Assessment of knowledge, services and gaps regarding refugee and migrant women and children

Report for the Foundation for Human Rights

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Executive Summary

This report was commissioned by the Foundation for Human Rights to assess the current status of knowledge about the situation of migrant, asylum seeker and refugee women and children (especially unaccompanied children) in South Africa. This was done through a literature review which identified gaps in terms of thematic and geographical coverage as well as assessing the methodological quality of research produced. The report also identifies gaps in the services provided to these target groups. Finally, it includes recommendations for addressing the identified gaps. The overall aim of this report is to inform FHR’s programming, as well as the wider refugee and migrant rights sector, by ensuring that the specific needs of these vulnerable groups within the larger vulnerable group of migrants, asylum seekers and refugees are being adequately understood and supported. The desktop review developed three themes to categorise the literature: women’s rights; the rights of women with children and children accompanied by adults (family rights); and unaccompanied children’s rights.

There is extensive existing research relating to the status of refugee and migrant women in South Africa, yet the quality and coverage of this research (in terms of geographical and thematic scope) is highly uneven. Some topics (such as access to health care) and areas (such as downtown Johannesburg) are covered extensively, while others (such as access to redress in cases of labour abuse and women in small towns or rural border areas) are largely invisible.

Concerning family rights, there is a lack of academic work in this theme, and a lack of research that disaggregates and/or highlights the family unit as a separate sample for examination. At best, the information can be said to consider women with children but without adequately considering the interactions within the family or the links with men as part of a household or family.

Considering unaccompanied children’s rights, the literature is largely practitioner-based rather than from academic sources. As such, there is excellent descriptive detail but a lack of information about sampling process or even sample size, making it difficult to assess the generalizability of the findings.

The gap analysis of the literature highlighted: methodological gaps; a lack of disaggregation of women within samples (and small female sample sizes where disaggregated); the lack of families as units of analysis; a lack of research into women’s and children’s access to basic socio-economic rights such as water, electricity, adequate shelter, and adequate food; a lack of research on unaccompanied children’s access to healthcare; a lack of research on accompanied children, e.g. children with adult carers; a strong geographic bias in favour of urban research sites, with the exception of Musina on the Zimbabwean border; a lack of research in the public domain by NGOs and government bodies even though they hold important sources of data on women’s and children’s rights; and a lack of research investigating culture and identity as influencing rights access.

With regard to mapping service provision for refugee and migrant women and children, it is clear that Johannesburg and other large urban centres have the majority of services, to the detriment of smaller provinces and towns. A nation-wide lack of trauma, counselling and mental health support was also highlighted.
Introduction

It can be observed in many countries that in times of socio-economic tensions, citizen rights and protection of groups thought to be more vulnerable (such as women, immigrants, and sexual minorities) suffer as they are blamed for threatening the inner peace of the nation. These groups become isolated from crucial community networks of security and solidarity, and are rendered invisible to the state’s matrix of citizen protection.

In the case of refugee and migrant women, this isolation may be propagated at multiple intersecting levels based on foreignness, immigration status (or lack of it), family status, responsibility to provide care to children and/or the elderly, race and class in addition to gender. Women migrants face challenges to their rights from the host state and host society, including in the labour market, but also from within their own national communities and families. In addition to vulnerability to primary rights denial, migrant women often face secondary vulnerability due to their marginalisation from mainstream avenues of complaints and redress. On the other hand, research has shown that migrant and refugee women sometimes have opportunities and strengths beyond those of migrant men, such as being less vulnerable to police harassment, finding means for social integration with the host community, or being able to access economic niches (albeit relatively marginal ones) such as domestic work and small-scale trading.

There is extensive existing research relating to the status of refugee and migrant women in South Africa, yet the quality and coverage of this research (in terms of geographical and thematic scope) is highly uneven. Some topics (such as access to health care) and areas (such as downtown Johannesburg) are covered extensively, while others (such as access to redress in cases of labour abuse and women in small towns or rural border areas) are largely invisible. This national desktop review of all existing literature on refugee and migrant women in South Africa aims to systematically identify and analysis these gaps. The criteria for assessing the quality and coverage of the literature has been clearly and transparently set out in the sections below, and will in themselves act as a tool which can be used to assess the quality of existing knowledge in other sectors in future. The Matrices that have been developed should be examined in conjunction with this report; and all research material in the matrices has been reproduced in this document as an annotated bibliography.

