatment. Even when this half way house opens, which it should shortly, it is mere window dressing in terms of addressing the scale of the problem; it will house up to 500 people at one time, for up to six months...

The international debate on how to deal with different categories of migrants continues, and proposals to recognize mixed reasons for migrating and to provide more formal recognition for so-called “economic” or “humanitarian” migrants is being discussed at the United Nations level, but these debates remain embryonic.⁵ Some commentators have argued that Zimbabweans should be referred to as “forced humanitarian migrants”, to distinguish them from voluntary economic migrants, and have argued that they should have rights similar to

⁵ UNHCR: *Refugee Protection and Mixed Migration: a 10 Point Plan of Action*, Geneva, 2007.

those of political refugees.⁶ It will be years yet before there are changes to international refugee instruments and/or national statutes and policies that will translate into greater safety and access to services for hundreds of thousands of undocumented migrants in South Africa and elsewhere across the world. These are mostly desperately poor people, who are forced to be on the move for a variety of reasons, including political persecution and humanitarian disasters. They face great risks and exploitation. It is also true that migrants are often recognized as being more inclined to work hard, and are often better skilled, whether through education or experience, than the poorest people in their host nations.⁷ South Africa owes its current wealth partly to migrant labour over many decades.⁸

Most Zimbabweans in South Africa lead desperate lives. Even though documentation is now easier, it is ad hoc and inappropriate and a partial, temporary solution. Where to live is a perpetual challenge, as is the misery of having to move from one place to another, in fear of eviction, chasing seasonal employment, in the face of xenophobia, which is often life and livelihood threatening.

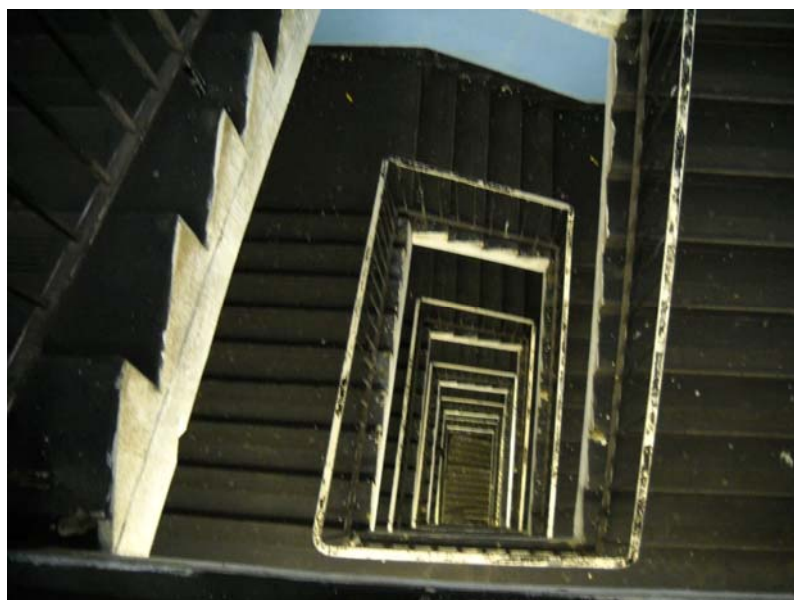


Photo 2: Going nowhere? Stairwell of 'China City', home to hundreds of Zimbabweans in central Johannesburg

⁶ Forced Migration Studies Programme (FMSP), WITS, "Zimbabwean migration into Southern Africa: new trends and responses", November 2009.

⁷ CDE, *Immigrants in Johannesburg: Estimating Numbers and Assessing Impacts*, CDE in Depth no 9, August 2008

⁸ Mayor Amos Masondo, Key note address on the occasion of the International Migration Workshop, Constitution Hill, Braamfontein, Johannesburg, 13 Aug 2008



Photo 3: 'We do funerals' – big business in central Johannesburg is exporting dead migrants: March 2010

A. How many Zimbabweans are in South Africa?

The short answer to this is that nobody knows exactly, but that there are possibly around 600,000 to 650,000 Zimbabweans in Johannesburg, and probably double this figure altogether, meaning that an estimated **1,2 million Zimbabweans are in South Africa on a more or less permanent basis.**

It is always difficult to count migrants, as many are undocumented and trying to avoid visibility. Others have fraudulently acquired South African documents and do not show up as migrants any longer. Many others are more accurately cross-border traders than migrants, and spend only part of the year in South Africa. These various groups fall under differing statutes in terms of their rights, which have different implications for the South African government in terms of its legal responsibilities. It is important to grapple with 'the numbers issue', as officials allegedly use lack of clear numbers as an excuse not to have a policy on how to deal with migrants, or exaggerate their numbers to claim budget constraints in providing services.⁹

1. Independent researchers: how many Zimbabweans?

The Centre for Development and Enterprise (CDE) in 2008 published their findings from what is the largest and most sophisticated research into migrant figures in South Africa so far. They estimated an upper figure of **550,000 migrants** of all nations in Johannesburg at the end of

⁹ T Polzer, *South African Government and Civil Society Responses to Zimbabwean Migration*, Southern African Migration Project (SAMP) Policy Brief No 22, December 2008: page 7. Also FMSP press release 3 March 2010, which criticizes the police for blaming 3 million migrants for shortcomings in policing services.

2006, with most of these being Zimbabwean.¹⁰ This amounted to between **12,35% and 14,5% of Johannesburg's total population** of around 3,9 million. CDE acknowledges that since 2006, the numbers of both South Africans and foreigners in Johannesburg will have grown, as a result of continued internal and international migration. The current authors would agree with this, particularly in light of our own findings in 2009 that Zimbabwean diasporisation was increasing almost vertically by early 2009.¹¹ It seems realistic to estimate that there could be *at the most* 600,000 to 650,000 Zimbabweans in Johannesburg at this point.

The Forced Migration Studies Programme (FMSP) at WITS University estimates that around double this figure is in South Africa as a whole, putting **the national figure at 1,2 to 1,5 million**.¹² There are large numbers of Zimbabweans in Limpopo province in particular, working as farm labourers, and also Zimbabweans in greater Gauteng, apart from Johannesburg. Zimbabweans have by now dispersed throughout South Africa, with measurable groups in the Cape and KwaZulu Natal.

2. South African Government figures: how many Zimbabweans?

Official government figures for Zimbabweans in South Africa have fluctuated wildly over the years. **In 2004**, the South African Department of Home Affairs (DHA) claimed that there was **no influx** of Zimbabweans, only the long established cross border job seeking that has existed since the 1970s, particularly from Matabeleland in southern Zimbabwe.¹³ Major refugee reports published as recently as 2003 did not even list Zimbabwe as a country that was a source of refugees in South Africa, although up to 500 Zimbabweans per week were then crowding out Refugee Reception Offices, wanting asylum.¹⁴

Yet within the last few years, South African officials have adopted a figure of **2,5 million migrants in Johannesburg alone, a vastly exaggerated figure**, being a four-or-five-fold overestimate, and meaning that 64% of Johannesburg's population is estimated by these officials to be foreigners!¹⁵ Zimbabweans are seen as making up most of this group.

¹⁰ CDE, *ibid*, 2008.

¹¹ See "Gone to Egoli" SPT, June 2009. We found that for every one person going to South Africa in 1991, there were one hundred going by early 2009, with most of this exponential increase being in 2008/9, coinciding with the violence of 2008 and the total economic meltdown.

¹² Email correspondence 2009, and interviews, March 2010. Also FMSP press release, 3 March 2010.

¹³ See comments by Barry Gilder, then Director General of Home Affairs, in "No War in Zimbabwe", SPT, page 39.

¹⁴ CASE: National Refugee Baseline Survey: Final Report, November 2003. However, it was obvious that at that time there were already thousands of Zimbabweans in South Africa, with 45,000 deported in 2004. By 2005, deportations of Zimbabweans had grown almost fourfold, to 150,000 annually, at an estimated cost to South Africa of over R3 billion per year. See "No War", *ibid*, for more on context of 2003/4.

¹⁵ This figure, or a figure of 3 million Zimbabweans, is routinely quoted now in media articles, and by government officials in South Africa. CDE, *ibid*, reported that 32 high level officials in Johannesburg stated on average that there were 2,5 million immigrants in Johannesburg. As recently as 2 March 2010, the Gauteng Provincial Police Commissioner told Parliament that there were 3 million foreigners in Gauteng – FMSP press release notes this, 3 March 2010.

B. A puzzling absence of social policy

“[The South African] government has provided no leadership in responding to Zimbabwean migration, its legal responses have been inadequate, and its ability to address and support the livelihood needs of Zimbabweans virtually non-existent.”¹⁶

Both the vastly understated and now the vastly overstated numbers of Zimbabweans in South Africa have been unhelpful at the level of government policy. Until 2005, the influx of Zimbabweans was denied, meaning there was no perceived need for a specific policy to deal with the associated problems. Now, the migration of foreigners, in particular Zimbabweans, is seen as being totally out of control, which has “produced feelings of helplessness and desperation among officials”¹⁷. As a staff member at the FMSP commented:

“It is astounding that on the one hand, government officials can tell you there are three million Zimbabweans in South Africa – which is an exaggeration - and then on the other hand admit that they have no policies in place to deal with this phenomenon.”
(Interview March 2010)

As Tara Polzer notes, *Zimbabwean migration since 2000 has been the largest concentrated flow into South Africa in its recent history, outstripping by threefold even the movement of Mozambicans during their civil war*.¹⁸ Yet both government and civil society have by and large had what she calls a “non-response”: the welfare of Zimbabweans has been left mainly to their own networks of Zimbabweans in South Africa, and (often poor) South African citizens.

Astonishingly, there has been no public policy statement on Zimbabwean migration from the Presidency, Parliament or Cabinet. There has not even been a debate on Zimbabwean migration in either the Parliamentary Committee on Home Affairs or Parliament’s plenary sessions.¹⁹

However, this undeniably huge migration has *lacked the appearance of a sudden emergency*, which has in Polzer’s opinion partly contributed to the “business as usual” policy towards Zimbabweans. There has been no single large-scale influx of hundreds of thousands of people, such as was seen out of Congo and into Uganda in 2008, for example. South Africa prepared for “mass influx” ahead of the Zimbabwean elections of 2002, 2005 and 2008, but a visible, concentrated, mass influx never occurred, even though the figures of Zimbabweans migrating to South Africa have cumulatively resulted in more than a million people in a few years. Zimbabweans have also dispersed fairly widely across the country, which has further created the perception of no need for a concerted official response to the migration.²⁰

¹⁶ T Polzer, *South African Government and Civil Society Responses to Zimbabwean Migration*, Southern African Migration Project (SAMP) Policy Brief No 22, December 2008, page 16.

¹⁷ CDE, *ibid*, page 8.

¹⁸ T Polzer, *ibid*, December 2008. Page 4.

¹⁹ *Op cit*, page 15.

²⁰ *Op cit*, page 8.

1. **“It’s not a ‘migration’ policy failure, it’s a ‘poverty alleviation’ policy failure”²¹**

Rev Paul Verryn of the CMM points out that the failure of the South African government to deal with migrants satisfactorily is simply part of their greater failure to deal with the ever-widening poverty gap in South Africa. While life may have improved for many since the end of apartheid, for millions of others poverty continues to be a way of life. 41% of South Africans live below the poverty datum line, and 40% of South Africans are outside the structures of formal employment. Black South Africans constitute 79% of the population, but earn only 44% of income and benefit from 41% of expenditure.²² There are hundreds of thousands of South Africans who do not have adequate housing, with massive squatter camps on the outskirts of many major cities – **migrants merely fall through the same gaps that many poor South Africans do.**

2010 has already been beset with widespread demonstrations over poor service delivery, there is a nationwide backlog in low cost housing, and South Africa’s own three million orphans are not adequately catered for.²³ Education is in crisis, with falling pass rates and standards at Matric level. Considering its shortcomings in relation to its own citizens, it is perhaps unrealistic to expect the government to plan policy-wise and budget-wise for an extra 1,2 million Zimbabweans, who in terms of the South African Constitution, have the same rights to basic services as citizens.

Furthermore, there are no institutions in place in South Africa to deal with large-scale migration, and the phenomenon of migration on the scale of that from Zimbabwe has never been dealt with before.²⁴

“Quiet Diplomacy”: importantly, the South African government’s policy of quiet diplomacy has been in contradiction with officially recognising a massive political crisis in Zimbabwe.²⁵ The transfer of the presidency from Thabo Mbeki to Jacob Zuma has not changed this policy, and the advent of the Global Political Agreement makes remote any policy change.

2. **Epidemic outbreak, Musina 2008/9 – an example of poor social policy**

In July 2008, the opening of a Refugee Reception Office (RRO) in Musina, near to the Zimbabwean border, resulted in large numbers of Zimbabweans beginning to gather at the showgrounds there, although the government refused to formally recognise this *de facto* refugee camp.²⁶ In October/November 2008, the Zimbabwean cholera epidemic spilled over the border into this Musina camp, and hundreds of cases were treated there by MSF and the local health department over the next few months. The Zimbabwean camp in Musina had grown to over 4,000 people by February 2009, yet the government continued to refuse to recognize this officially, meaning that minimum international standards for a refugee camp did not have to be enforced. People were without adequate access to food, water, sanitation, shelter or health care, and the authorities consistently blocked efforts by NGOs to provide assistance.²⁷

²¹ Interview, Paul Verryn, 5 March 2010.

²² Interview Verryn, also Institute of Justice and Reconciliation, Transformation Audit 2009, Cape Town, 2009.

²³ Noseweek; “Abuse or mercy?” Issue 120, Oct 2009.

²⁴ Polzer, *ibid*, page 9.

²⁵ SPT, “No War”, *ibid*, 2004. See also SPT “No Crisis in Zimbabwe”, DVD, May 2008.

²⁶ MSF: *No refuge, access denied: medical and humanitarian needs of Zimbabweans in South Africa*; Johannesburg, June 2009: this section on the Musina outbreak relies heavily on their account, pages 13-15.

²⁷ *Op cit*.

In March 2009, when the cholera was not yet entirely under control, the DHA ordered everyone to leave the camp, without providing any alternative plan for accommodating or transporting people. The camp was hastily dismantled and people were bussed to Johannesburg, allegedly by the UNHCR, who were asked by the Musina Municipality to provide transport.²⁸ In Johannesburg, people were offloaded to fend entirely for themselves. MSF was appalled at the action, fearing that it could displace the epidemic around the country, and push Zimbabweans still in Musina into hiding and out of the reach of medical care. Furthermore, this displacement simply created new problems in Johannesburg, particularly for the CMM, which overnight found itself filled to more than capacity, with 3,500 in the church, and up to 2,000 additional Zimbabweans sleeping outside the church.²⁹

The inconvenient problem of thousands of Zimbabweans cannot be solved by shifting them from one location to another, and the current desire by some in government to throw out the Zimbabweans living in the CMM shows that no lessons have been learnt from the Musina experience; Zimbabwean migrants are not going to disappear into thin air as a result of being continually chased from one place to another.

3. Legal necessity for a policy

The barriers to coherent policy towards migrants notwithstanding, South Africa nonetheless has a legal and moral obligation to develop such a policy, particularly if further outbreaks of xenophobia are to be prevented. As the South African Human Rights Commission (SAHRC) reminds the government in its recent report on the xenophobic violence of 2008, the Constitution is the supreme law in South Africa: the Constitution recognizes that South Africa “ ‘belongs to all who live in it’ ”, not just its citizens, and ‘all people’ have the right to life, freedom and security of person, freedom from discrimination on any grounds, and freedom from arbitrary eviction or deprivation of property”.³⁰ These constitutional rights override all other legal instruments in relation to migrants, whether regular or irregular, including the 2002 Immigration Act.

South Africa has a “legal and moral responsibility to defend the fundamental rights of non-nationals, to ensure justice for non-nationals and to combat the culture of impunity under which their rights are violated”.³¹ Furthermore, in terms of the Constitution, “all people” have basic socio-economic rights, including the right to basic health care, basic education, adequate housing, sufficient food and water, and social security.³²

In spite of the legal requirement to provide health care and education for all migrants, the government has failed to evaluate which clinics are under additional pressure from Zimbabweans, such as in inner city Johannesburg and in Musina; no policy to provide such clinics with additional funds or staff has been established. It has been left largely to NGOs such as MSF to provide essential services to thousands of Zimbabweans.³³

²⁸ Kenichi Serino: “UNHCR has created refugee ‘crisis’ in Joburg: Government”, in *The Citizen*, 12 March 2009.

²⁹ Issues surrounding events at the CMM are dealt with ahead in this report.

³⁰ SAHRC; *Report on the SAHRC investigation into issues of the rule of law, justice and impunity arising out of the public violence against non-nationals*; March 2010: page 8.

³¹ Op cit, page 9.

³² T Polzer, *ibid*, page 12.

³³ Op cit, also MSF *ibid*: MSF treat 2,000 Zimbabweans a month in Musina and 4,000-5,000 a month in Johannesburg.

4. Good intentions here and there

The City of Johannesburg has acknowledged publicly the need to deal with migrant policy, and since 2006 there has been evidence of good will in this regard, although little to show for it on the ground. In 2006, Mayor Amos Masondo referred to the need to draw up a draft support strategy for migrants,³⁴ and the City has a “Help Desk” for migrants that offers advice of various kinds, but it is difficult to find anyone who really knows where this desk is or what it offers.³⁵ Masondo pointed out that Johannesburg has been receiving migrants since the gold rush more than 100 years ago, and commented that migrants bring cultural diversity and enrich the city in many ways.

