



PRESS STATEMENT

UNIVERSITY HUMAN RIGHTS CENTRES CALL ON SOUTH AFRICAN GOVERNMENT TO ADDRESS THE PLIGHT OF MIGRANTS DURING COVID-19 CRISIS IN THE INTEREST OF ALL SOUTH AFRICANS

15 April 2020

The [Centre for Human Rights](#), University of Pretoria and the [Centre for Applied Legal Studies](#), University of the Witwatersrand, are deeply concerned about the situation of migrants in the territory of South Africa during this COVID-19 crisis.

The above organisations reiterate that the exclusion of any segment of society from access to testing, treatment and other palliative measures put in place to cushion the effects of measures taken to combat the spread of COVID-19 will ultimately undermine national efforts to stem the spread of the virus. According to Frans Viljoen, Director of the Centre for Human Rights: “Our overall efforts will fail if we allow prejudice and stigmatisation on the basis of nationality to cause undocumented migrants and other non-nationals to be victimised when they attempt to use these services, or if they are excluded from these services”.

Government should be guided by section 27(3) of the South African Constitution, which provides that “no one may be refused emergency medical treatment.” It is not in the best interest of the country if people from a segment of the society are prosecuted when they present themselves for screening, testing and treatment, or if they are excluded from medical and other essential services. COVID-19 does not discriminate in whom it targets and affects and the mode of transmission and contraction of the virus does not discriminate on the basis of the nationality of the carrier and the infected person. To this end, our efforts to curb the spread of the virus should be non-discriminatory.

The government should make an explicit commitment that no one will, on the basis of their status as a foreign national or undocumented migrant, be excluded from services, or suffer any adverse

consequences due to seeking these services. To achieve its objective of curbing the spread of the virus, everyone present in South Africa must be given adequate access to information, medical treatment and other essential services, regardless of nationality or immigration status. Such an inclusive approach is in line with the Regulations issued in terms of the Disaster Management Act, in which the government committed itself, without reference to the issue of nationality, to release resources to ensure the delivery of essential services, to prevent, limit, contain, combat and manage the spread of COVID-19.

While the government's efforts to provide food aid to vulnerable persons is commendable, it appears that applicants for food aid are being asked for their ID number, and that citizens are prioritised in this process. It is our plea that the government should be guided by solidarity – a call that has been echoed by government officials since the beginning of the crisis and national lockdown. We reaffirm that this is not a time to exclude certain populations within society, neither is it a time to reinforce negative attitudes against non-nationals.

The Department of Human Settlements announced that some of the most densely populated informal settlements will be “de-congested” or “de-densified”, so as to reduce the risk of COVID-19 transmission in overcrowded settings where basic sanitation is lacking. Migrant households (documented and undocumented) are more likely to live in urban shacks and informal settlements than non-migrant households. They should however not be disproportionately targeted during resettlement operations. All affected communities should also be consulted before relocation.

The situation of migrant women who may experience gender-based violence in domestic spaces must also be given urgent attention in this period. It is important that all relevant government departments take deliberate steps on this issue even as the government seeks to tackle the spread of the virus. The government must state unequivocally and unambiguously that every woman who experiences domestic violence, regardless of nationality and immigration status, is free to call the [GBV Command Centre](#).

Overall, the government must ensure that asylum seekers whose papers were not processed before the lockdown, are not criminalised. According to Tshepo Madlingozi, Director of the Centre for Applied Legal Studies: “It is important that the government understands that this is not a time to encourage or perpetuate any form of intolerance. Neither will there ever be a time to do so. As such, the government, through the Department of Home Affairs, should explicitly give directions for the protection of asylum seekers in this period.”

We would like to commend the South African government for ensuring that non-national spaza shop owners are not discriminated against. However, it is important that the government strengthens regulations and undertake practical measures to protect these persons in order to ensure that their businesses are not affected by actions that amount to xenophobia, during and after the COVID-19 crisis.

We would like to remind the government about its commitment to non-discrimination in the [National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances](#). In this time of COVID-19, it is imperative that the government abides by its commitments towards combating xenophobia and all forms of intolerances.

In view of the above stated, we call on the government of South Africa to:

- Emphatically make a commitment that no undocumented migrant will be prosecuted when they present themselves for screening, testing and treatment, or excluded from these services.
- Ensure that non-nationals are not discriminated against in the government's provision of food aid and other essential services to those who may be in need.
- Ensure that foreign nationals and undocumented migrants are not discriminated against and singled out during the de-densification of informal settlements and other over-crowded areas.
- Ensure that migrant women, including girls, who may be trapped at home with abusers are encouraged to call the GBV Command Centre.
- Explicitly protect asylum seekers whose papers were not processed before the national lockdown.
- Continue to ensure that non-nationals spaza shop owners are not discriminated against during this lockdown period.

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