The overall aim of this research project and output is to inform FHR’s programming, as well as the wider refugee and migrant rights sector, by ensuring that the specific needs of this vulnerable group within the larger vulnerable group of asylum seekers and refugees are being adequately understood and supported.
Methodology

The assessment developed three matrices:
- Women’s rights
- The rights of women with children and children accompanied by adults (family rights)
- Unaccompanied children’s rights

Each matrix lists and evaluates all available literature concerning the specific target group, grouped according to themes. The themes are as follows:

**Theme 1: Rights relating to documentation:**
- Accessing documentation
- Accessing appropriate redress around documentation challenges

**Theme 2: Rights relating to healthcare**
- Access to adequate medical care
- Access to adequate reproductive health care
- Support for long-term trauma
  - Related to experiences in the country of origin
  - Related to experiences during the migration process to South Africa
  - Related to living in South Africa/interacting with the public sphere
  - Related to family living (domestic violence)

**Theme 3: Rights relating to labour activities**
- Access to administrative mechanisms for facilitate employment/work (permits, etc)
- Access to finance/banking

**Theme 4: Rights relating to accessing justice**
- Access to immigration justice (arrest, detention and deportation)
- Access to criminal justice (with migrants as perpetrators or victims)
- Access to civil justice (including labour law, family law, evictions, etc.)

**Theme 5: Rights relating to social welfare**
- Access to social grants
- Access to education (adult/tertiary edu for women, primary/secondary for accompanied and unaccompanied children)
- Food security
- Access to decent housing

For unaccompanied children, there is a further theme addressing literature that assesses the quality of child protection mechanisms:

**Theme 6: Rights relating to child protection mechanisms**
- Access to places of safety
- Fostering
- Adoption
- Release into relative’s care
- Family tracing and unification
- Psychological support
For each theme, the extent of treatment in the literature, its methodological quality and its geographical coverage is assessed. The criteria that the literature was evaluated against are the following:

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Year of publication</th>
<th>Time period of research</th>
<th>Publisher</th>
<th>Primary/secondary data</th>
<th>Methodology (quant/qual)</th>
<th>Data collection technique</th>
<th>Sampling technique</th>
<th>Sample size</th>
<th>Geographic location(s)</th>
<th>Geographic location(s) - provinces</th>
<th>Rural/Urban</th>
<th>Women focus or within larger sample</th>
<th>Refugee/migrant focus or within larger group</th>
<th>Distinguish between refugee and migrant?</th>
<th>Nationalities included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details the author of the entry.</td>
<td>Details the title of the entry.</td>
<td>Details the year the entry was published.</td>
<td>Details the time period when the research was undertaken.</td>
<td>Details whether primary data was used (eg: field research; interviews) or secondary data (eg: literature reviews; legal case files).</td>
<td>Details whether the data was sourced using quantitative methods (eg: statistical sampling) or qualitative methods (interviews; community observation).</td>
<td>Details the methods used to collect data (eg: a focus group; interviews; a survey).</td>
<td>Details the method used to identify research participants.</td>
<td>Details how many people were sampled.</td>
<td>Details where the research took place.</td>
<td>Details where the research took place.</td>
<td>Details whether the research was conducted in an urban or rural setting.</td>
<td>Details whether the research exclusively or mainly focused on women or whether they were included (but disaggregated) as part of a larger sample.</td>
<td>Details whether the entry clearly disaggregates refugees and migrants.</td>
<td>Details whether the specific nationalities included in the study.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Assessment of literature in terms of theme coverage

Before discussing the literature, it is important to mention a few key issues highlighted by this project. FHR required that the research examine access to rights for refugee and migrant women and children. However, what has not been investigated is how access to these rights compares to other populations and their rights access. Without a framework for comparison, it is difficult to assess whether refugee and migrant women and children’s rights access reveals a positive or negative scenario. It could be that due to better literacy and command of the English language, some nationalities of refugee and migrant women are better able to access some rights, when compared with South African women. It could be that refugee and migrant women, in some circumstances, view themselves as advantaged when comparing their rights access with men (see Caroline Wanjiku Kihato’s article *Invisible lives, inaudible voices? The social conditions of migrant women in Johannesburg*). Without a framework for comparison, it is difficult to provide a conclusive assessment of how refugee and migrant women and children are faring in terms of accessing their rights.

A second caveat is that the study’s exclusive focus on women and children has limited the consideration of family rights. Family rights are important for men to access too, and the involvement of men in a family community or unit is crucial to better understanding family behaviour (and the experiences of women and children within this unit), including access to financial resources; education; social welfare; and psycho-social support.

A third limitation is that the literature on refugees and migrants often does not disaggregate women in its samples. We were therefore not always able to see whether research findings had particular relevance to migrant and refugee women (as compared with men) and therefore include it in this review. This lack of disaggregation is a crucial issue that will be highlighted in the gap analysis below.

**Women’s Rights**

**Theme 1: Rights relating to documentation**

This is a fundamental right that all reviewed papers, to a certain extent, addressed. A key issue raised in the literature is that without documentation, women cannot access a range of other, related rights (such as healthcare, education and social welfare). Other concerns raised in the literature relate to the fact that documentation procedures (particularly for refugees) are not cognisant of the particular nature of refugee claims from women. Consider this comment:

*Women asylum seekers do not benefit equally from refugee protection because of the interpretation of the Convention, the emphasis on proof of persecution and the procedural and evidential barriers that affect women’s access to the asylum process.*

Most literature dealing with the details of documentation applications focused on the refugee application process, to the exclusion of other types of documentation (e.g. work permits, spousal permits, corporate permits, etc.). Women were rarely a discrete sample in this literature.