In August 2008, Mayor Masondo addressed an International Migration Workshop, in the wake of the terrible xenophobic attacks of that year. Masondo commented that: “the attacks on foreign nationals in South Africa is something that makes us bow our heads in shame.” Once more he acknowledged that migrants are an integral part of the city. He predicted that **the city of Johannesburg will grow by 3,5 million in the next 25 years**, and pointed out the massive challenge this posed in terms of housing and other services. He announced that by 2011 the city would have provided 50,000 new mixed housing units.³⁶

In October 2009, the Johannesburg Migration Advisory Committee was launched by Mayor Masondo, to devise ways to promote migrant rights and integrate them in the City. This was in the wake of growing chaos around the CMM – see chronicle ahead in this report. The DHA, the City of Johannesburg, Foreign Affairs, organised labour, migrants, academics, NGOs, the police and businesses are represented on the committee. Their first task has been to finally get the Moth Hall in Noord Street open to migrants, after almost a year of promises and delays – at the time of writing this report, the Moth Hall has yet to take in its first migrant.³⁷

5. Migrants: a drain or a resource?

Many Zimbabweans, particularly those from Matabeleland who speak an Nguni language that allows them to integrate almost seamlessly in South Africa, have found employment and a social network. The CDE research (2006) found that:

- *Only some 20 per cent of foreigners were unemployed.* Forty-four per cent were self-employed, and 12 per cent employed other people: the average number of employees was four, half of whom were South African.
- *Foreigners are more than twice as likely to be self-employed and self-sufficient as local adult residents.* Their level of unemployment, which occurs mainly among very recent immigrants, is also significantly lower than the local South African equivalent level.
- *Immigrants employ almost half their total numbers* (12 per cent of them are employers, employing an average of almost four people each); close to half again are South African employees.³⁸

³⁴ Melissa Hoffman: “Joburg opens arms to migrants” in: joburgnews.co.za, 22 Aug 2006.

³⁵ Not one interviewee out of many involved on the front line of migrant support and research knew where this desk was situated or what one could expect from it – 2-6 March 2010.

³⁶ Amos Masondo, Key note address on the occasion of the International Migration Workshop, Constitution Hill, Braamfontein, Johannesburg, 13 Aug 2008.

³⁷ Interviews, FMSP, CMM, LRC, SALHR.

³⁸ CDE, *ibid*: Executive Summary page 6: italics and bullets added.

However, a 20% unemployment rate could mean that **more than 300,000 Zimbabwean migrants are eking out desperate existences in South Africa**. Many more who are self employed barely make ends meet, and whether employed or not, migrants face barriers when trying to access health care or education for their children, which makes life harder for them than for unemployed South African citizens.³⁹ A recent report showed that almost 30% of migrants report problems with gaining health care, and 45% of Zimbabwean children fail to access schooling.⁴⁰ In addition to this, they may face harassment and xenophobia from officials and from their neighbours.

The CDE report reaches three main conclusions:

- Immigration into South Africa is likely to continue and escalate.
- Most migrants make a positive contribution and this needs to be capitalised on, which can only be done if South Africans can see that migrants are being properly factored into city plans and policies, and that there is border management.
- Popular fears and misconceptions about migrants need to be taken seriously, as they are not blind prejudices, but local versions of universal and understandable fears.⁴¹



Photo 4: A Zimbabwean considers his life, central Johannesburg

³⁹ SPT, *Gone to Egoi*, 2009, established that many Zimbabweans in the diaspora fail to remit goods or money, and that this failure to survive economically has worsened among South African migrants in the last few years, possibly pointing to a saturation in job markets and over burdening of established migrant family networks in South Africa.

⁴⁰ Consortium of Refugees and Migrants in South Africa (CoRMSA); *Protecting refugees, asylum seekers and Immigrants in South Africa*; Johannesburg, 2008.

⁴¹ CDE, *ibid*, page 8: bullets added.

C. Border control, documentation and policing of Zimbabweans

1. Border control versus border management

It is the right of any nation to control who has access through its borders, and also the responsibility of a nation to police borders - which in the case of South Africa are often very violent and extortionist zones, where rapes and thefts of would-be migrants are rampant. However, the extremely lengthy and remote nature of all of South Africa's borders means that they are very porous, and that migrants effectively cannot be kept out - but the current border policy means that they arrive undocumented and vulnerable to abuse and exploitation because of their essentially illegal status.⁴² However, instead of plans to liberalise border control, in March 2010, the South African Police were appealing for a greater clampdown, aided by the South African National Defence Force (SANDF). Loren Landau of the FMSP responded:

Without a wholesale rethink of regional migration management, such initiatives will fail before the SANDF step out of their jeeps. For several years the government has been talking about a shift away from "immigration control" to "immigration management". The point behind this shift is simple, but so commonly ignored it bears repeating: South Africa can not control human movement across the entire border line unless it is prepared to spend billions, act inhumanely against those trying to cross, and attract international condemnation for its efforts.⁴³

Landau predicts that if there were a regional migration system rather than a national migration system between southern African nations, "about 85 percent of undocumented foreign nationals would have documentation".

2. Deportations

In keeping with its policy of border control as opposed to management, until 2009 the most recognisable government response to Zimbabwean migrants was to deport them. While statistics for deportations have not been disaggregated by nationality since 2005, in 2005 there were 150,000 Zimbabweans deported, and this was a more than three-fold increase over 2004 (45,000 deportations). One could realistically estimate that over 700,000 Zimbabweans were deported between January 2004 and April 2009, at massive domestic expense amounting to billions of Rand.⁴⁴ This was clearly a useless policy, as it did nothing to stem the flow, and simply increased the hardships and risks for migrants. The border became a "revolving door" with deportees often back in South Africa within hours.⁴⁵

In April 2009, a **moratorium on deporting Zimbabweans** was declared, which has largely, but not always, been respected by the South African Police (SAP) and DHA. South African Lawyers for Human Rights (SALHR) report that in December 2009 and January 2010, they

⁴² Countries all over the world face the reality that it is virtually impossible to keep out migrants – even the wall on the Mexican border has failed to do so.

⁴³ Loren Landau, FMSP: "Police Commissioners Irresponsibly Inflate Numbers; Blame Foreigners for Security Woes"; Press release, 3 March 2010.

⁴⁴ In 2004, each deportation was said to cost the State R 16,000. See *No War*, *ibid*.

⁴⁵ See SPT, *No War*, *ibid* for detailed information on deportation experiences.

were called in to represent scores of Zimbabweans who were being deported from Musina via Beitbridge. These deportations took place on several occasions. When SALHR objected to this in view of the moratorium, officials admitted that these deportations should not be happening, and blamed them on elements in the SAP who were defying the policy directive.⁴⁶ In March police reported that they had deported 2,000 migrants in January and February, of which 179 were Zimbabweans who had “criminal records” in South Africa. How many were Zimbabweans without criminal records, is not reported.⁴⁷

3. Documentation

The primary way in which Zimbabweans have tried to gain the legal right to live and work in South Africa, has been by acquiring an Asylum Seeker Permit (ASP). For many years, the implicit policy seemed to be to make it as difficult as possible for these permits to be issued to Zimbabweans: in 2004, only around 5 per week were being issued through the Johannesburg office, in spite of massive demand.⁴⁸ This was linked to an official reluctance to admit that there was effectively a low grade civil war in Zimbabwe, and that possibly many thousands of Zimbabweans were suffering political persecution and were entitled to refugee status. Over time, it has become easier for Zimbabweans to gain ASPs. For example, there were 17,667 asylum claims in 2007 - but only 271 were approved and 1,628 rejected.⁴⁹ Yet human rights groups in Zimbabwe continue to document thousands of cases of political persecution every year. Polzer among others has pointed to the tendency to interpret the Refugee Act very narrowly, to keep it less responsive to Zimbabweans than it could be.⁵⁰

i. Undocumented Zimbabweans: ASPs – an inappropriate *ad hoc* measure

While there has continued to be a reluctance to grant full refugee status, **the issuing of ASPs has become the primary response of the DHA** to dealing with the large numbers of Zimbabweans arriving undocumented in South Africa. Considering their intention to ultimately apply a very narrow interpretation of the Refugee Act, this is hardly appropriate – the mass issuing of ASPs at the Musina Refugee Reception Office in particular, is clearly being used as a “temporary stop gap measure”, in the face of no obvious current alternatives.⁵¹

SALHR reports that ASPs are being issued in Musina almost as a routine within a day or two of waiting, and without any rigorous screening prior to their issue. However, there is also evidence of these asylum claims currently being fast-tracked, with the vast majority being dismissed as “Manifestly unfounded” claims, which precludes any possibility of appeal.⁵² This simply serves to underline the inappropriateness of the current *ad hoc* attempts to deal with undocumented Zimbabwean migrants, some of whom would genuinely qualify for political asylum and many of whom would not. It is over burdening the asylum system and likely resulting in bad decisions in the screening processes.

⁴⁶ Interview, SALHR, 2 March 2010.

⁴⁷ The Zimbabwean; “SA army along the Zim-Moz border”, 9 March 2010.

⁴⁸ See SPT, *No War*, *ibid*.

⁴⁹ Cited in T Polzer, *ibid*, page 10.

⁵⁰ *Op cit*.

⁵¹ Polzer, *op cit*. Also interview with SALHR, 2 March 2010.

⁵² Interview, SALHR, 2 March 2010.

ii. Zimbabweans with passports: 90-day working visa on entry

In May 2009, the longstanding visa system for Zimbabweans was dropped and was replaced with the issuing of a 90-day permit at the border, allowing Zimbabweans to work in South Africa for three months, after which they can leave and re-enter. **This was not a special dispensation**, and simply belatedly brought Zimbabwe in line with other neighbouring countries who have had visa-free entry to South Africa for some time. For those who have passports, this has made a dramatic difference to their ability to enjoy some level of legal existence in South Africa.

However, the vast majority of Zimbabweans crossing the border continue to do so undocumented, as passports are so difficult and expensive to obtain in Zimbabwe. There are years of delay between application and passports being issued. Most Zimbabweans therefore continue to face all the obstacles of being undocumented, including the violence and corruption associated with illegal border crossings. Many resort to acquiring an ASP, as referred to above, as an *ad hoc* measure.

iii. Special dispensation under Section 31 (2) b

It would make sense to issue a special dispensation to Zimbabweans, rather than to apply ASPs indiscriminately to all border crossers. Such a special dispensation was in fact announced as forthcoming, first in mid 2008 and then again in April 2009, and was aimed at making it possible for undocumented Zimbabweans already in South Africa to regularize their presence. The permit would have allowed for six months of residence, subject to review.⁵³ There is no indication that this policy will in fact materialize: there has been a change of government and Minister, and the new Minister of Home Affairs is apparently reluctant to implement a special dispensation for Zimbabweans.⁵⁴ However, in the face of obvious failings to deal with the influx in any other satisfactory way, the policy of a special dispensation needs to be urgently revived and implemented.

4. Migrants and policing

One of the consequences of the criminalizing of migrants simply through their lack of papers, has been the focusing of the police on immigration policing to the detriment of resources being spent on tracking more serious crimes. The FMSP showed in 2009 that the Gauteng police department spent 26% of its total policing budget on immigration policing:

SAPS Gauteng spends approximately R 350 million per annum on immigration policing. And this with no evidence that foreigners are disproportionately involved in criminal activity.... **For all of the time the police spend chasing foreigners, they are convicted of crimes at a rate no higher than the South African citizens amongst whom they live.**⁵⁵

According to Landau, the Gauteng police are dramatically inflating the real number of migrants in Gauteng – claiming there are 3 million when in fact the evidence points to there being around 600,000 - and are exaggerating the criminality of migrants, in order to

⁵³ SAPA; “Temporary legal status for Zimbabweans”; SABC News, 2 April 2009.

⁵⁴ Interview, Legal Resources Centre, 5 March 2010. There was a change of President and of Ministers in 2009.

⁵⁵ Loren Landau, press release, *ibid.* 3 March 2010, our italics.

scapegoat them for the police's failure to effectively combat more serious crimes. Police in Limpopo have made similar complaints, telling Parliament that the government doesn't budget for the "millions" of illegal immigrants who have to be policed out of sheer necessity.⁵⁶ This scapegoating of immigrants as both criminal and therefore wasteful of state policing resources is dangerous in view of the xenophobia already prevalent in South Africa.

Even as the police complain about the already exorbitant costs of migrants to the police force, announcements have been made of an escalation in border policing. Four additional companies of police and army are to be deployed along the Mozambique and Zimbabwe borders to control "illegal immigrants", who will be arrested and charged with R1,000 bail money.⁵⁷ Very few undocumented migrants will be able to pay this money, meaning that South Africa's policing budget is destined to be used even more extensively to cover the costs of intercepting, locking up and deporting immigrants.

D. Life of Zimbabweans in Central Johannesburg

The largest grouping of Zimbabweans is undoubtedly in greater Johannesburg, where around 600,000 Zimbabweans live. The greatest density of Zimbabweans is in the dead centre of the city, where MSF estimates *more than 30,000 Zimbabweans live within a relatively small area*.⁵⁸

This area encompasses the well-known CMM, but the 1,500 Zimbabweans currently residing at this church building are the veritable tip of the iceberg, representing: 5% of central Johannesburg Zimbabweans; 0.3% of Zimbabweans in greater Johannesburg; and around 0.1% of Zimbabweans in South Africa.

The CMM, under Rev Paul Verryn, has drawn intense media interest in recent times, with comments ranging from extremely positive to extremely negative. Understanding events and life at the CMM needs an understanding of the greater context in which Zimbabweans arriving in Johannesburg find themselves. In March 2010, the authors made on-site visits to buildings in downtown Johannesburg to assess the living conditions of some of the other 30,000 Zimbabweans in that area. It is clear that life in the big city is extremely precarious and unpleasant for many.

In the so-called "China Square" building, which houses mainly Zimbabweans, hundreds of tenants crowd into floor after floor of tiny rooms, subdivided by blankets on ropes to give families or groups limited privacy from one another. The notice board downstairs is filled with scraps of paper advertising: "Girl wanted to share bed", or "Guy wanted to share bed". The going rate to quite literally share a 70 cm wide mattress on the floor is R200 per month.

⁵⁶ Lizel Steenkamp, News24; "Immigrants put strain on police"; 3 March 2010.

⁵⁷ The Zimbabwean; "SA army along the Zim-Moz border", 9 March 2010

⁵⁸ Interview, MSF, 2 March 2010, Johannesburg.



Photo 5: China Square building, where hundreds of Zimbabweans share rooms, often 2 to a bed, 10 to a room: March 2010.



Photo 6: Midnight at midday – life in Chambers building March 2010

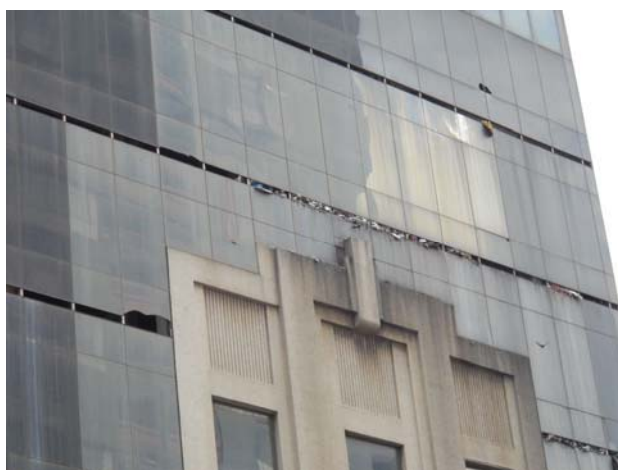


Photo 7: Garbage spews out of the edges of this building where Zimbabweans live, March 2010

The lifts do not work, and youngsters who are clearly of high school age, stare listlessly down stairwells, babies strapped to their backs.

Across the block is another bleak building, which allegedly houses mainly Zimbabwean sex workers: garbage can be seen jammed into the edges of each storey, spewing out of every crack and orifice in the crumbling façade. And around the corner, the “Jah Crucial” building, another Zimbabwean stronghold, shrieks of poverty and decay. Rags of washing hang on rusted, filthy balconies above mounds of obscure items. This building was identified by some Zimbabweans from the CMM as being too dangerous to enter, allegedly housing at least some criminal elements. [see back cover photo].

1. Chambers building – evictions and shocking conditions

Among the most depressing living conditions are those to be found at Chambers, an abandoned warehouse. Over the years it has been taken over by around 550 migrants, mainly Zimbabwean, but including Malawians and Zambians. In February 2010, fifty-five of the Zimbabweans living here were blind and 12 were in wheelchairs.⁵⁹ The conditions in this building are abysmal by any measure. Chambers is allegedly one of the many “hi-jacked” buildings in the central Johannesburg area – a building that has been invaded by squatters, who end up paying rent to a third party who is not the owner of the building. The 550 tenants of Chambers were evicted without due process on 10 February 2010, and spent the next week living in the open on the pavement outside Chambers, while the Legal Resources Centre (LRC) took their case to court. The Court ruled that the eviction was unprocedural because notice should have been served three months prior and this was not done. During the eviction, the tenants were looked after on the pavement by MSF who provided health care, blankets and portable toilets, and by SPT, who provided food. Utensils, food supplies and bedding had been destroyed during the eviction.

In the wake of this eviction, which will now most likely be followed up by a further, legal, eviction in three months, many of the previous tenants have moved on. However, an unclear number still remain, with literally nowhere else to go. Many of these are blind or handicapped.