**Theme 2: Rights relating to healthcare**

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Medical xenophobia was a commonly reported issue, with research detailing examples of women turned away from clinics and hospitals. However, this research was often unsystematic. The articles did not often state what service women were requesting, thus it is difficult to ascertain whether access to reproductive and/or mental health has been researched. When mentioned in the literature, reproductive health was the most common service sought. There is a dearth of research on psycho-social, mental and emotional health and well-being – while HIV/AIDS and how women negotiate their sexual relationships has been researched in some depth, particularly the sexual health of migrant women. There was almost no discussion (and discussion that was raised was anecdotal, at best) about repeat trauma, trauma from travelling from country of origin to South Africa, and trauma related to domestic violence. Trafficking research has some discussion of mental health, but the issue of trafficked women and children fell outside the remit of this research project. Research on refugee women and children who have been subsequently trafficked from South Africa was not found. Language and cultural barriers to accessing healthcare services were both key issues that have not been adequately unpacked in the literature. Access to healthcare while undergoing detention related to deportation was highlighted, but not examined, in the literature.

**Theme 3: Rights relating to labour activities**

There is a dearth of research on access to finance and banking. Research and lobbying that has been done on this issue does not disaggregate between men and women’s access to banking and finance options. Labour research focuses the majority of its energies on women’s labour patterns (informal/formal employment; temporary contracts; likelihood of engaging in sex work) and reasons for seeking work outside of traditional homes. When considered in the literature, access to labour rights focuses primarily on access to dispute resolution and just working conditions in two areas: domestic service and farm labour. The research highlights that contracts in these two areas are not monitored for compliance with minimum labour law requirements, and employers hold considerable power in terms of with-holding monies and documents (passports). There were minority reports on accessing trading and hawkers’ licenses no in-depth research has been done on this topic.

**Theme 4: Rights relating to accessing (immigration/criminal/civil) justice**

The dominant refrain in this literature is that women are very likely to be exposed to injustice and exploitation, both en route to South Africa, and at the hands of immigration and police officials while in South Africa. The focal points in this literature are injustices occurring while attempting to become documented; and injustices occurring due to xenophobia. Research reports that sexual violence is seen as part of both of these issues, and women’s ability to access criminal justice for such violations is weak. The literature attributes this, in the main, to the extremely skewed power relations between the violator and the violated. Hesitance to report violence at the hands of immigration officials, for example, is described as tied to the undocumented status of such women. Administrative (in)justice research focused on the legal process of refugee status determination to the exclusion of other forms of documentation. For asylum seekers and refugees, research has traced administrative justice concerns from the time of interview up to prospective deportation and detention, but often without adequate disaggregation of women’s experiences. When considering the fairness of refugee status determination decisions, research focused on asylum-seekers’ knowledge of their rights during interviews and interactions with home affairs officials. In terms of arrest, detention and deportation, research focused on corruption; harassment and lack of due process on the part of law enforcement officials.

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There is a dearth of research on civil justice for migrant and refugee women: the research there is, is focused on labour disputes. There is almost no research on accessing justice for civil suits, such as domestic violence; child custody; divorce; financial transactions; community disputes; rental and/or land ownership disputes.

Theme 5: Rights relating to social welfare
The literature shows that accessing most social welfare is contingent upon obtaining the correct documentation – thus, research focusing on social welfare inevitably comments on accessing documentation. Xenophobia is also mentioned as a reason social welfare rights are commonly denied. Most of the literature that considers social welfare as a core focus, as opposed to a peripheral mention, belongs to the discussion on family rights; the majority of the literature documents women and family struggles to gain access to educational opportunities for children. It is significant that there appears to be no systematic research into migrant and refugee women’s rights to adequate shelter, food, clean water or adequate sanitation (all Constitutional rights).

Family Rights
There is almost no research on how refugee/migrant families, as discrete units, are prevented or enabled to access their rights. This in itself is an important conceptual gap which affects how most aspects of women’s and children’s rights are understood in the literature. While the number of women migrating unaccompanied (by partners or children) has grown, there is still a large percentage of migrant and refugee women who move in families or who have established families in South Africa. Similarly, while most of the focus in the literature and in service provision is on unaccompanied children (who indeed are especially vulnerable), the vast majority of children who move do so accompanied by adults. These accompanied children also have rights which are often challenged and about which there is very little information in the literature. Due to the blind spot in the literature regarding families, this section refers to research that deals with women and children; or refers to parents/guardians of children. A key challenge for this section is that this project is only examining women and children, while the role of men in family life and enabling/disabling access to rights is crucial to understanding family rights.

Theme 1: Rights relating to documentation
Accessing documentation in this theme was primarily related to accessing services for (accompanied) children. Thus, literature under this theme was commonly linked with literature under Theme 5: rights relating to social welfare. Accessing documentation to allow for children to access schools – or providing schools with evidential documentation of some sort, to allow school entry - was heavily researched. Anecdotal evidence from research reports suggested that difficulties in obtaining documentation for children would discourage women to travel with their children. In terms of migration, the literature also mentioned that conventional work permits in South Africa do not accommodate spouses or dependents, therefore discouraging (legal) family movement.

Theme 2: Rights relating to healthcare
Specific family-related research was not found. References to studies on childhood mortality were found, which indicated that poor nutrition in refugee families contributed to increased early childhood mortality. But research that did not single women out (and therefore belong in the section

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3 A single academic thesis, with a small sample of 15, has looked into domestic violence in migrant women in Johannesburg (Kiwanuka, M. (2008). The Effect of Migration on Urban Migrant Women’s Perceptions of Domestic Violence. Forced Migration Studies Programme. Johannesburg, University of the Witwatersrand. MA: 116.). This study is part of a small but important body of work that highlights the lack of culturally appropriate services for migrant (and refugee) women, when reporting abuse or sexual violence. This issue will be discussed in the gap analysis.
above) also did not disaggregate the family-specific samples. One interesting piece of research indicated that refugee women were being compelled to have caesarean births, even though they protested on cultural grounds. However, family rights in terms of accessing other specific healthcare services were not mentioned in the literature.

**Theme 3: Rights relating to labour activities**

Only four papers were found that had relevance to this theme. The research is thus not compelling. The lack of care facilities for refugee children whose parents were out working was raised. However, this does not differ from many other populations in the same circumstances, and thus is not a refugee/migrant specific conclusion. As mentioned in sections above, the lack of documentation or access to documentation which grants the right to work, can be seen to encourage women to migrate without their dependents. The research in this category is, once again, broad-brush literature that looks at policy-level issues and discusses feminisation of labour migration, without explicit references to the family unit.

**Theme 4: Rights relating to accessing (immigration/criminal/civil) justice**

As discussed in the section on women migrants and refugees, above, studies on rights to justice tend to focus on administrative justice in relation to refugee status determination and to criminal justice in the case of sexual violence. Civil family matters such as custody and divorce have not been studied.

**Theme 5: Rights relating to social welfare**

The most up-to-date article discussing this topic was the CoRMSA (2011) *Background Paper on Access to Social Assistance for Refugees in South Africa* which does not differentiate between men, women or children. However, it does discuss the fact that many refugees rely on family networks for support. Strategic litigation by Lawyers for Human Rights has shown that elderly and/or disabled refugees are at risk of being denied social security. Other literature focuses specifically on how refugee and migrant parents/guardians struggle to access education for their children, due to lack of adequate documentation; xenophobia; or lack of understanding their rights. Housing was highlighted in the literature as being problematic, as shelters accepting women with children adhere to strict time restrictions, without a contingency plan for those who might require assistance for a longer time period.

*Unaccompanied children’s rights*

**Theme 1: Rights relating to documentation**

A few key issues were raised in this section. The first, which is a theme repeated throughout the discussion of unaccompanied children’s rights, is that many officials to not know or understand the legal frameworks regulating unaccompanied children’s rights. Law clinic research explains that Home Affairs will not allow an asylum application from a minor without a Children’s Court Order; and those unaccompanied children who do not qualify to apply for asylum are left with very few, if not no,
Without documentation, the literature highlights that accessing a range of other services and rights becomes difficult.

**Theme 2: Rights relating to healthcare**
This is a very under-researched area. In conjunction with a lack of documentation, access to healthcare for unaccompanied children is viewed in the literature as poor. Apart from research on childhood mortality and nutrition, which returned the result that unaccompanied children had compromised nutrition, there is no further research done on rights to healthcare.

**Theme 3: Rights relating to labour activities**
This is not a well-researched area: however, some of the literature refers to general vulnerability to labour exploitation, due to age and lack of documentation. A more worrying issue, highlighted by a few papers, is that unaccompanied girl children often ‘disappear’ into domestic work or sex work, and are a very difficult population to research and support.

**Theme 4: Rights relating to accessing (immigration/criminal/civil) justice**
The majority of literature on unaccompanied children falls into this category. The literature points to a general exploitation of children during border crossing and interactions with immigration officials and law enforcement personnel, citing bribery and abuse as key issues. The subject of illegal deportations is highlighted in the research, with the general consensus being that many government actors are ignorant about the legal frameworks governing unaccompanied minors. This is coupled with a lack of clarity and operational direction from responsible government agencies and NGOs, an issue often raised in the literature.