Dark as a dungeon

The conditions in the building defy belief, in particular the fact that there is neither electricity nor external windows in the rooms where people reside. The interior of Chambers is black as pitch and as fetid as a dungeon – at noon on a bright day, residents could be found squatting over single candles in the absolute gloom, trying to undertake normal chores such as cooking a meal over a paraffin stove (see photos). Children were playing in the totally dark passageways. In the only open space that has at least some light filtering in through the warehouse door, a group of migrants were valiantly stitching together incongruously bright and cheerful cushions in pink and gold, for sale on the pavements in the area. We were shown around by a blind tenant who was - unsurprisingly - unperturbed by the uniform blackness! It is hard to describe how bleak life is in Chambers building – yet people here are so desperate for accommodation that they are fighting for the right to remain here. Bleak as it is, it is better than living on the open pavement to be rained on and robbed.

⁵⁹ Interviews, CMM, SPT staff, MSF, and LRC for events surrounding the Chambers eviction. Site visit by authors in March 2010 for current situation.



Photo 8: A Zimbabwean cooks his midday meal by the light of one candle: noonday sunlight does not reach inside the rooms of Chambers. March 2010.



Photo 9: Making bright shiny cushions in the gloom of Chambers building: March 2010

E. The Central Methodist Mission – haven or monstrosity?

“Every conceivable social problem that you could imagine is here, from child abuse, to stealing, to sex on the steps. It happens. It can be testing, but on the other hand there’s huge possibility. To begin organizing and garrisoning the potential of people in this place can be exceedingly rewarding. There is huge hope looking for a home.”

[Paul Verryn, 2 September 2009]

Rev Paul Verryn refers to the CMM as “a protest against the disparity between the rich and the poor”. He sees it as “a strike at the heart of greed”, and points to the failing of the churches to deal with the “sinful” poverty gap that has developed in South Africa. He sees the extreme poverty of both migrants, and also many South Africans, as a failing on the part of Government - and also on the part of the churches. The churches in South Africa are jointly the second biggest land-owners in South Africa, after Government, yet they are doing very little to empower the poor with their resources.⁶⁰

In the last decade, Verryn’s policy of ministering primarily to the destitute has increasingly meant taking in migrants who arrive homeless and disorientated in central Johannesburg – and in recent years, the predominant group to be found in the church is Zimbabwean. However, among the 1,500 people who in March 2010 were sleeping on the church floors, people of many nationalities were to be found, including South Africans. The CMM stands alone as a church in Johannesburg that has whole heartedly practiced what the gospels may be seen to preach – where the human dignity of all is seen as being equal, where every human being is valued and taken on their own terms, and where the little that there is, is shared with those whose need is greatest. On the other hand it has been argued that life in the building is “monstrous”, that it is a disaster waiting to happen, and that it should be closed down immediately.⁶¹

Living inside the CMM building is hard. Ablutions are limited, there is almost no privacy, and sleeping on the bare floor side by side with, at times, 4,000 others, is not anyone’s first choice of how to live in a perfect world. The open door policy of Paul Verryn means that all types are to be found in the building – the good, the bad and the ugly. Over the last five years, Verryn estimates that as many as 20,000 different individuals may have passed through its doors and stayed for varying lengths of time.

Controversy has abounded over the years, with the CMM being accused of housing criminal elements, and failing to prevent sexual abuse of minors. Verryn comments that there are only 8 rules associated with staying in the church, which have to be conformed to by everyone. These are: no smoking of anything; no drinking; no fighting; no stealing; no sex unless married and in the married section of the building; keep yourself and your area clean; attend the church service every evening; be involved in some kind of skills training or education – many options are provided by the church itself. Inevitably these rules are not always adhered to, including those involving stealing, fighting and sexual abuse, and Verryn works closely with the police to remove criminal elements as they arise.

As numbers have grown, maintaining oversight of the CMM has become more and more challenging, with Verryn often up until 3 am dealing with problems that arise. He would

⁶⁰ Interview, Paul Verryn, 6 March 2010.

⁶¹ Thabiso Thakali; “Central Methodist Church and its ‘monster’ come under attack”, The Star, 31 Oct 2009.

welcome a chance to reduce the pressure of the situation – but will never consider throwing people out. The problem of the displaced is clearly bigger than one church can deal with – the CMM needs the State and UNHCR to provide the solution of alternative accommodation that is their mandate – which they have dismally failed to fulfill to date.

Among projects at the CMM, is the “Zimbabwe Isolated Women in South Africa”, which consists of 180 women at the CMM, who are all widows or abandoned, and all of whom have children. The CMM has organized basic training for these women, in computers, dress design, catering, beadwork, and hairdressing, and they have begun to make small profits from their various projects.

The CMM is a barometer of the scale and intensity of the Zimbabwe Crisis – when conditions in Zimbabwe worsen, the numbers sleeping on the floors of the church escalate, as the following chronicle will show. While some City and State officials have paid lip service at least to the need for a humanitarian response, other elements have reacted oppressively, with arrests and raids on the CMM. Fourteen months after promising city-sponsored alternative accommodation for some of those at CMM, this has not materialized.

This mixture of promises of easing conditions, combined with actual crackdowns, is a microcosmic version of the State response to the Zimbabwean influx on a national scale; special dispensations have been promised, but border crackdowns are what have happened.

F. Attacking the ambulance: chronicle of events at the CMM

Hermann Reuter of the MSF has referred to the CMM as an “ambulance”, because it is the most visible manifestation in Johannesburg that something disastrous is going on – namely the crisis in Zimbabwe, combined with South Africa’s failure to address migration adequately. Reuter points out that there is nothing to be gained from blaming or hating the ambulance, which is simply a response to a situation and not the cause of it.⁶² We could add - the ambulance may have dubious roadworthiness, but if it is the only vehicle on the scene of a disaster, then pointing out that it has only one headlight and ought not to be used, does not help the dying patient on the side of the road. According to Reuter, writing in defence of Paul Verryn and the CMM, – “the only man-made crisis in this case is the one in Zimbabwe and the failure of the South African government from the onset to respond adequately to the cross border humanitarian implications”.⁶³

The following is a brief summary of events both at the CMM, and of broader events that affected numbers at the CMM, during 2008/9.

2008

30 Jan: **Night-time police raid** on the CMM is carried out in a “despicable and appalling” manner, resulting in smashing of church property and the arrest of 350 Zimbabweans sleeping in the CMM. Police claim to be enforcing law and order, but find no contraband. After abusively detaining hundreds of people for several days, including ill people, women and children, they charge 15 people with vague, migration related offences for having no papers.⁶⁴ Several detainees suffer injuries such as broken ribs and lung contusions as a result of police brutality, and are denied access to health care and their lawyers.

Apr->: The presidential **election run-off** in Zimbabwe turns violent, and thousands flee the country: many end up at the CMM.

May: An appalling time for foreigners in South Africa, and particularly in Gauteng. **Xenophobic violence** leaves 62 dead and displaces 100,000 people, mainly migrants, in the space of a few weeks. This violence has a direct impact on the CMM, as some of the displaced crowd in here.

July->: **Total economic meltdown** and political uncertainty escalates the exodus from Zimbabwe: numbers surge throughout the year at the CMM.⁶⁵

Aug->: **Closure by ‘Red Ants’⁶⁶ of the Mid Rand camp** where thousands of Zimbabwean xenophobia victims have been living, puts further pressure on the CMM.

Nov: -> **Cholera epidemic in Zimbabwe** sends thousands across the border to makeshift camp in Musina, which grows to over 4,000 people by Feb 2009.

⁶² Hermann Reuter; “Don’t blame Verryn”, Mail and Guardian online, 11 Dec 2009.

⁶³ Op cit.

⁶⁴ iol; “Hundreds of Zimbabweans arrested in church”; 31 Jan 2008: UN Integrated Regional Information Network; “Raid Highlights Migrant Abuse”, 1 Feb 2008: News24; “Refugees ‘physically mistreated’”; 2 Feb 2008: Mail and Guardian; “Legal concerns over treatment of church refugees”, 3 Feb 2008.

⁶⁵ SPT, *Gone to Egoli*, June 2009, tracked exponential increases in migration from Zimbabwe to South Africa during 2008/9.

⁶⁶ “Red Ant Security” is a private security company that has become notorious in South Africa in recent years: their bands of guards in red uniforms are hired out by banks, private companies and municipalities, mainly to undertake evictions, which they do brutally.

2009

- Jan: Paul Verryn appeals to the City for assistance with emergency accommodation, as CMM is beyond capacity. The **City agrees to lease a building** to the CMM subject to management of conditions, and agrees to provide temporary toilets, continuous cleaning and additional security in the area of the CMM. However, the extra building is not available immediately.⁶⁷ [In fact it is still not ready one year later].
- Feb: 100 police and **'Red Ants' raid** people sleeping next to the CMM, harassing, intimidating and arresting Zimbabweans.⁶⁸
- 8 Mar: **Musina showground camp closed**, and 1000s flee to Johannesburg; **more than 4,000 Zimbabweans crowd out the CMM** at the peak of the crisis.⁶⁹
- 13 Mar: Gauteng MEC Mahlangu accuses UNHCR of having created a refugee crisis in Johannesburg, because they facilitated people moving there after closure of Musina camp. She also accuses Bp Verryn of exposing refugees to more danger: **"We are not condoning what he is doing, we condemn it"**.⁷⁰
- 14 Mar: Zimbabwean groups spring to Verryn's defence; "At least thousands of our people have somewhere to lay their heads where no rain can soak."⁷¹
- 21 Mar: MEC Mahlangu announces that **six buildings have been identified** across Gauteng, which can be used to house refugees for three months.⁷² [In March 2010, talk of six buildings has evaporated, and the one building still being considered is not yet available for occupation – see ahead on Moth Hall].
- March: **Businesses** in the same mall as the CMM **sue the municipality and the CMM**, saying their businesses are suffering because of the crisis of refugees. The businesses erect a large metal gate in front of the CMM isolating those sleeping outside the CMM and exposing them to danger.⁷³ The High Court in due course orders the removal of chemical toilets in the mall.
- 23 Mar: More than 2,500 Zimbabwean **refugees at the CMM are registered** by the UNHCR, for apparently imminent transfer to the six buildings Mahlangu has promised.⁷⁴ A further 1,800 refuse to register as they do not wish to leave the CMM.
- April: DHA announces a **special dispensation permit** for undocumented Zimbabweans and a moratorium on deportations. However, to date the dispensation has **not materialized**.
- 4 April: **Bp Verryn has death threat to his face** by hit men, who claim that they have been hired by businessmen in the mall. He believes it is an extortion attempt.⁷⁵
- May: **90 day visa free entry** for Zimbabweans announced, but this only helps those with passports, who are the minority of migrants.

⁶⁷ News24; "Joburg to help with refugees", 10 March 2009 - this article states that Verryn approached the city for help in January 2009. In fact, in March 2010, the building is still not yet available!

⁶⁸ MSF, 2009, *ibid*, page 5.

⁶⁹ *op cit*. Also News24; "Zim refugees flood Jhb, 8 March 2009;

⁷⁰ News24; "Church slammed over refugees", 13 March 2009.

⁷¹ News24; "MDC slams Mahlangu comments", 14 March 2009.

⁷² News24; "Zim refugees to be moved", 21 March 2009.

⁷³ MSF, *ibid*.

⁷⁴ News24; "Chaos as Zim refugees queue", 23 March 2009, and "Many refugees opt not to move", 26 March 2009.

⁷⁵ News24; "Hitman threatens bishop", 8 April 2009 and "2 held for bishop death threat", 9 April 2009.

- June: **Impounding of vendors' goods** and 35 taxis in central Johannesburg is part of Confederation Cup cleanup.⁷⁶
- 4 July: **350 people are arrested outside the CMM and charged with "loitering"**. Women are released and 254 men are kept in custody. Police justify the arrests saying people who work in the High Court and mall complained to the police. Legal Resources Centre responds by saying their only crime is to be destitute. **Charges are withdrawn two days later.**
- July: **LRC opens a case challenging the constitutionality of the "Loitering Act"**, on grounds it infringes people's basic rights to movement and association.⁷⁷
- 6 July: JMPD Chief Superintendant says that arrests are part of a campaign to clean up the city and "there will be follow up operations".⁷⁸
- 6 July: **City officials announce that in nine days the Moth Hall in Noord Street will be ready for occupation**⁷⁹ – 9 months later, the Moth Hall is still not ready for occupation by Zimbabweans.
- 11 July: Vendors in the vicinity of Ellis Park football stadium are warned to clear their stands ahead of the WFC. One is beaten and arrested. Police say they will **intensify their crackdown ahead of 2010**.⁸⁰
- 6 Aug: **"Red ants" spray smelly water** directly over people and vending stalls outside the CMM. This is at 2030H, when people usually settle down to sleep outside the CMM. It is seen as intimidation and xenophobic.⁸¹
- 9 Sept: Judge Claassen gives a landmark ruling that **the City is responsible to provide accommodation** for 200 poor South Africans evicted from a building that the owners want to renovate before the WFC.⁸² They are moved into the Moth Hall that has been set aside to be refurbished primarily for Zimbabwean migrants from the CMM, but also for South African vagrants.
- 14 Sept: **Claims of unaccompanied minors being sexually abused at the CMM begin to surface.** 3,500 people are sleeping in the CMM every day at this stage. Among them are 110 unaccompanied minors.⁸³ Teachers accused of abuse are suspended, and some children are moved out to shelters, although many others opt to remain in the CMM. Verryn says the claims will be taken very seriously, and cooperates fully with the police. Accusations and counter accusations begin about the children's welfare, between Verryn, child welfare NGOs and state officials.
- 6 Oct: **The Johannesburg Migration Advisory Committee is launched** by Mayor Masondo, to devise ways to promote migrant rights and integrate them in the City. The DHA, the City of Johannesburg, Foreign Affairs, organised labour, migrants, academics, NGOs, the police and businesses are to be represented on the committee.

⁷⁶ iol; "Metro cops impounds vehicles in CBD", 11 June 2009.

⁷⁷ Eleanor Momberg, "Zim refugees only crime is to be destitute", Sunday Independent, 5 July 2009. Also interviews with the LRC, March 2010.

⁷⁸ Alex Aliseev, "Joburg cops vow to keep vagrants away", The Star, 6 July 2009.

⁷⁹ Katlego Moeng, "Home for 2000 Zimbabweans", the Sowetan, 6 July 2009.

⁸⁰ iol; "Cops vow to clear-up streets for 2010", 11 July 2009.

⁸¹ SAPA; "Red ants sprayed 'smelly water'", 8 June 2009.

⁸² CALS, "Inner city occupiers to relocated to building provided by the City of Johannesburg", 9 Sept 2009.

⁸³ This report provides a case study of 83 of these minors in Part 2.

29 Oct: **Molebatsi Bopape, chairperson of the Parliamentary Portfolio Committee on health and social development, leads a surprise, 3 am raid on the CMM.** This causes pandemonium and panic among thousands sleeping in the CMM who think they are about to be arrested again. She goes straight to the media and refers to the “horror” of the CMM, saying it is a disaster and a health hazard that should be shut down at once. She says the church is a “monster...created by Verryn”.

Verryn comments that nobody had the decency to inform the CMM of the planned visit, or to speak to him after the visit. He says “As long as she has got an alternative for the worshippers and those who live here, I have no issue with her closing it.”⁸⁴ Lawyers express the opinion that the ‘raid’ was outside the law, as the portfolio committee has no extraordinary rights to enter private property without a search warrant.⁸⁵

29 Oct: The MSF agree that the CMM is a “flawed place of shelter”, but point out that migrants have been given no other option, and that **city and state officials, and also the UNHCR have failed their mandate to protect migrants.** With UNICEF’s help, the unaccompanied minors are moved to a more secluded part of the CMM, and UNICEF provide training for 20 child and youth care workers.

Nov: Verryn moves the children from the CMM to the Soweto Community Shelter.

2010

5 Jan: **Dr Ann Skelton is appointed *curator ad litem* to represent the interests of unaccompanied minors in the CMM.** This is a result of an initiative by Paul Verryn and the Aids Law Project, who see this as a solution to the increasingly vitriolic exchanges between all parties with regard to what should happen to the children.

12 Jan: **39 migrants, mostly Zimbabwean are arrested for “loitering” outside the CMM.** Several are very ill patients who were in fact queuing for the MSF clinic. Police refer to this as ‘normal crime prevention’. The arrests are condemned as “victimizing and intimidating vulnerable people”.⁸⁶

21 Jan: Verryn is accused by the Methodist Church of having violated church procedures, by bringing a court case in the name of the CMM – although Verryn in fact withdrew the CMM from the application, allowing ALP to put forward the case. He is also accused of talking to the media after being asked not to. **Verryn is suspended pending a church hearing.** He contests the charges, and is being legally represented. The congregation at the CMM is allegedly divided over the presence of thousands of migrants in the building, and fears are expressed that there is pressure on church officials from both some elements of the congregation and government to get rid of Verryn and the migrants – this would take the onus off government to do so.⁸⁷

8 Feb: **Ann Skelton releases her report** on what should happen to the minors, recommending that they stay at the Soweto Community Centre, under the guidance of an NGO, until other arrangements are made. She states that the CMM is not a suitable place for unaccompanied minors, and also states that the government shelter at Orange Farm is also not a suitable place for migrant children, owing to the

⁸⁴ SAPA; “Central Methodist Church could face closure”, 30 Oct 2009. Thabiso Thakali; “Central Methodist Church and its ‘monster’ come under attack”, The Star, 31 Oct 2009.

⁸⁵ Interview with LRC, 5 March 2010.

⁸⁶ ZimOnline; “39 foreigners arrested near Joburg church”, 15 Jan 2010.

⁸⁷ Interviews with civics in Johannesburg, March 2010. There is apparently regular contact between some government officials known to have a vendetta against Verryn, and the presiding Bishop.

poor training and xenophobia of the staff. She points out that however imperfect the environment in the CMM, Paul Verryn took the children in when nobody else was offering to do so.

Clearly the situation at the CMM has been close to chaotic at times – but equally clearly, this is not the fault of the church, but is a result of the State’s failure to provide any other solution to date. The fact remains that the CMM, with all its flaws, has been a place of comparative safety, and has offered: meals to the most vulnerable; a free clinic on site, thanks to MSF, which treats hundreds of CMM residents every day; legal support through NGOs that work closely with CMM; various skills training options.



Photo 11: Albert Street Primary School, central Johannesburg, attended mainly by migrant children: March 2010

G. Albert Street School

The Albert Street Methodist building, a few blocks from the CMM, was used for schooling last century, but was closed in 1954, because it was “... a black spot in a white area”, according to the archived school records! With the mass displacement of migrants as a result of the xenophobia in mid 2008, there was an influx of Zimbabwean families from Alexandria and other high-density areas affected, firstly into the tented camps, and then, when these were forcibly closed, into the centre of the city. In the space of a few days, 30 children arrived at CMM alone. At the same time, there was (yet another) influx of schoolteachers from Zimbabwe, fleeing the violence of the 2008 presidential run off election. Albert Street School was therefore reopened, as a CMM initiative, to accommodate migrant children and to give employment to a few of the many thousands of Zimbabwean teachers currently in South Africa.

Within a few months of opening in August 2008, Albert Street School grew from a handful of students to over one hundred. By March 2010, there are **278 pupils attending the junior school, and another 262 at the senior school**. There are 18 teachers, 9 at each school, plus two volunteer teachers at each school. All the teachers at the school are Zimbabwean teachers, and the high school is currently teaching the Cambridge “O” Level and “A” Level syllabuses. The primary school was teaching the Zimbabwean syllabus, but in 2010 it has

begun teaching the South African curriculum, mainly in order to facilitate registration of the school with the South African Department of Education.⁸⁸

Sexual abuse: the school attracted negative publicity during 2009, with allegations that two of the teachers had sexually abused some of the girls. These allegations are shocking, and deserve to be taken seriously. The need to examine these allegations exhaustively through the courts has been recommended by Ann Skelton in her report on the unaccompanied minors to the High Court in February, and the current authors would endorse this. However, we also believe that it is not appropriate to condemn everything that has happened in this brave little school on the basis of what may turn out to be a few rotten eggs. Sadly, if these allegations are true, this would not be the first time a teacher has abused a schoolgirl in South Africa and the solution is not to close down the entire school, but to convict the culprits.

Response to a need: as with so many other facilities set up to assist migrants, the school is an *ad hoc* response to the failings of the State to meet its mandate. Recent research has shown that as many as 45% of Zimbabwean migrant children in South Africa are failing to access schooling⁸⁹ – and Albert Street School was set up precisely to augment this gap. It is not only Zimbabwean children who attend school here, but children of half a dozen different nationalities, including inner city South African children. The school now has a full enrollment, yet almost daily families arrive desperate to enroll their children.⁹⁰



Photo 12: Albert Street School: best drama, best audience, individual awards: Inner City Drama Competition, 2009.

Excellent results: schooling conditions are difficult at Albert Street – the classrooms are overcrowded and rudimentary at best, and facilities are few. Yet the standard of teaching is extremely high, as last year's examination results are testimony to. The pass rate at Albert Street School for Cambridge "O" level exams, set and marked in Cambridge, England, was 67% in 2009 – a remarkable achievement. Very few private schools in Zimbabwe achieve this result – and government schools have had an abysmal record in recent years. A further

⁸⁸ Interviews, Albert Street School, March 2010.

⁸⁹ CoRMSA; *Protecting refugees, asylum seekers and Immigrants in South Africa*; Johannesburg, 2008.

⁹⁰ While spending time at Albert St School in March, the authors observed first hand would-be pupils and parents being turned away.

outstanding achievement was the winning of almost all the trophies at the 2009 interschool drama competition in Hillbrow, Johannesburg. Albert Street won the prize for the best overall drama, best audience and several of the actor/actress awards [see photo].

It was interesting to note that the dominant reason give by unaccompanied minors for coming to South Africa was their desire to continue with their schooling – and in several instances, children came all the way from remote parts of Zimbabwe, specifically to attend the Albert Street School, which they had heard of, by name. (See Case Study Two, following).

The future of the high school sadly hangs in the balance at the moment, as there is a need to find a suitable building in order for the high school to be registered. It is likely that the primary school will shortly be registered, as the Albert Street buildings have been upgraded to meet requirements. But the high school is currently being taught out of the CMM itself, and new facilities are urgently needed if the school is going to continue.

The government contributes no money whatsoever towards the education of foreign nationals, which means that the school is almost entirely reliant on donations. Token fees of R100 per month are being charged, but only to those children whose parents can afford to pay. If this school is closed, it is very unlikely that the children currently attending the school will have any hope of being absorbed into a city school with anything approaching the standard of teaching currently taking place at Albert Street School. Chances are, they will cease to access schooling altogether, as do so many thousands of other migrant children in South Africa.



***Photo 13: Children at risk get free lunch daily at Albert St school:
March 2010***

H. Downtown: Alternatives to CMM - and the World Cup clean up

1. The Moth Hall: a band-aid on a gaping wound?

There is a need for a coherent and humane government policy that can deal realistically with the scale of the problem of accommodation for migrants in Johannesburg, which is far larger than the numbers at the CMM: those staying in the CMM are the visible tip of an enormous iceberg. 95% of the 30,000 Zimbabweans in down town Johannesburg are NOT at the CMM, and thousands of these are living in far worse conditions, such as the Chambers building.

Since early 2009, there have been promises that one or more buildings in central Johannesburg will be turned into short-term shelters for migrants, but more than a year later these promises have not been fulfilled. In any case, the accommodation that is likely to materialise via this policy will scarcely scratch the surface of the problem. The Moth Hall in Noord Street in central Johannesburg has been extensively renovated at a cost of R 2,1 million. Yet it is still not yet ready to take in any migrants, although 200 evicted South Africans have been taken in to date. Apparently funding from the EU means that the building will now finally be furnished, but plans for its use indicate that no more than 500 migrants are to be housed there at any one time in addition to the 200 South Africans to be accommodated there. As there are currently 1,500 in the CMM alone, the Moth Hall will not even provide an alternative to most of those currently in the church, never mind those on the streets or in line for eviction from other down town buildings. It is also intended that migrants should use the Moth Hall as a staging point, and should stay no more than 6 months. However, there are many migrants who remain unable to fend for themselves beyond such a time limit – will they simply be placed back on the streets when the limit expires? While the opening up of the Moth Hall at some unclear point is to be welcomed, this will be a very partial and inadequate response to the scale of need, in Johannesburg alone, not taking into consideration migrant groups around the country – such as that at De Doorns in the Western Cape, for example (see Case Study 1).

2. Regeneration of downtown Johannesburg and the 2010 World Football Cup: the impact on migrants

While there is a dire shortage of low income housing nationwide, in Johannesburg city centre alone, Verryn alleges that there may be as many as **700 abandoned buildings** – and only 52 buildings that are being gainfully used at the moment, which includes those that are used by squatters and very poor tenants. High crime rates drove the owners of buildings to abandon them during the 1980s and 1990s. Over the last few years, there has been a concerted effort to regenerate the inner city, with some visible improvements such as cobbling of walkways and renovating of a few buildings, although at this stage the vast majority remain abandoned, and many remain hi-jacked. Companies have employed private security companies to patrol certain blocks, and there is a more visible police presence than there used to be in the downtown area.

Some of this regeneration is attributed to the imminence of the 2010 World Football Cup, now less than 3 months away. Ellis Park Stadium, one of the WFC official stadiums, is very close to the inner city, and there has been and continues to be an obvious policy of sanitising the greater area around Ellis Park – as some of the raids outlined in the above chronicle indicate.

Thousands of shabby migrants on the streets are not what South Africa wants its international tourists to be confronted with, and many commentators reflect the view that this is partly why the CMM has drawn the ire of some government officials in the last year.⁹¹ In January 2010, an SAP raid rounded up 39 Zimbabweans in the immediate vicinity of the CMM, including several very ill people who were in fact sitting in the queue outside the MSF offices waiting for medical treatment. **One of the policemen stated in the hearing of MSF staff, that these arrests for “loitering” were part of a 2010 clean up, which would be continuing from now until after the WFC,** which seems to confirm the assumption that migrants can expect more arrests linked to the WFC.⁹²

Several inner city buildings have faced evictions in the last year, but opinion was divided among interviewees as to whether these evictions fell within the “normal” number of evictions, or were geared towards pushing people out of the inner city ahead of 2010.⁹³

3. The WFC and street vending

One of the WFC regulations that it expects host countries to abide by, is that no street vending or pavement selling should take place within a one kilometer radius of any official stadium – and that this should be enforced for up to 90 days prior to the beginning of the WFC, as well as for its duration.⁹⁴ Pavement vending is a permanent feature of Johannesburg’s inner city – yet a quick drive around within a one kilometer radius of Ellis Park in early March showed the authors that the clean up of vending has evidently already largely happened: one can scarcely find a vendor within this space now.

Paul Verryn confirmed this, saying that all the street people in the CBD had been moved out over the last year. They are now allegedly in Brixton, Mayfair, or in police holding cells – they have simply been moved further away from the area around the Ellis Park stadium, but apparently with no permanent plan in mind.⁹⁵ The SALHR informed the authors that they were in fact taking a case to the Supreme Court to appeal the constitutionality of this FIFA regulation, on the grounds that it would infringe people’s rights to livelihood – but it seems that whatever its outcome, this legal appeal is rather late. It is self evident that the clean up has gone ahead already.

4. After the World Cup?

Fears were expressed by some organisations interviewed that there could be a resurgence of xenophobia in the wake of the WFC. Expectations are widespread in South Africa currently of income generation linked to the arrival of WFC tourists. But there is also the perception in some quarters that this may be overly optimistic, and that the bonanza may not be as great as anticipated – and in any case, will be short lived. Sales of tickets to overseas visitors have been fewer than planned, and high intercontinental prices for airfares are also reportedly keeping people away, as is an international perception of South Africa as a violent, crime-ridden country.⁹⁶ Experiences in other countries around the world have shown that money spent on hosting these huge events is often not regained through the income generation of the event

⁹¹ Interviews with FMSP, LRC, Aids Law Project, Paul Verryn, MSF in early March 2010.

⁹² Interviews, MSF and LRC, March 2010.

⁹³ Interviews with FMSP, LRC, SALHR, Paul Verryn, March 2010.

⁹⁴ Interview, SALHR, March 2010.

⁹⁵ Interview, 4 March 2010.

⁹⁶ Interviews, FMSP, LRC and many media articles.

itself, and the hosting country is left with very expensive stadiums and many debts.⁹⁷ All of this could point to a mini recession, or at the very least, a reduction in job opportunities after July 2010. Currently, many Zimbabweans – and South Africans – are employed as the workforce involved in building stadiums and roads across South Africa – and once these projects are completed, it is likely that resentment towards migrants competing in a shrinking job market could once more rise.

There are talks of an election in early 2011 in Zimbabwe. If this in fact takes place, political violence is extremely likely to surge – and so will the numbers of Zimbabweans arriving in South Africa. The reduction in South African jobs after the WFC, combined with yet another influx of Zimbabweans, could be a very dangerous combination. The South African government needs to be planning now for this eventuality.

It seems that South African government and city departments, and international NGOs such as Unicef and UNHCR remain ill prepared to deal with the scale and nature of the Zimbabwean influx that began in 2003 and continues to date. Xenophobic attacks have not been limited to the widely publicized events of May 2008; they began more than a decade ago and continue on a weekly basis. At the time of releasing this report, thousands of Zimbabweans are living in appalling conditions in De Doorns in the Western Cape, as a result of xenophobic attacks and displacements in November 2009. After a few months of relative support from various quarters including the UNHCR and Red Cross, they have once more been abandoned to their uncertain fate. Once more, they are nobodies, living nowhere.

J. Zimbabwean migrant workers displaced by xenophobia in De Doorns, Western Cape

1. Overview

The largest outbreak of xenophobic violence since May 2008 occurred in the Breede Valley in the Western Cape on the 14th and 17th of November 2009. In the farming area of De Doorns, an estimated 2,500 Zimbabwean contract farm workers were displaced violently: their dwellings were destroyed and their possessions looted.⁹⁸

The xenophobia in De Doorns raises many critical issues. Alarming, the pattern of behaviour and response to the attacks on Zimbabweans here, was similar in key ways to the pattern of xenophobia in Gauteng in 2008. One of the more serious similarities was that the authorities once more failed to respond to early indications that a major xenophobic incident was brewing.

The xenophobia did not begin in November 2009: seven Zimbabweans had been burnt to death in their huts in the same area in February 2009.⁹⁹ In De Doorns itself, the first night of violence on 14 November resulted in only 68 Zimbabweans being displaced – but nothing was done to prevent the violence intensifying and spreading, leading three days later to the displacement of a further 2,500 Zimbabweans in the space of a few hours. Formal meetings

⁹⁷ The experience of Greece and the Olympics is one such example.

⁹⁸ Jean Pierre Misago: Migration Policy Brief 2: “Violence, Labour and the Displacement of Zimbabweans in De Doorns, Western Cape”; FMSP; December 2009.

⁹⁹ Op cit page 7.

were held, allegedly to plan the attacks – how did this go ahead over several days, without any response or intervention from the authorities including the police, when knowledge of this seems to have been fairly wide spread?¹⁰⁰

Furthermore, eyewitness reports indicate that the police did little to protect people or property during the hours of attacks, simply transporting Zimbabweans away from the scene but not arresting a single looter.¹⁰¹ The police have said they were underpowered to respond in any other way – but had not called for back up after the first attacks three days earlier. Many Zimbabwean believe that the police were actively complicit with the looters. Lack of police response in De Doorns reinforces the pattern of impunity that surrounds xenophobia and that was witnessed during the attacks countrywide in May 2008. As the SAHRC report notes, the xenophobic attacks in Gauteng ended once all the foreigners had been chased out and all the businesses had been looted: it was not an official response by the State which ended them. The SAHRC report refers to the virtual absence of the rule of law in informal settlements, and to the tendency towards dropping charges against perpetrators in the supposed interests of reintegrating the victims into the same communities. They also refer to the outcome of judicial cases as having served the impunity of the perpetrators and of having failed to deliver justice to victims.¹⁰²

A further finding of the SAHRC report was that the violence of 2008 was often rooted in the “micro-politics of South Africa’s townships and informal settlements” and was on occasions “spearheaded by local groups and individuals seeking to claim or consolidate power”.¹⁰³ This appears to have been the case in De Doorns too, with the local councillor and Mayor of Breede River repeatedly referred to as being the main instigators, possibly under pressure from their support base that included many labour contractors resentful of the Zimbabweans.¹⁰⁴ And yet, as FMSP has pointed out:

...it is not clear which institution has the mandate to monitor and oversee local political actors if they are suspected of inciting or being complicit in violence.¹⁰⁵

Whatever early warning systems are theoretically in place in the wake of 2008, they are clearly not working. That 2,500 Zimbabweans could be displaced in such a small community in the space of a few hours is a sober warning to South African authorities that xenophobia on a large scale could – and almost certainly will - occur again. As Lawrence Mushwana, chairperson of the SAHRC warned at the launch of their report, if the authorities do not deal with the tendency of local politicians to use dislike of foreigners as part of their campaigning strategy, more xenophobic attacks can be expected during the 2011 local government elections.¹⁰⁶

¹⁰⁰ Braam Hanekom was called to De Doorns by anxious Zimbabweans on 16 November, as they knew the attacks were brewing. Yet police did not summon reinforcements or take any other actions to head off the attacks. Affidavit by Hanekom, submitted to the SAPS in November 2009.

¹⁰¹ Op cit.

¹⁰² SAHRC, *ibid*, pages 8, 12, 19.

¹⁰³ Op cit.

¹⁰⁴ FMSP *ibid*, also Hanekom, *ibid*.

¹⁰⁵ Op cit page 6.

¹⁰⁶ N Lekotjolo; “Xenophobia is not dead”, Sunday Times, Johannesburg, 21 March 2010.

2. Causes

The De Doorns incident was the first time violence against foreigners had occurred in a rural as opposed to an urban setting, and it very selectively **targeted Zimbabweans**, as opposed to all foreigners – Lesotho nationals in the same area were not targeted.¹⁰⁷ The attacks happened at the height of the seasonal fruit picking in the grape growing valley of De Doorns. However, the attacks were more as a result of **competition among labour brokers**, than because Zimbabweans were being given preference by farmers who employ labour on a short-term basis.¹⁰⁸ Inquiries by FMSP researchers established that there was **no shortage of work** in the valley at that time, but certain labour brokers did not like the fact that local farmers prefer to employ Zimbabwean labour as they are perceived to be more hard working. ie there was enough work for everyone, but certain brokers were losing out to other brokers. It is also clear from the current study that **Zimbabwean labour was being paid at or above the minimum wage** for agricultural labour, so the commonly espoused position that migrants work for less and ruin the labour market was also not true. What this case illustrates is how easy it is for unscrupulous individuals, including politicians, to stoke the embers of ethnic tension and to feed on preconceptions about migrants for their own ends.