**Theme 5: Rights relating to social welfare**
The dominant view of the literature on accessing social welfare is very similar to that of accessing justice: there is a consensus that agencies and actors that should be supporting and assisting children are unaware of the law; and ignorant as to how children should be appropriately dealt with. Added to this, one research paper highlighted the ‘invisibility’ of children, once they have left a smaller area (such as a border town) and moved into an urban area. If children cannot be encouraged to make their presence known, it makes it difficult for NGOs and others to assist and support them.

**Theme 6: Rights relating to child protection mechanisms**
Once again, the literature states that agencies and actors that should be supporting and assisting children are unaware of the law; and ignorant as to how children should be appropriately dealt with. In terms of child protection mechanisms, some authors indicate that xenophobia on behalf of law enforcement officials and social workers plays a factor in poor access to child protection mechanisms.

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6 Schreier, T. (2011). Critical Challenges to Protecting Unaccompanied and Separated Foreign Children in the Western Cape: Lessons Learned at the UCT Refugee Rights Unit, UCT Refugee Rights Unit
Assessment of literature in terms of research quality

The literature will now be assessed with reference to the quality of the research, based on the criteria mentioned above. The information in this section is tabled, for ease of reference.

Women’s Rights
Overall, the literature in this section was comprehensive and well-researched. The drawbacks in this body of literature were the lack of recent (2010 onwards) research; the lack of detail regarding time periods of research (e.g. when and for how long the empirical research was conducted) and sampling techniques; and the strong focus on Johannesburg and other urban centres, and Musina – to the exclusion of other, less high-profile research sites that might still offer valuable research information.

Family Rights
There was a lack of academic work in this theme, and a lack of research that disaggregated and/or highlighted the family unit as a separate sample for examination. This means that conclusions on family rights cannot be drawn. At best, the information in this section can be said to consider women and children but without adequately considering the interactions of the groups or their links with men as part of a household or family. Of the literature that does exist, it is positive that there is recent (2012) research, and a good mix of primary research methods.

Unaccompanied Children’s Rights
The information in this section is largely practitioner-based rather than from academic sources. As such, the descriptive details and information therein are of excellent quality. However, documentation from NGOs does not often record the necessary information about research methodology which would allow one to establish research quality in terms of representativity of findings. Time period of research, sampling method and sometimes even sample size are ignored.

Table of research methodology analysis

<table>
<thead>
<tr>
<th></th>
<th>Women’s Rights</th>
<th>Family Rights</th>
<th>Unaccompanied Children’s Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year of publication</strong></td>
<td>Most work was published in mid-2000s. While not irrelevant, research more than five years old is not ideal for informing current policy decisions.</td>
<td>The majority of these papers were written in late 2000s. There are a few very recent papers, which indicates that the findings will be current.</td>
<td>The majority of these papers were written in 2010 and 2009. The findings and recommendations are therefore up-to-date.</td>
</tr>
<tr>
<td><strong>Time period of research</strong></td>
<td>This was not commonly mentioned, which makes assessing the accuracy and relevance of the research difficult.</td>
<td>The majority of those that indicated research time periods published the year following their research. In larger surveys, the time lapse was longer.</td>
<td>This was not commonly mentioned, which makes assessing the accuracy and relevance of the research difficult.</td>
</tr>
<tr>
<td><strong>Publishing org</strong></td>
<td>Publishing organisations are evenly split between reports by academic</td>
<td>The majority of papers were written by local and international NGOs.</td>
<td>Unlike literature on women, the papers on children were</td>
</tr>
<tr>
<td><strong>Primary/secondary data</strong></td>
<td>Research was overwhelmingly focused on primary data collection and analysis. Most papers conducted brief literature reviews as a means of centring discussion.</td>
<td>Research was focused on primary data collection and analysis. However, some papers included significant secondary data collection.</td>
<td>Unlike literature on women, the papers on children were evenly split between primary and secondary research. This could indicate the difficulty in collecting primary research data/accessing unaccompanied children as respondents.</td>
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<tr>
<td><strong>Methodology (quant/qual)</strong></td>
<td>Most of the research was based on qualitative methods, which provide more in-depth information but may not be representative of a larger class of people (depending on the sampling method, size and approach). A few studies used both research methods, including some larger surveys, which enables broader generalisation of findings.</td>
<td>Papers were evenly split between qualitative work, and a combination of qualitative and quantitative method.</td>
<td>The papers here were not always specific about their methodology, with a mixed-methods approach, along with not detailing research methods, apparent. This lack of rigour could negate the quality of the findings; but is understandable due to the NGO sources of most of the literature.</td>
</tr>
<tr>
<td><strong>Data collection technique</strong></td>
<td>Interviews, participant observation, focus groups and surveys were the favoured research methods. When large surveys were conducted, institutions often used the same data for publications spanning a period of years, which could lead to out-dated conclusions.</td>
<td>Interviews, participant observation, focus groups and surveys were the favoured research methods.</td>
<td>Where stipulated, interviews were the preferred research method. Working with children necessarily requires careful consideration of research methods. Interviews appear to be a good method for this target group.</td>
</tr>
<tr>
<td><strong>Sampling technique</strong></td>
<td>Snowball and convenience/chain sampling were the most</td>
<td>Snowball and convenience/chain sampling were the most</td>
<td>Almost no papers stipulated their sampling technique.</td>
</tr>
</tbody>
</table>
reported sampling techniques. This is to be expected when attempting to access mobile, hidden or otherwise undocumented populations. Sampling techniques were not always explained. This means it is not possible to tell whether the research had an appropriate spread of participants and can therefore be interpreted as representative of the larger population of migrants and/or refugee women.