3. Support to displaced

The Zimbabwean labourers, the vast majority of whom held Asylum Seeker Permits and were thus fully entitled to work in South Africa, were moved to a sports field in De Doorns on 17th November. The Red Cross provided a clinic and food for three weeks, followed by two more weeks of more limited support. The UNHCR did not respond until the second week after the displacement, when they provided tents. There was a fairly chaotic process of registration by UNHCR, with many of the legitimately displaced failing to get registered because they were at work during registration, and barely more than half those registered ever receiving ID cards. This has meant that access to the camp has been very disorganized and poorly controlled. The UNHCR withdrew from the camp after three weeks, and came once a week for a further three weeks. Senior UNHCR officials said that the camp conditions should not be too good, so that people would reintegrate – although there is little evidence that the latter has happened.¹⁰⁹ They also commented that looking after Zimbabweans was not their mandate as they were by and large not refugees or asylum seekers: in fact the vast majority at De Doorns are asylum seekers.¹¹⁰

Four months later, many Zimbabweans had already moved on as conditions were poor and levels of fear were high. However, around 1,200 to 1,400 Zimbabweans continue to reside on this site. Most suffered enormous material losses during the attacks. The UNHCR and Red Cross are now no longer involved in direct support to the camp, although they attend monthly meetings. The government is paying for the use of the floodlights, the only source of light on the field, and also for portable toilets that are reportedly not being adequately serviced. To protect these 1,200 people, there are only two security guards. There is no health care provided for those on this site.

¹⁰⁷ Op cit for information in this paragraph and the one following.

¹⁰⁸ FMSP, *ibid*.

¹⁰⁹ Hanekom, *ibid*.

¹¹⁰ As noted in the main body of this report, the blanket issuing of ASPs in the face of no other clear policy, is doubtless resulting in many thousands of people claiming ASPs who otherwise would not – but this is an issue for the UNHCR to take up with the South African authorities and not to take out on Zimbabwean ASP holders.

4. The future

The labour in De Doorns is largely seasonal, with around 80% of jobs likely to fall away by May or June. It seems probable that the authorities are hoping that with the end of the season, most Zimbabweans will simply move away, thus resolving the problem of what to do with over one thousand people living on a sports field.

However, for the Zimbabweans, the problems will not end, as they once more move on looking for gainful employment in the face of possible further xenophobic attacks. Interviewers who conducted this case study commented that many respondents were very depressed, and were talking of “waiting for death”. A group of 20 Zimbabweans begged for information on how to get jobs washing corpses, as they had heard that there was work in this field, and they were desperate for any kind of work.¹¹¹



Photos 14 and 15: First few days of displacement: 2,500 Zimbabweans in an open field in De Doorns: November 2009. [by Courtney Rosebrooks]



¹¹¹ Information from PASSOP interns conducting interviews, 21 March 2010.



Photo 16: De Doorns, where the displacements took place [by Courtney Rosebrooks]

Case Study One:

De Doorns Displaced

De Doorns in the Western Cape is more than 3,000 km from Harare, and there are many South African towns en route to this comparatively remote area. The authors were interested in establishing who from Zimbabwe had come to be in De Doorns, considering its distance from home. In particular, we were concerned as to what is happening now, four months later, to those who suffered these attacks and losses, and to know what is going to happen to them in the future.

1. Methodology

Interviews were conducted by PASSOP¹¹² in Cape Town, at the request of SPT. PASSOP and SPT jointly devised a questionnaire that was administered by PASSOP student interns and by volunteers in the camp.

456 camp residents were interviewed - approximately 30% of current camp residents. 230 women were interviewed and 226 men.

¹¹² People Against Suffering, Suppression, Oppression and Poverty.

The participants gave their data voluntarily and were interviewed on site (within the camp). Efforts were made to ensure gender equality among those who participated and also among the volunteers who conducted the survey. Student interns for PASSOP and camp residents conducted the survey under the guidance of PASSOP, after a 3-hour training workshop and signing indemnity forms and code of conduct forms.

2. Summary of main demographic findings

The Zimbabweans at De Doorns fit the profile of migrants in many parts of the world, in that they are mostly very over-qualified for the type of employment in which they find themselves. They are predominantly urban in background (74%), and only 4% has ever worked in agricultural labour before. 46% claim to have previously had formal, non-labour related work, with only 15% having worked in any kind of job involving physical labour, including agricultural labour. The standard of education is surprisingly high – one in seven Zimbabweans (15%) has either “A” levels, a university degree or a diploma. A further 74% had at least “O” levels, and only 11% had 9 years of schooling or less.

a. Documentation

The vast majority of Zimbabweans in De Doorns have ASPs – 87%. A further 5% have full refugee status, and 2% have work permits. This means that out of all those interviewed, in fact **only 6% were undocumented** and therefore working illegally. It is also extremely likely that most of those using ASPs would not meet the strict criteria used in South Africa to qualify for full refugee status. They are among the many thousands who are being given ASPs as part of the *ad hoc* measure in which Zimbabweans are receiving ASPs because there is no special dispensation, while at the same time, there is an implicit acknowledgement by many officials that there is a need to document this huge influx of people.

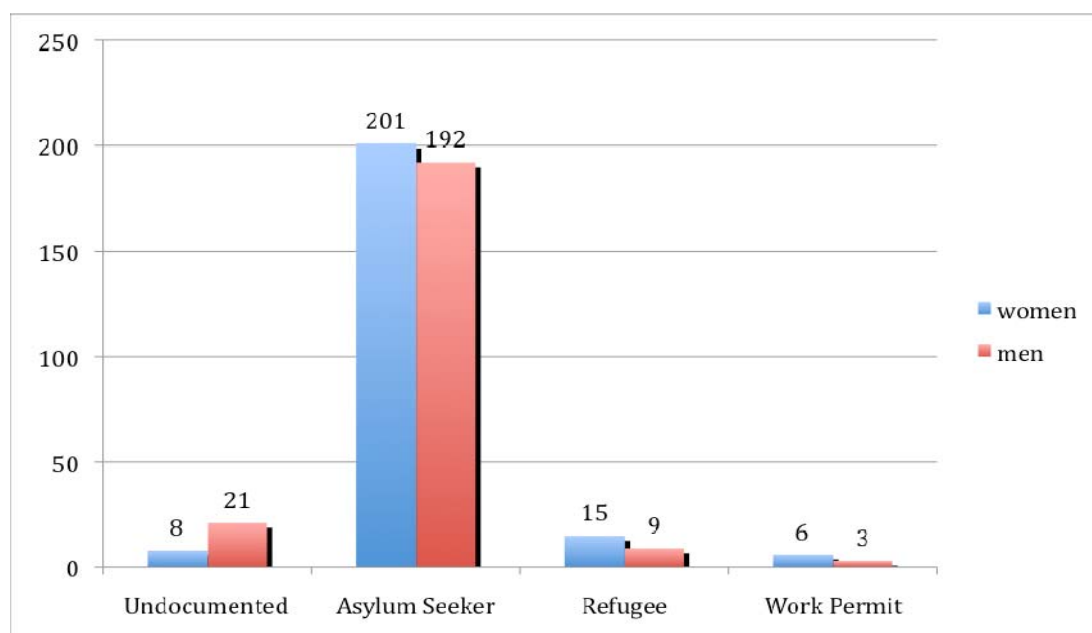


Chart i: showing legal status of Zimbabweans at De Doorns

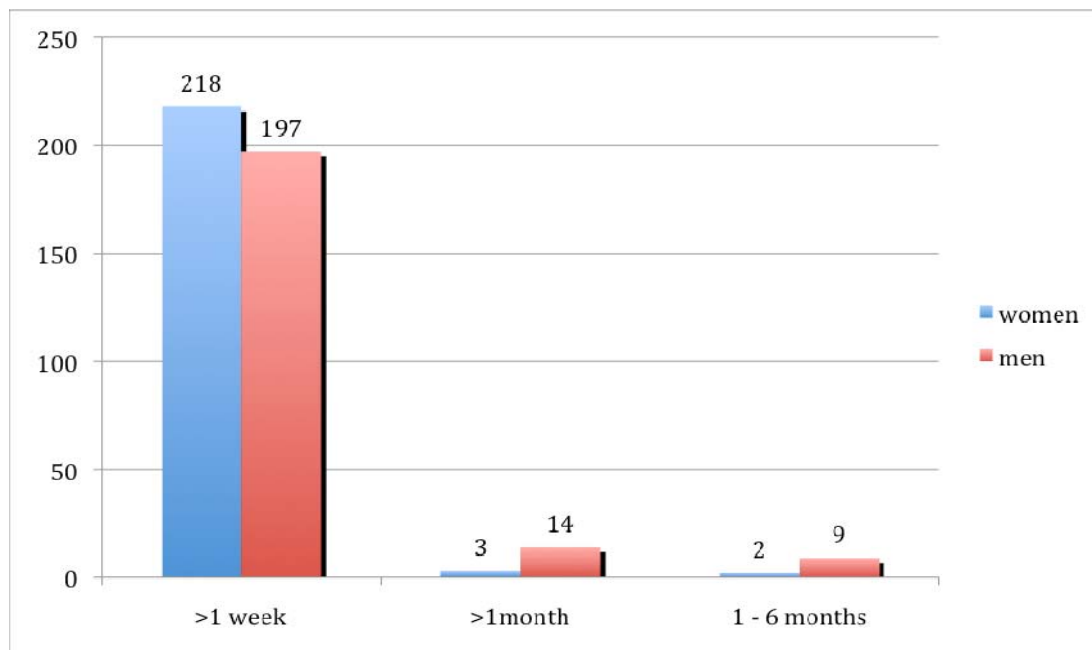


Chart ii: showing travelling time to De Doorns

b. Age, marital status and children

Most of this group is aged between 20 and 39 years of age, but the women tend to be older, with 19% of women aged above 40 years old. Around half of interviewees are married among both men (52%) and women (46%) with a further 8% of women being widows.

A large number of the De Doorns Zimbabwean labour force travel as married couples. Overall, 51% of married respondents are living with their spouse at De Doorns. A further 9% of respondents indicate that their spouse is elsewhere in South Africa, although not in De Doorns, meaning that 60% of the married group has a spouse within the country. The large number of couples may be partly owing to the great distances involved in getting to De Doorns, and the difficulty in getting home, or to the seasonal nature of the fruit picking; two people picking may mean double the money in those few months, after which couples return to Zimbabwe. However, what raised a concern in the light of absence of both parents, was the question of where were the children, and more importantly, who was caring for them?

75% of women report having children, which points to a large number of single mothers as only 54% are either married or widowed. 48% of men report having children. Between them, they report 551 children, of which 419 are under 18, and 244 are under ten.

Only 54 of these 419 minor children are with their parent/s in De Doorns, or around 13%. Respondents indicated how 357 of their children under 18 years are being taken care of, as follows:

- 54% were being raised by a grandparent
- 26% were being raised by their mother only
- 10% were being raised by their father only
- 7% were being cared for by an aunt or older sibling
- 3% were reported as having no caregiver (9 children)

These figures once more point to the enormous burden on grandparents in relation to child rearing. Grandparents were twice as likely to be raising children under 18 as were their mothers, and five times more likely than their fathers. A worrying 3% of children were acknowledged by their parents to have no caregivers at all. It was interesting to note a minor trend of mothers having travelled all the way to De Doorns to find work, and of having left their husbands behind as the primary caretakers in Zimbabwe. 35 children, (10%) back home in Zimbabwe, were being taken care of primarily by their fathers.

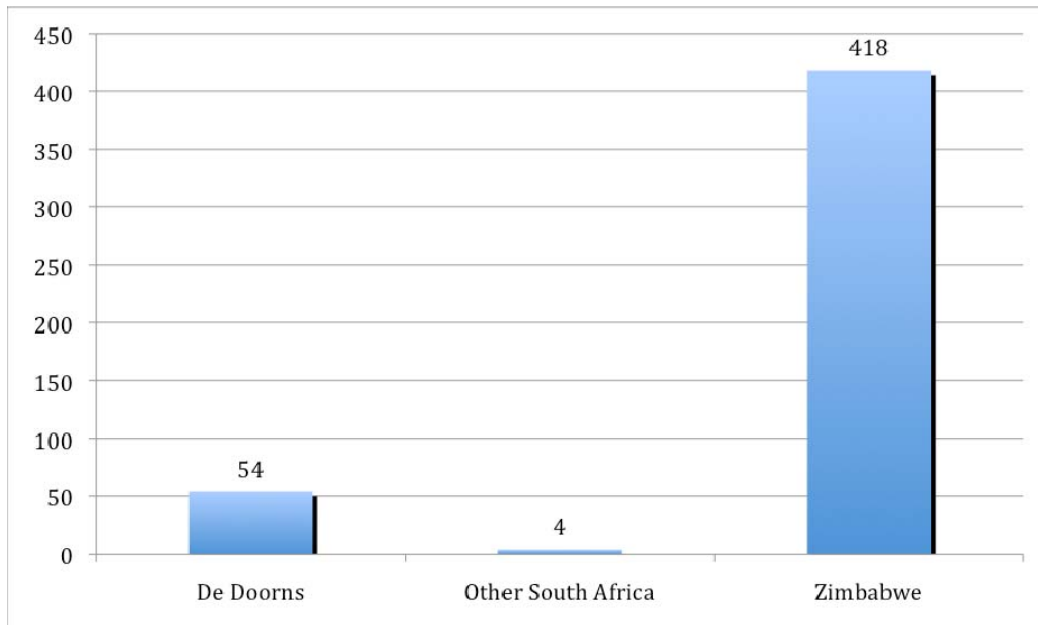


Chart iii: showing where minor children are now

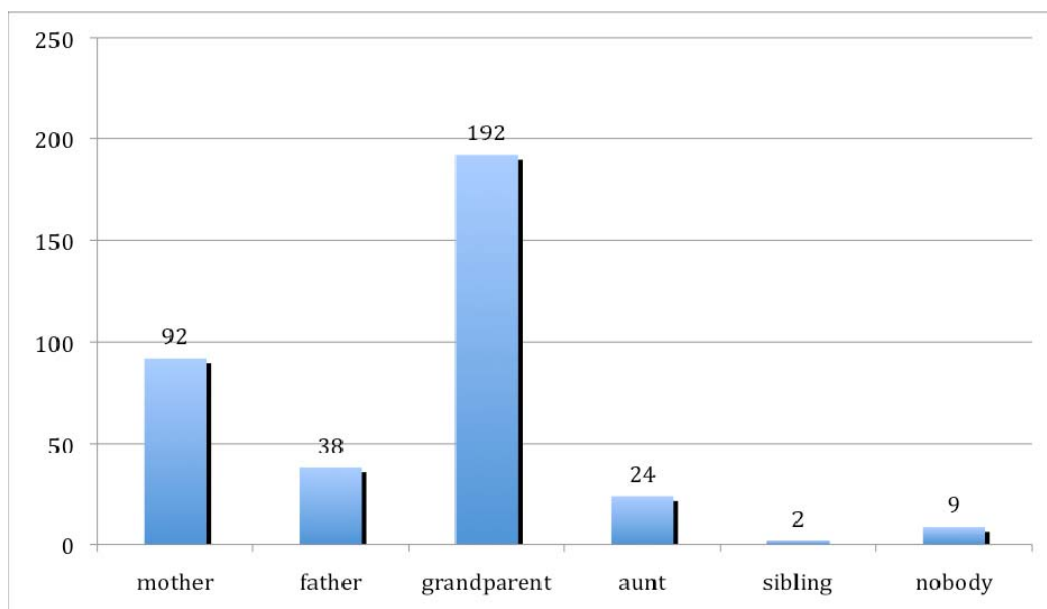


Chart iv: showing who is looking after minor children now

3. De Doorns: working conditions

It is clear that while the work remuneration at De Doorns is within the legal minimum ranges, people work very hard, long days for very little money. The vast majority of these employees, particularly the women, have children and other dependants at home in Zimbabwe, and apart from surviving themselves, they have to pay rents and school fees, food and clothing, for Zimbabwean-based families of up to 5 children. In addition, they have to afford transport to go home to visit their families, or to move on to other parts of South Africa in pursuit of further work.

45% of respondents work for 9 hours a day or less while 26% work as long as 12 hours a day. 29% work either 10 or 11 hours a day.