- **Sample size**
  - Sample sizes varied. When women were part of a larger sample, which was often the case, their sample size tended to be less than 50%. A lack of disaggregated data for women is problematic when trying to deduce women-specific conclusions from the research.
  - The sample sizes were variable; but most were over 100. However, the family unit was not a discrete sample; as such it is difficult to know how many family units were researched.
  - The sample size was generally above 50, which is a good size for qualitative studies. However, many of the papers did not indicate their sample size, which is problematic for assessing research quality.

- **Geographic location(s) - exact**
  - There was a strong bias in favour of Johannesburg. Other popular sites included Musina, Cape Town and Durban.
  - There was a strong bias in favour of Johannesburg. Other popular sites include Musina, Cape Town and Durban.
  - There was a bias in favour of Musina - most probably due to the high volume and public profile of unaccompanied children from Zimbabwe. Johannesburg is a close second in terms of research location.

- **Geographic location(s) – provinces**
  - There was a strong bias in favour of Gauteng.
  - There was a strong bias in favour of Gauteng.
  - Limpopo and Gauteng predominate, mainly due to the presence of deportation centres and border areas.

- **Geographic**
  - There was a strong bias
  - There was a strong bias
  - As Musina dominates, a
<table>
<thead>
<tr>
<th>Locations - rural/Urban</th>
<th>in favour of urban research. Research in rural areas was biased in favour of border areas. This leads to a dearth of research in other rural areas and medium and small towns, which are also under-serviced by NGOs, and require more attention. Within urban areas, research sites were mainly in inner city areas, with limited consideration for peri-urban areas and informal settlements.</th>
<th>in favour of urban research. Research in rural areas was biased in favour of border areas.</th>
<th>rural bias is present in this literature. This also indicates the reported difficulties of researching children in larger, urban areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women focus or within larger sample</td>
<td>Women were mostly part of a larger sample group that included men and children. A lack of disaggregated data for women is problematic when trying to deduce women-specific conclusions from the research.</td>
<td>Almost without exception, women and children were part of a larger sample. This makes the true nature of accessing family rights difficult to assess.</td>
<td></td>
</tr>
<tr>
<td>Refugee/ migrant focus or within larger group</td>
<td>The literature focused more on migrants than on refugees. The academic journals appear to favour migrant issues as research topics, while NGOs favour refugee research.</td>
<td>Papers were split between refugee and migrant focus, with marginally more papers addressing migrant issues.</td>
<td>There was an even split between literature focused on migrant and refugee children.</td>
</tr>
<tr>
<td>Distinguish between refugee and migrant?</td>
<td>The literature, when relevant, did not group refugees and migrants into the same sample. It was recognised that the groups have different dynamics.</td>
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<td>Nationalities included</td>
<td>When mentioned, Zimbabweans were a stand-out nationality that was investigated. Basotho were also mentioned, but</td>
<td>When mentioned, Zimbabweans were a stand-out nationality that was investigated. But disaggregation by nationality was not</td>
<td>Zimbabwean children dominate this literature, to the exclusion of other vulnerable nationalities.</td>
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</table>
Disaggregation by nationality was not common. This is a crucial issue as nationality, culture and identity play a large role in how refugee women and children view rights, and rights access.
Gap analysis

The first issue to raise, when discussing gap analysis, is the gap present within the research project itself. This refers to the conceptual framework of this research project. When evaluating the research on accessing rights, this project has not considered what this access should be compared to. Do refugee and migrant women and children’s rights access compare favourably with their South African counterparts? Or with men? In order to develop a robust sense of refugee and migrant women and children’s abilities to access their rights, it is important not to view their situation in isolation.

Methodological gaps

This literature review found a bias in favour of qualitative methods: in-depth interviews are a very useful research tool but usually necessitate a small sample, which makes conclusions and findings difficult to apply to a bigger population.

Large-scale quantitative surveys are expensive and require significant technical knowledge to design and implement. There are therefore a limited number of such surveys, and almost all are generated by a single institution – the African Centre for Migration & Society at the University of the Witwatersrand. Authors associated with ACMS then publish extensively and for several years on the basis of the same empirical evidence. Other institutions, such as CoRMSA, also draw on the same survey data for their publications. This means there is no diversity of quantitative sources and the same sources are used for many years, making some of the findings out of date.

Many research papers do not mention the time period of the research. This is a fundamental oversight, as it means one cannot tell how dated and therefore (in)accurate the findings are or how long the field work period was and therefore how in-depth the engagement. This is more common in NGO research, as NGOs do not have the compulsion of academic institutes to apply rigorous research methodology.

A final methodological gap highlights the linear assumption that access to documentation assists with accessing other rights. There is the presumption, in many studies, that documentation is a key that unlocks a range of other rights. There are, however, insufficient studies which test this assumption empirically in either direction, e.g. whether persons holding documentation actually enjoy more rights and whether those without documentation actually are denied rights more frequently. Anecdotally, the literature describes valid asylum-seekers with all their papers in order being detained and deported; or those holding refugee status being denied admittance to clinics. Also under-investigated are the means through which undocumented migrants and refugees realise rights even without documentation.

Implications

A dearth of other interrogative research from a range of institutions makes the literature skewed in favour of two institutes’ (ACMS and CoRMSA) findings and research agendas. More training on research methods in the NGO sector could contribute towards developing more well-designed research output from NGOs that have an advantage of being operational in their field on enquiry. Understanding the practical link between documentation and accessing rights issues better would assist in the provision of real assistance, and would uncover other rights barriers, such as xenophobia; ignorance or lack of awareness on the part of government officials; and cultural preferences that hinder accessing rights.
Gender and sample sizes

Women are often not disaggregated from men in research samples. A study might show a percentage gender split, or mention women anecdotally, but will not disaggregate findings by gender. If findings are disaggregated, women and children are usually grouped together, and termed ‘vulnerable’ or ‘at-risk’, which glosses over the nuanced nature of women and children’s movements and agendas. When included as a separate sample, the ‘limitations’ section of the study often notes reasons for a small female sample size, including that women are reluctant to be interviewed or are simply not present at interview sites selected. Academic research generally does discuss women separately, but there is often a disconnect between broad trend discussions (such as the ‘feminisation of migrant labour’) and links with up to date empirical evidence. A further disaggregation gap is between documented and undocumented women: the current literature, when there is any disaggregation, distinguishes only between refugee and migrant women.

Studies that do focus on women as a sample often do not disaggregate adequately within this group. Where descriptive data such as age, marital status and number of dependents is presented, very few research articles take these statistics further, and ask how these factors actually influence how women access their rights.

Implications

Without a nuanced approach to finding and involving women in research samples, studies will continue to be skewed in favour of more obvious, or easily discovered, research participants. More NGOs should be encouraged to disaggregate women as a discrete data set, based on their operational experiences. Much is regarded to be implicit, when considering women in research studies: and thus, well-researched and interrogated findings from female sample sizes are rare.

Families and sample sizes

The concept of rights as a family (or rights relating to family situations) is not well-investigated. This relates to the rights families should enjoy, such as reunification; family living; and consequences of domestic violence/migrating parents on the family unit. The problem relates to both:

- a) The family unit as a research category and sample
- b) The family unit as consequential/impact area regarding the violation or achievement of other rights

Implications

It seems that the only element of family that is investigated in refugee and migrant women and children’s literature is what happens when there isn’t one – the case of unaccompanied minors. Further research into the family unit could be compelling and informative.

Unaccompanied children

Gaps when addressing literature on unaccompanied children are focused on sampling. The literature on unaccompanied minors is heavily focused on Zimbabwean children. When Zimbabwean children are not the key sample, literature focuses on a broad-brush approach that does not disaggregate nationality at all.

When addressing other gaps relating to children, research on access to education is a common theme, to the exclusion of other issues. Accessing social welfare, including child protection services; mental health services; and family reunification services, are all relatively undocumented. Children’s access to healthcare is almost unresearched.

Implications
Zimbabwean children may deserve a higher profile, due to the sheer number of unaccompanied children arriving in South Africa, but this should not over-shadow the similar issues emanating from Mozambique or result in other vulnerable children from further afield becoming lost in the numbers. The lack of healthcare research is a large and pressing gap that prevents a fuller understanding of how refugee and migrant children negotiate their rights in South Africa; as well as a better understanding of practical health service gaps.

**Geographic bias**
As mentioned in the analyses, the literature for all themes is skewed in favour of major urban centres, and within this group, Johannesburg. When rural areas are investigated, Musina and other border areas are overwhelmingly dominant in the literature. With research prioritising big cities and within that, inner-city dynamics, other key settlement areas, including medium and small towns, are neglected.  