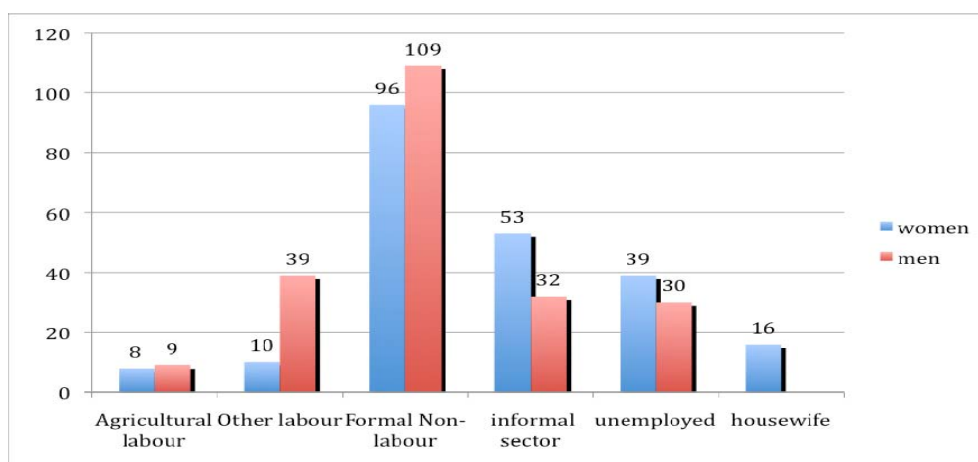


Chart v: showing field of work in Zimbabwe, prior to leaving

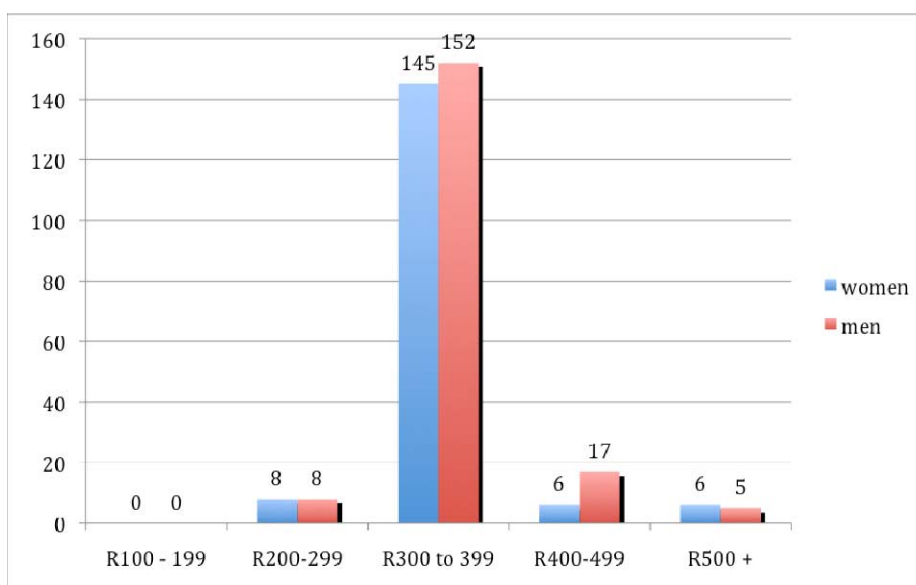


Chart vi: showing weekly earnings in De Doorns

Pay is within the range of the regulation minimum wage per hour and per week for the vast majority of these workers. The stipulated **minimum weekly wage is R284**.

- Nobody reports earning less than R199 per week.
- 5% reported earning R200 – 299 per week, which is at the bottom end of the regulatory minimum wage.
- 86% reports earning between R300-399 per week, which is above minimum wage
- 7% reports earning between R400-499 per week
- 2% earn more than this.

Many of the Zimbabweans have been based in South Africa for considerable lengths of time.

- Only 13% have been in South Africa for six months or less, with a further 19% in the country for up to one year.
- 25% have been in the country for up to two years
- 43% have been in the country for between two and up to five years.

c. Murambatsvina victims

An astonishing 52% of those interviewed report that they were displaced by Operation Murambatsvina, the Zimbabwean government's orchestrated demolitions that displaced an estimated 500,000 mainly urban residents in 2005. This could be a contributing reason for so many of this group having been in South Africa for several years, and serves to underline the fact that the demolitions did not achieve their stated aim of shifting Zimbabweans out of the cities and into rural Zimbabwe – they shifted many of them out of Zimbabwe altogether. There have been many other pressures on Zimbabweans to migrate in the last five years, not least the violence and economic collapse of 2008, but the demolitions have undoubtedly played a large role with this group of migrants at least.¹¹³

While full employment histories of this group were not recorded, it would be interesting to know how respondents heard that there were jobs in De Doorns. One indicator that those interviewed had come with intent to De Doorns, and had known clearly that this was their destination, was the fact that 94% reported that it had taken a week or less to travel from Zimbabwe to De Doorns.

4. Where to next?

Out of those interviewed, 11% consider that De Doorns is a permanent destination, while another 10% think that they will stay there for at least a year. 53% think that they will move on after being there for six months – once the picking season ends, while 15% are uncertain as to what they will do next. 4% intend to move on almost immediately.

In short 90% of those interviewed consider themselves to have no long term, even if temporary, home in South Africa - while the 10% that intend to stay in De Doorns are living in tents on a playing field! The interviewers referred to the desperation and depression of many of those interviewed.

¹¹³ SPT will bring out a report later in 2010 assessing the impact of Operation Murambatsvina five years on, and the De Doorns displaced will be researched further to gain more insight into their life events over the last five years.

49% of women intend to stay in South Africa, while 49% intend returning to Zimbabwe and 2% are undecided. The men are more committed to staying in South Africa, with 66% intending to do so. The need to return to children could well be a driving factor for women.

Out of those who intend to stay in South Africa (n =246), 31% indicate that they have no plan as to where to go next, and would go anywhere that they thought they might get work. 40% want to go to an urban area from De Doorns, preferably in the Western Cape, while 14% are prepared to stay in a rural area. What is very obvious is that the vast majority that intend to stay in South Africa have no real plan on what to do next or where to go: their lives are in a state of flux and uncertainty from one week to the next.

51% of women and 41% of men intend to return to Zimbabwe. Interestingly, only 35% of men felt that it is safe to return, and 49% of women, which means that some of the respondents intend to return even though they feel it is not safe. Most people cite both socio economic and political reasons for it not being safe to return.

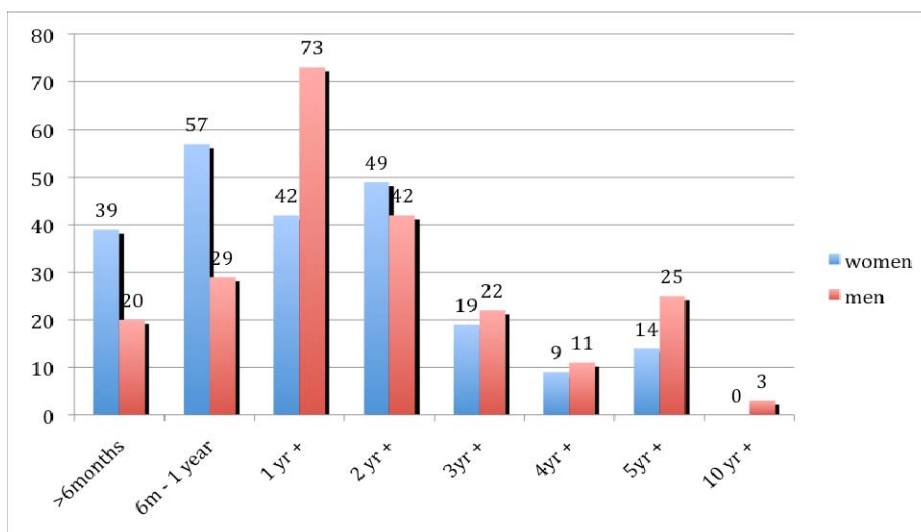


Chart vii: length of time spent in South Africa

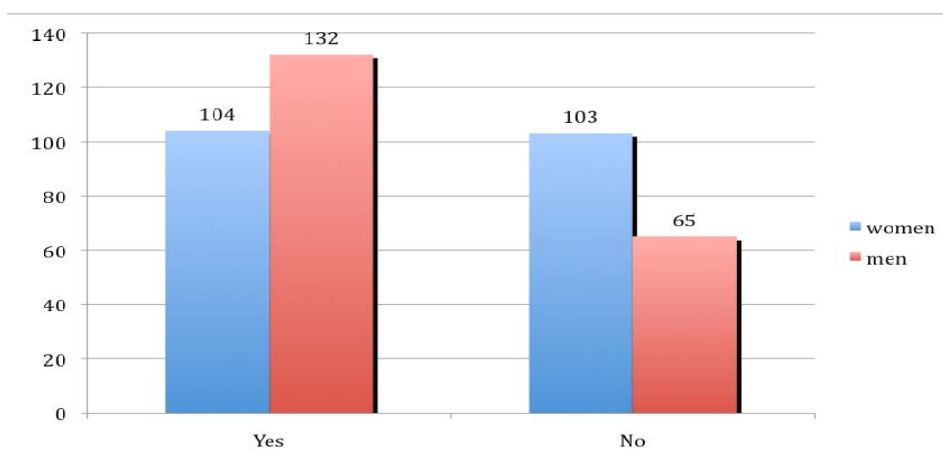


Chart viii: showing if Zimbabweans intend staying in South Africa beyond April or not

5. Conclusion

Thousands of displaced Zimbabweans in De Doorns have been all but forgotten by the authorities and the media. Their sad story of xenophobic victimization has been pushed under the mat, along with the tens of thousands of other sad stories that Zimbabwean migrants around South Africa can tell. Yet, marginalized as this group has been made to feel, their need to work and their need to feel safe means that at least half of them will continue to eke out difficult lives as aliens in an alien land.



*Photo 17: De Doorns camp by floodlight: March 2010
[photo by PASSOP]*

Case Study Two:

Unaccompanied minors in Johannesburg

Zimbabweans flooding into South Africa have been drawn from all walks of life, age and social circumstances. During 2009, the number of Zimbabwean unaccompanied minors arriving at the Central Methodist Mission increased noticeably. By April 2009, there were 110 children identifying themselves as unaccompanied minors at the CMM. Of these, we identified 82 as Zimbabwean minors: some among the group of 110 were over the age of 18 and so technically were not minors, and several were from other nations.

The presence of these children at the CMM and reports of sexual abuse involving the children caused a great deal of controversy during 2009. This report will not deal in depth with that controversy, which has in our opinion been very well dealt with by Ann Skelton in her report to the Courts in February 2010.¹¹⁴ Her recommendations, if followed, will surely alleviate the circumstances of these particular children – who remain a very small representation of all unaccompanied minors in South Africa, as her report also notes.¹¹⁵

However, neither the Skelton report nor any other recent report that we are aware of in the public domain deals with other aspects of the lives of these remarkable young people – including where precisely they have come from, the circumstances at home that drove them to make seemingly impossible journeys from all corners of Zimbabwe to Johannesburg, and their experiences en route and on arrival. These are the issues that this case study concerns itself with, among others.

1. Methodology

During April 2009, SPT interviewed all of the children then presenting themselves as unaccompanied minors at the CMM. Interviews were conducted by two highly trained and experienced counsellors, who oversaw two other interviewers who were university students that had been trained in the use of the form. The interviewers were fluent in both of Zimbabwe's dominant vernacular languages so that children could speak in their home language. (In fact only 3 children were SiNdebele-speaking, the rest all spoke Shona). Each student was paired with a counsellor, and although interviewing was done by all four, the counsellors were in a position to observe if any child showed distress.

In some instances, the interviews became counselling sessions, if children showed signs of distress or in the counsellors' opinions needed more room to talk than the interview allowed. Twenty-seven children – one third – were noted to be showing marked signs of sadness, and out of these 27, counsellors noted that 22 said that they did not feel safe at night, and 8 – around 10% – felt that they were worse off at the CMM than they had been in Zimbabwe. 90% of the children felt better off at the CMM than in their previous circumstances – but at least one in three was clearly dealing with visible emotional difficulties. This was hardly surprising;

¹¹⁴ A Skelton: *Filing Note: Curatrix ad Litem's Report: in the matter between the Aids Law Project and the Minister for Social Development, the MEC for Social Development, the City of Johannesburg*, High Court of South Africa, 8 Feb 2010.

¹¹⁵ For the full report see <http://server.alp.org.za/Report%20Skelton%20CMC%20children.pdf> accessed 27 March 2010.

it is stressful enough to be an adult migrant, and the pressures on unaccompanied minors, who are so much more vulnerable, are exponentially greater.¹¹⁶

Interviews were carried out either at the CMM, or at Albert Street School, which at that time was where all of the children were receiving schooling. The interviews took place over one week. On reviewing the information gathered, some interviews were excluded from this study, because the children were actually aged 18 or 19, although they considered themselves as unaccompanied minors. A few other interviews were excluded as the minors were from Mozambique or elsewhere, and not from Zimbabwe; our interest was specifically in the Zimbabwean minors.

The data set is based on 82 Zimbabwean unaccompanied minors.

2. Demographic information

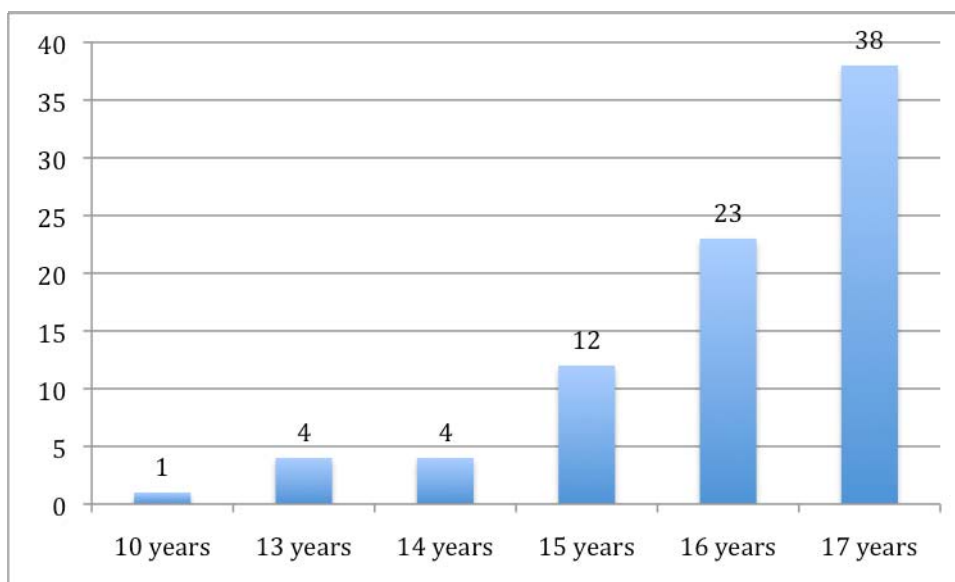
a. Gender and age

Gender: the minors included: 69 boys: 84% are boys
 13 girls 16% are girls

This serves to underline how difficult this journey to South Africa is, and how few girls make the trip as a result. However, the girls tended to be slightly younger than the boys.

Age:

Chart ix: showing number of children at each age



The youngest child interviewed was a girl aged 10 years.

¹¹⁶ In view of the findings of the study, in the course of 2009, SPT took on a counsellor to work daily at the CMM. This counsellor, with the help of a doctor from Denmark with specific experience in dealing with trauma, undertook the training of all teachers at the Albert Street school in basic counselling skills, including how to recognise various types of distress in children. SPT therefore shares the concerns of many others over the allegations of sexual misconduct by teachers at Albert Street School, and likewise urge that this issue not be brushed aside, but be resolved through the courts and through action by the school itself.

The **average age** of the minors interviewed was 16 years
The average age of the girls was: 15 years 5 months
The average age of the boys was: 16 years 3 months

The median age was 16 years and the mode was 17 years.

21 children (25%) were aged 15 or younger.

b. Province of origin

All regions of Zimbabwe were represented among these 82 children.

- 56% of the children came from either Masvingo (27 children) or Midlands (19), which is probably owing to the relative proximity of these provinces to the South African border.
- However, the three Matabeleland provinces, which have the easiest access to South Africa, accounted for only 4 of the children, or 5%. There are likewise very few Matabeleland based adults at the CMM. This could be owing to the more established migrant networks between Matabeleland and Johannesburg, meaning that children (and adults) from these provinces may be somewhat more likely to arrive in Johannesburg with at least one adult contact from their home area, and less likely to end up at the CMM.
- 13 children, or 16%, came from the three Mashonaland rural provinces: this is remarkable, considering the distances of these provinces from Johannesburg. One child was from Guruve in Mashonaland North – a distance of nearly 2000 km from his destination.
- 9 children (11%) were from Harare – and 3 were from Manicaland.

3. Circumstances in Zimbabwe

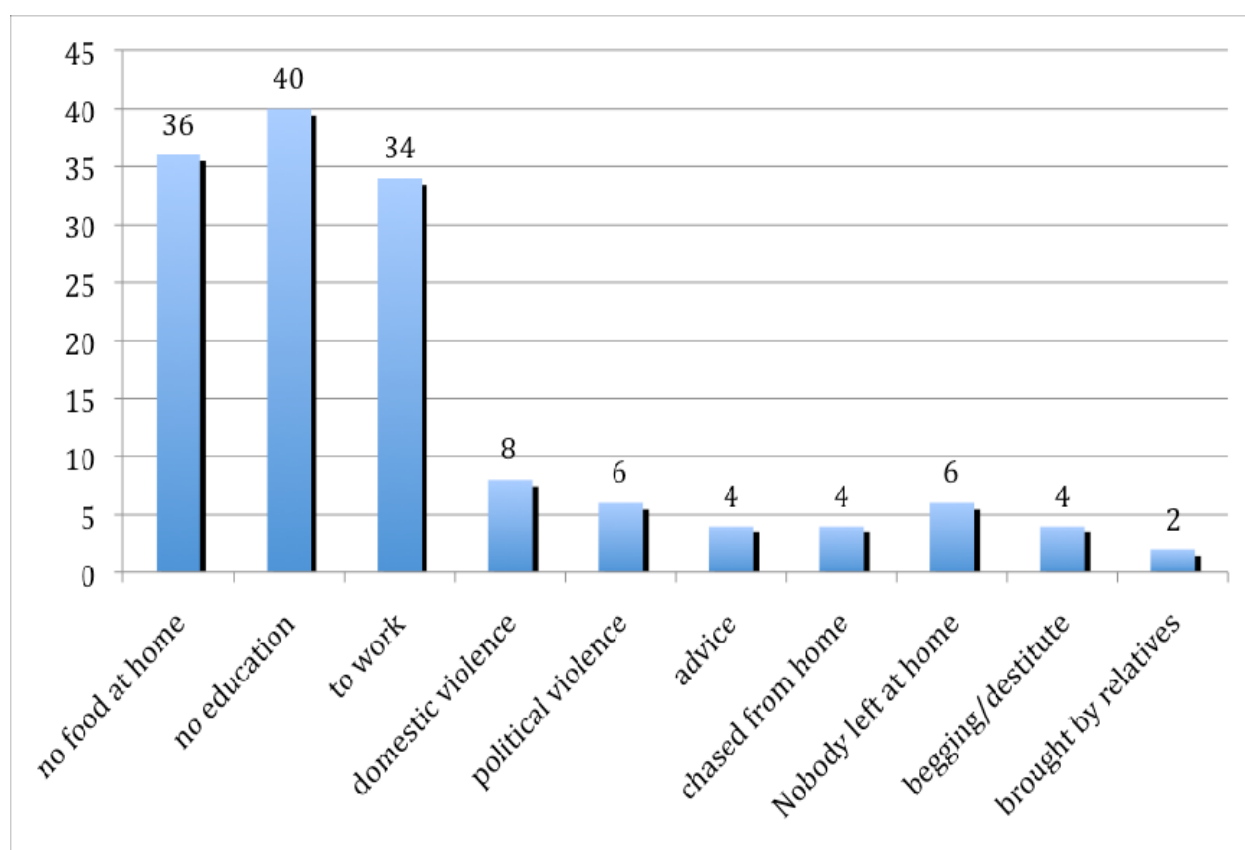
c. Reasons for leaving Zimbabwe

Children were asked why they had decided to leave home, and could give as many reasons as they wanted to. Their reasons for leaving provide a tragic snapshot of the collapse of Zimbabwe in recent years. The desperate desire for education, and the fundamental need to have food to eat, drove most of these children to undertake perilous trips. Another contributing factor was the breakdown of the community fabric – the vast majority of these children have either one or two dead parents; several of the others come from divorced families where step-parents have driven them away. In one shocking instance, a boy claimed to have been poisoned by his stepmother, and claimed that one of his siblings died from this poisoning incident, which is why he ran away.

Many of these youngsters headed out with the responsibility of younger siblings at home, for whom they are responsible, or ill or old caregivers who themselves need supporting. They left intending to find work – although in fact none of the children at the CMM are working, and all are attending school.

- **Education:** the most common response (49% of children) was the desire to continue with schooling – during almost the entire year of 2008 and for the first few months of 2009, schools were closed in Zimbabwe. Several of the children said they had left specifically to come to the Albert Street School, word of which has made its way not only to Musina, but into remote parts of Zimbabwe.
- **Poverty:** Many other reasons were linked to dire poverty – there was no food at home (44%), the child felt responsible for others starving at home and wanted to get a job in South Africa (44%), or they had been reduced to destitution and begging (5%).
- **Violence** – either political (8) or domestic (6) – was mentioned by 17% of children. One boy reported that his brother had been kidnapped by militia during the 2008 run off and had never been seen again.
- **No care at home:** 7% of children said they had either been chased from home by a step-parent or some other relative, or that there was no adult left at home at all.
- 3% said that they had left on the advice of peers, and 3% had been brought to South Africa by a relative who had then disappeared.

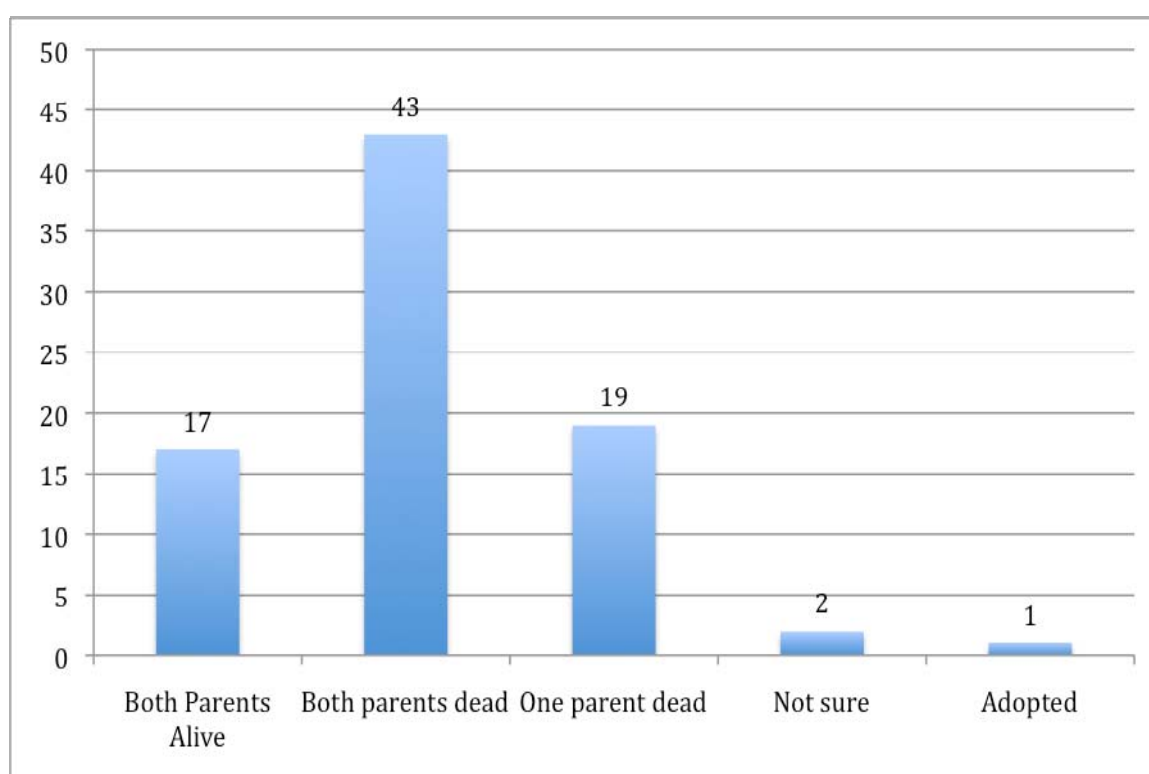
Chart x: showing reasons given by minors for leaving Zimbabwe



d. Parents: alive or dead

- More than half the children interviewed (52%) reported that **both** their parents in Zimbabwe were dead. Children were asked to indicate year of death of each parent.
- A further 23% (19) children reported that one parent was dead.
- **This means that 75% of the children were single or double orphans.**
- 21% of children (17) reported that both their parents were alive: however, on taking narratives it was clear that in some instances parents were alive but divorced, and being rejected by a step parent was a contributing factor in the child running away.
- 2 children reported that they were no longer sure if their parents were alive or dead as they had lost contact, and one reported that they had been adopted years back and had had no natural parents for a long time.

Chart xi: showing whether parents alive or dead



Being an orphan is therefore a strong indicator of likelihood of a child ending up in the diaspora, with 75% of these children having lost one or two parents. There are over one million orphans in Zimbabwe, with 100,000 of these living in child headed households.¹¹⁷ With around 2,000 AIDS deaths a week, the number of orphans continues to increase, and the numbers heading south of the border in the hope of a better life will also no doubt continue to increase in the years ahead.

This same data shows that 44% of children reported that they had either one (23%) or two (21%) parents alive, but interestingly, many of these children did not consider their parent/s a suitable care giver back home, as the following information shows.

¹¹⁷ The Standard, "Orphan children struggle to survive", 20 March 2010.

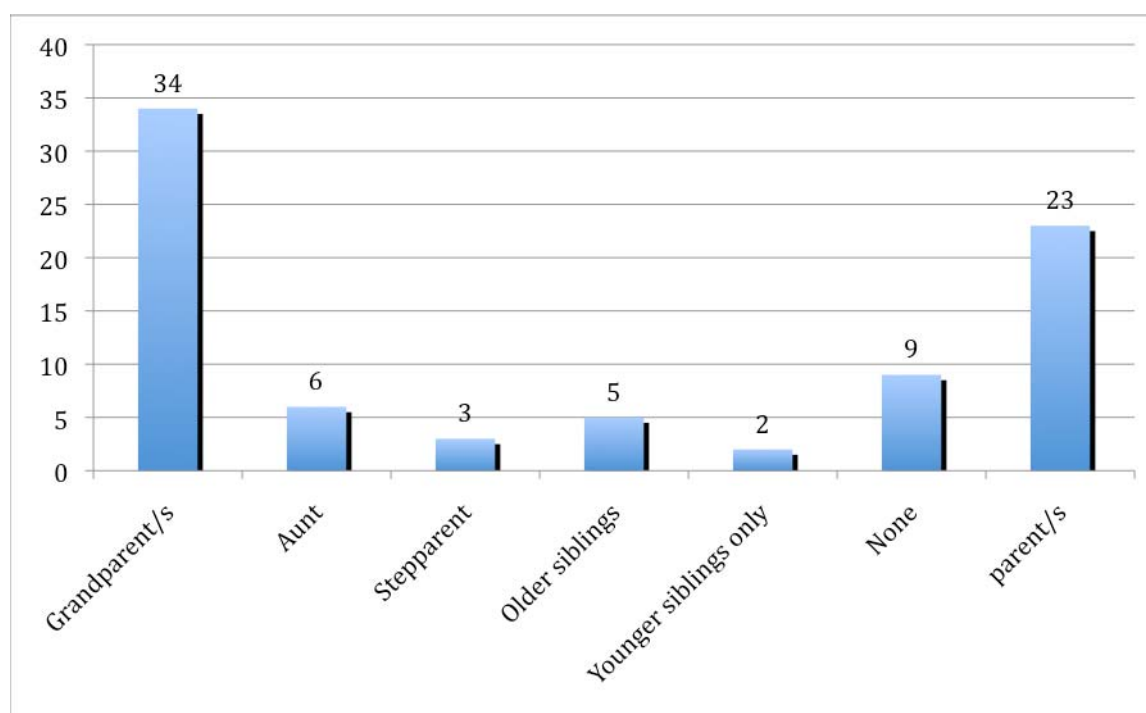
e. Possible care giver back home in Zimbabwe

Children were asked who might take care of them if they were to return to Zimbabwe, and who they considered their nearest surviving relative in this regard.

Although 36 out of the 82 children had indicated that they had at least one parent alive, only 23 of the children considered a parent to be their most likely care giver back home. The burden of care giving was shown to be with grandparents.

- 41% of children regarded their grandparent/s as their closest relative and most likely care giver.
- 28% regarded a surviving parent as their closest relative, while another 7% regarded a step parent as a possible caregiver.
- 6% had an older sibling in Zimbabwe, while 3% had only younger siblings
- 11% reported that they have nobody that they consider a care giver.

Chart xii: showing possible primary caretaker in Zimbabwe



f. Last contact with Zimbabwe

Children were asked when they had most recently been in touch with somebody back home in Zimbabwe, for example by phoning, sms-ing or emailing them. Only 67 children were able to answer this question, with the others not giving clear answers. Out of the 67:

- 30% of children had not been touch for longer than a year
- 27% had been in touch within the last 4 to 12 months
- 43% had been in touch within the last one to three months:
 - 20 of the children had only arrived in South Africa within the last 3 months, so they had automatically been in touch within this time span.

- In addition to these 20 children, another 9 had been in touch with home within the last three months.

Chart xiii: showing when last in touch with Zimbabwe

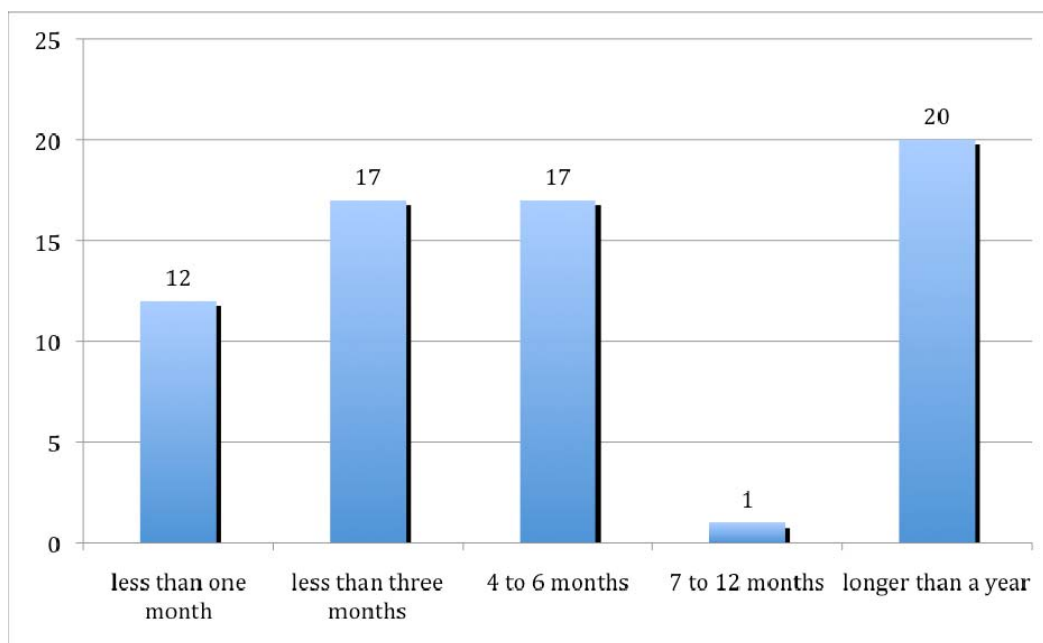
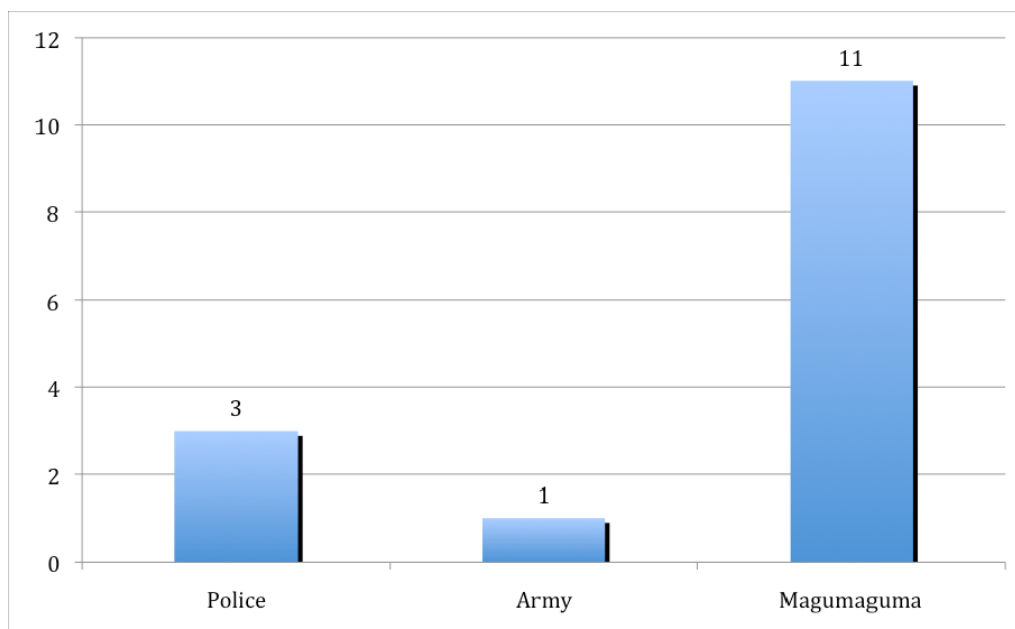


Chart xiv: showing violence experienced by children on their travels



4. The journey

a. Violence on the journey

- 18% of the children (15) reported having been beaten or physically abused en route for Johannesburg.
- 90% of the time, the cross border touts, known as “magumaguma” were responsible for the violence, which also involved theft of their property and /or paying bribes.
- Police and army were responsible for the balance of violence.

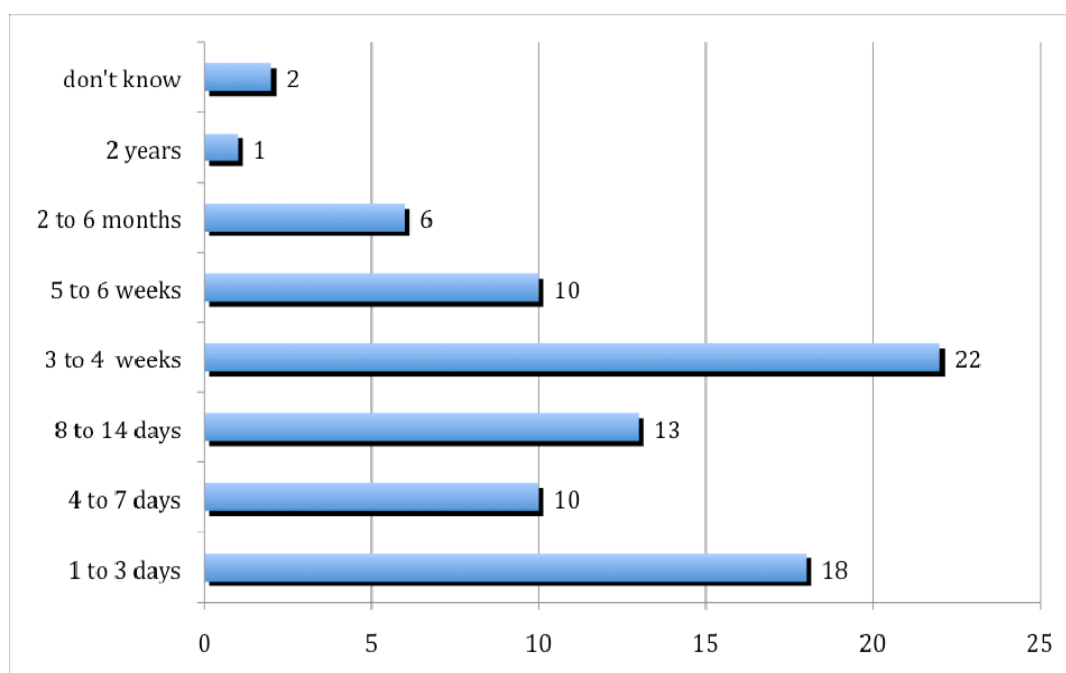
This serves to underline how vulnerable youngsters are on this lengthy trip. Violence may have been under reported, as children in Zimbabwe often do not consider the “odd slap” as violence worth remembering, but as a routine part of growing up. The authors have personally witnessed youngsters being beaten by border guards on the bridge at Beitbridge.

MSF report that rape is routine during the border crossing, with scores of new rape cases every month. They have a permanent rape clinic in Musina now, to deal with this crisis. Young girls also resort to sex work in Musina, as their only means of survival.¹¹⁸ None of the youngsters at the CMM reported these experiences to us, but most of them transited fairly quickly through the border area, and very few of the children were female.

b. How long did it take you to get from home to the CMM?

The authors were concerned to know how long it had taken these very vulnerable youngsters to get from their often very distant homesteads in rural Zimbabwe, all the way to the CMM in Johannesburg.

Chart xv: showing length of time taken from home to the CMM



¹¹⁸ Interview, MSF, 2 March 2010.

Time on the journey varied enormously, with some children knowing from the time they left home that the CMM was their destination, with others ending up there purely by chance, and after many other experiences. The swiftness of many of these journeys is testimony to the well-established transport networks that now exist from even remote parts of Zimbabwe to Johannesburg.

Some minors heard of the CMM on arrival in Musina, and one child was put on to a taxi by a South African soldier in Musina, who told the driver to take the child directly to the CMM! In another instance, a taxi driver took one of the children directly to the CMM, on hearing from the child that he had nowhere to stay on arrival in Johannesburg. Several of the children commented that they had wanted to come to the CMM because they had heard that then they could go to Albert Street School.

Surprisingly, 22% of the children accomplished the journey in a straight run, taking 2 or 3 days from door to door - while one child had taken 2 years to end up at the CMM.

Generally, it was enlightening to learn how comparatively quickly an unaccompanied minor is able to travel vast distances. However, one may also assume that the minors that end up at the CMM may be among the most competent and organized minors in the country. There are far greater numbers of minors who do not make it beyond Musina and the farms of Limpopo.¹¹⁹

- 18 children made their total journey in less than 3 days (22%)
- another 10 did the trip in less than a week, and a further 13 in less than two weeks
- this means that 50% of these children ended up at the CMM after less than two weeks of traveling.
- 32 took from 4 to 6 weeks (39%)
- 6 children took 2 to 6 months for the trip (7%)
- 1 child had taken 2 years, and two could not indicate how long they had been on route.

c. Length of time in border area

There is a large group of unaccompanied minors in Musina, and the authors were interested to establish whether any of their interviewees had been part of this group for any time, or had any experience of life in the border area. However, only 6 of these 82 children reported having spent a month or more in the border area. Although 17 of the children had spent more than a month completing their trip to the CMM, most of these had spent lengths of time elsewhere than in Musina, although where is not clear as the question was not asked.

d. Bribes and payments

The children were asked whether they had had to pay anyone or bribe anyone on their journey.

- 36 reported having made payments to people
- 22 of these payments were bribes, and 14 were payments in the form of fares for transport
- 10 reported having to bribe, or having money stolen, by the “magumaguma”, or cross border touts

¹¹⁹ Op cit, also the Skelton report, ibid.

- 7 reported having money extorted from them by soldiers in return for not being arrested or deported and 1 reported bribing a policeman.

Surprisingly, many of the children seemed to have made it to Johannesburg simply by wiggling their way on to taxis or buses, and the drivers realizing belatedly that they were not with anyone and could not pay, but nonetheless allowing them to complete the journey.

However, 22 of the children, or more than a quarter, had to deal with often traumatic moments of extortion in order to cross the border and make it to Johannesburg.

e. Deportations

Ten of the children, or around 12%, reported having been deported at least once, and one child reported having been deported six times! It is illegal to deport an unaccompanied minor, yet this has happened regularly in the last few years. The authors recorded this happening as a matter of course in 2004.

f. The border crossing

Children were asked how they made the actual border crossing. The most frequent method was simply to walk across the bridge at Beitbridge. 40% of the children reported having done this. Pedestrian walkways run all the way from Zimbabwe through to the other side of the South African border area. One boy described how he simply carried empty plastic bottles past all the guards, telling them that his mother had sent him to get clean water.

The next most frequent method involved walking through the river, which 35% of children undertook. The remaining 25% of children crossed by road, in either a car or a taxi.

None of the children made a legal, documented crossing.

5. Johannesburg

a. Length of time in Johannesburg

The children were asked how long they had been in Johannesburg, and also who they now considered to be their caretaker, or somebody that they could trust. Time in Johannesburg varied from a few weeks to over two years, although the majority of children had been there for over 4 months.

- 20, or less than a quarter, had been there for 3 months or less
- 39 children, or 48%, had been there for between 4 months and one year
- 19 or 23% had been in Johannesburg for more than a year.

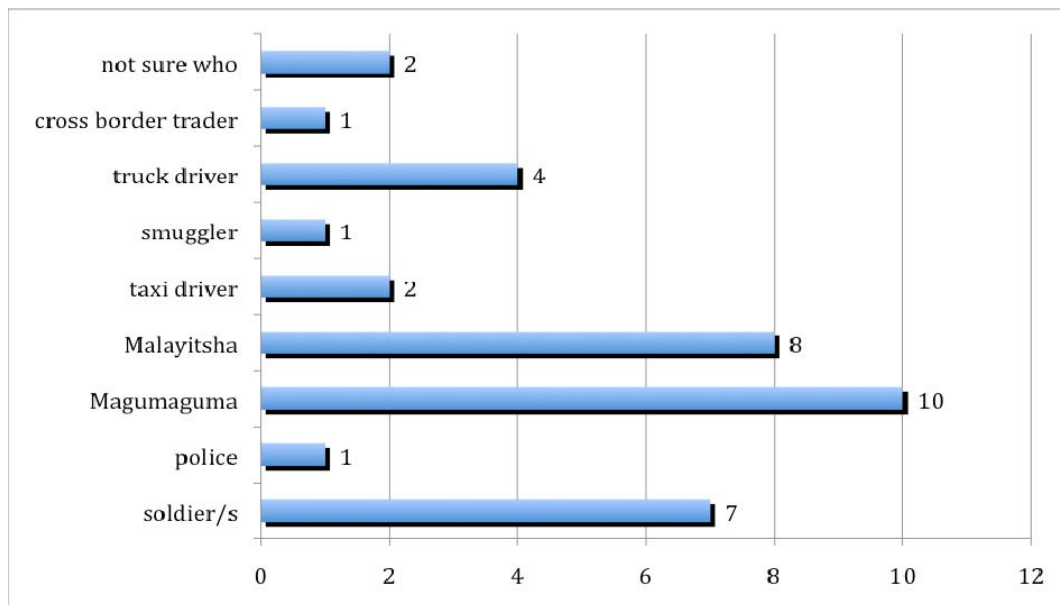
b. Current Caretaker

When asked who took care of them now:

- 50% replied Bishop Paul Verryn (41 children)
- 10 children said their teacher looked after them

- 9 named somebody else at the CMM as their caretaker, either one of the caregivers or another sibling/cousin staying there
- 22 children, or 27% said that they were looking after themselves and did not have anyone else to rely on.

Chart xvi: showing who the children paid or bribed on their travels



[note – ‘malayitsha’ refers to the Zimbabweans who make a living ferrying goods across the border
‘magumaguma’ refers to the cross border touts who walk groups through the river, and often rob or assault them in the process]

Chart xvii: showing how the children crossed the border post

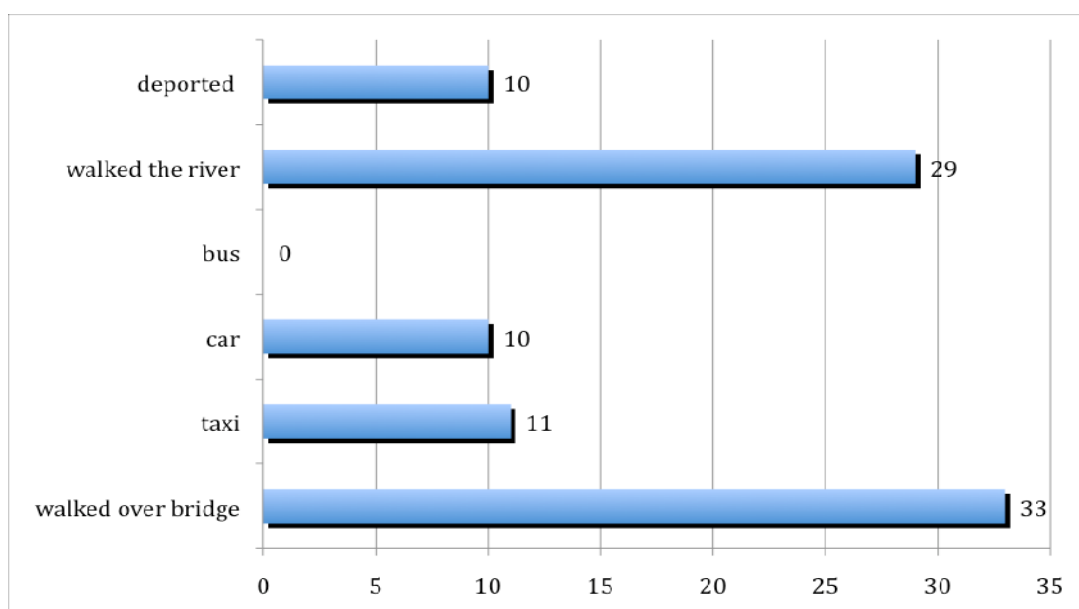


Chart xiix: showing length of time child has been in Johannesburg

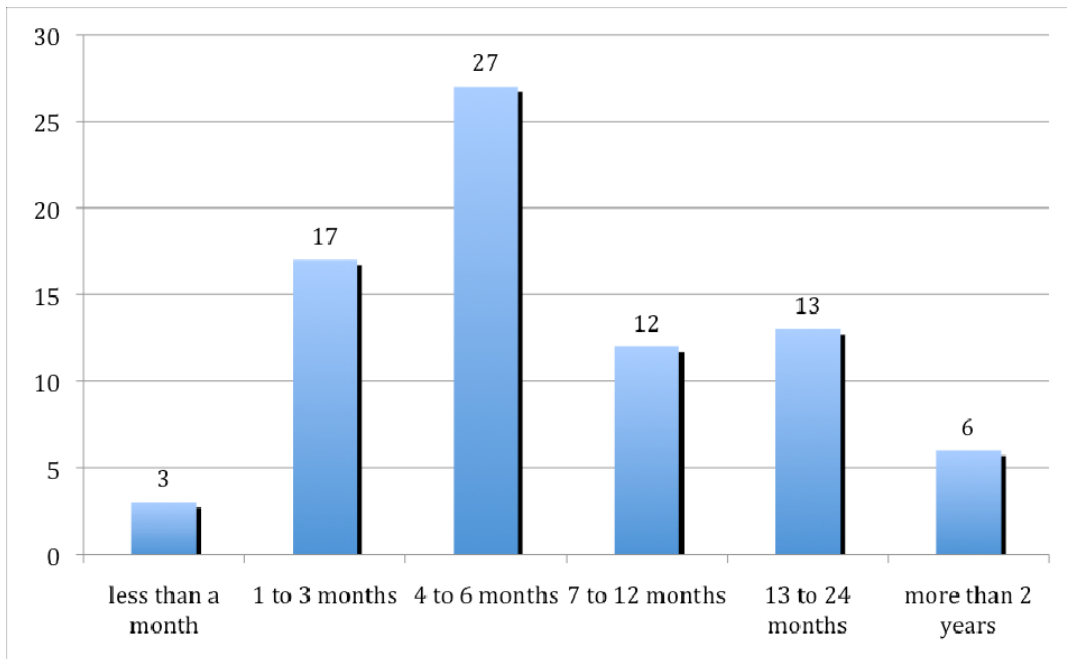
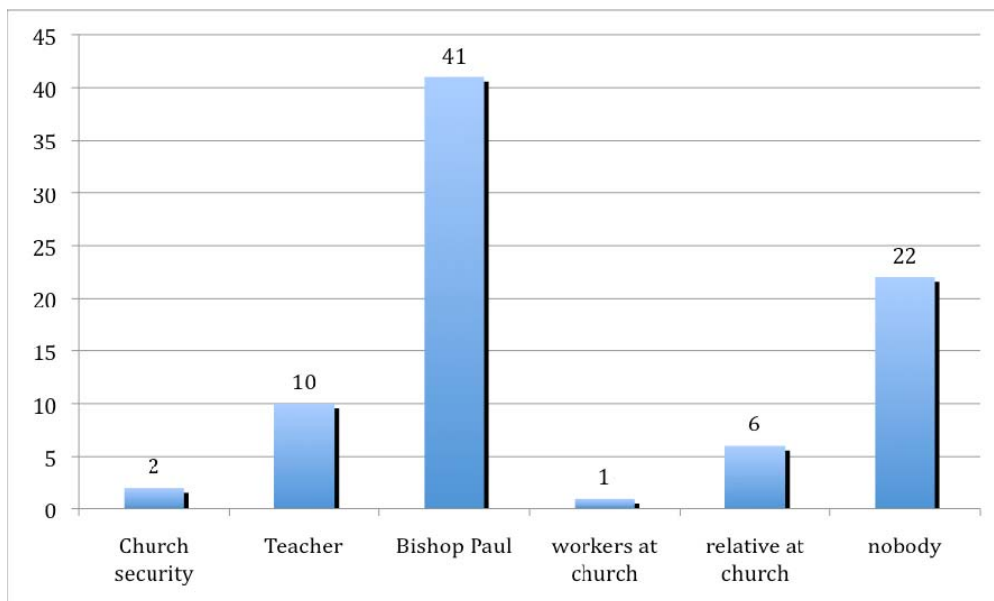


Chart xix: showing who is perceived as a caregiver now



Conclusion

Zimbabwe's biggest export will continue to be its people, and South Africa will continue to be their favourite destination. There is a dire need therefore, for the South African government to develop a coherent and humane policy towards undocumented Zimbabweans. There are already over a million Zimbabweans in the country, the majority of them undocumented, eking out bleak lives on the edge of visibility. Access to health care and education for migrants needs to be assured. There is a need to implement the undertaking to provide undocumented Zimbabweans with a special dispensation under Section 31(2) b, of the Refugee Act, that will allow them a document regularizing their presence in the country. The makeshift arrangement of issuing everyone with ASPs, and then denying them asylum in due course is a haphazard interim measure that needs to be reconsidered.

The Zimbabwean coalition government should be developing a more systematic policy towards the diaspora, and should be incorporating its citizens abroad into the changes currently taking place, in particular the "healing" and constitution-making processes. There should be more strategic planning around job creation and the luring home of the many thousands of highly skilled Zimbabweans who, out of sheer financial desperation, are currently picking grapes in far away valleys, or labouring on road building sites, while their children are being raised by ageing, under resourced grandparents. Many children, in particular orphans, are making the long and hazardous journey alone to South Africa, where they are highly at risk of abuse. With a million orphans in Zimbabwe, the rising tide of unaccompanied minors heading for South Africa needs to be carefully monitored and a safety net, such as that provided by the recommendations of the Skelton report, needs to be fully in place in South Africa to improve their protection.

The writing is on the wall that there will be more xenophobia in South Africa, as none of the underlying issues are being adequately addressed, being subsumed in South Africa's bigger challenge of poverty alleviation and service delivery for its own people. Where poor South Africans and poor migrants mingle, violence will continue to be seen, as long standing prejudices against foreigners and political turf wars play out at the expense of migrants. With the end of the WFC building boom in sight, and with local government elections looming in South Africa, circumstances could be pushing people towards ethnically, politically and poverty-driven violence in 2011. Between May 2008 and the end of 2009, there seems to have been little learnt about heading off xenophobic violence, judging by the response of officials to events in De Doorns. The question remains unanswered as to how long it will take the authorities in South Africa to learn from the lessons of the past and to put in place measures to protect all who live within their borders, without prejudice.



Back cover: Scores of the 30,000 Zimbabweans in Central Johannesburg live in this building: March 2010