**Implications**
This results in the exclusion of other rural areas, or smaller towns, that already suffer from a diminished or non-existent NGO support presence. Not only are smaller or lesser-known rural areas excluded, but the focus on urban settlements excludes a crucial part of refugee and migrant life – peri-urban settlements and townships.

**Who is not researching – but should?**
There is a dearth of research being produced by government agencies. Where government reports, it is reactive to crises (eg: xenophobia). This is a critical issue, as government agencies:

- Have access to large amounts of data on applications; populations and statistics
- Have a constitutional obligation for service provision, that is clearly not being monitored and evaluated in the public domain

Similarly, NGOs operational in the field of migrant and refugee women and children’s rights are often deeply involved in programmes or projects that could provide rich data, and help explain and support a variety of gender-focused recommendations. For example, almost no literature was found on how women access labour rights such as applying for and managing the process of hawkers or other trading licenses. This is unfortunate, as assistance with micro-enterprise is a key programme area of more than one NGO working in Johannesburg.

**Implications**
NGOs with operational programmes have practical and current data in their programmatic work which could be influential and useful to policy makers and donors. NGOs should be encouraged to better document their processes, and make this information public.

**Cultural gap and other ‘hidden’ issues**
There are very few works that reference cultural issues in terms of access to rights. This is a big gap: women are often seen, in migrant and refugee communities, as the ‘torch-bearers’ of culture. Culture fundamentally affects how women access services and interact with host communities – and thus heavily impacts on their ability to access their rights. Alongside a deeper interrogation of cultural norms, comes the need to better disaggregate research by nationality, which is often an indicator of culture and identity.

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7 The exception to this rule is research into the xenophobic attacks in 2008; however, this research is by and large reactive, and does not disaggregate men, women and children systematically.
Indeed, cultural research should not only investigate how cultural norms affect women’s access to services; but also, how culture can provide women with business ventures and economic survival. There is only a single article that focuses on this issue: the fact that foreign women might have a culture of dressing well and looking good, which led to a lucrative business opportunity for Ghanian hair-dressers in Durban.

Thus, a gap that needs filling is how refugee and migrant women develop the business side of culture: there is only a single article that focuses on Congolese women and microfinance. This is a surprising gap, as there has been much research done on South African traditional savings groups, and the role women play in these institutions.

**Implications**

A lack of research in this area is problematic in helping to better understand, for example:

- Accessing healthcare;
- Contradicting male translators who have misinterpreted;
- Allowing researchers access to traditionally private spaces.

Without deeper insight into culture, nationality and identity, much work done on women’s access to rights lacks a practical applicability. This research gap also indicates a potential wealth of information that could be used to assist operational and policy planning when considering women and children’s access to rights.
Service Provision analysis

Many of South Africa’s non-governmental organisations working in the refugee and migrant sector produce guides and handbooks to assist people with accessing services and rights. These handbooks are a detailed compilation of organisations that provide support of various kinds to refugee and migrant populations. Organisations which produce these directories include: The Consortium for Refugees and Migrants in South Africa (CoRMSA); Lawyers for Human Rights; United Nations High Commission for Refugees (UNHCR); and Jesuit Refugee Services. The most comprehensive and up-to-date of these (CoRMSA 2011) is attached to this report. The following analysis is based on the national service provision landscape recorded in this document. It shows trends in the number of organisations listed for each area and type of service. This does not necessarily reflect the reach of services offered (e.g. two large organisations in an area might be able to service more people than five small organisations somewhere else). Nonetheless, this analysis provides important indications about the geographic spread of service providers and general service gaps.

Overview: geographic distribution

It is clear from this chart that Gauteng has the most comprehensive support framework for refugees and migrants, closely followed by the Western Cape and KwaZulu-Natal. The dearth of formal service provision in South Africa’s less urban provinces is also clear: of five possible service provision categories, the Northern Cape, North West, Mpumalanga and Limpopo provinces can only fill three categories each. This may be due to a low need – but considering this in conjunction with the analysis above (which stated that South Africa’s less urbanised and low-profile areas are under-
researched in the refugee and migrant field), there could be a need in these areas that has not yet been articulated.

It is important to note that this data records formal service providers, and as such excludes informal community organisations or community groups (including faith-based institutions) that could be assisting in filling some of these gaps. Thus, these graphs should not be read as indicating a dearth of services – rather, the graphs indicate a dearth of *formal* service provision. Formal service provision indicates, for the most part, sustainability; continuity; a well-developed programme offering; trained and adequate staff; and an investment in the sector, in the particular area. Thus, while informal groups might be providing support services, a lack of dedicated, formalised support is still a significant gap for refugee and migrant women and children in terms of consistency and continuity.

**Service provision break-down by province**

In terms of which services are most commonly offered, the following charts give an idea of the percentage split for all services, in each of the nine provinces:

![Governmental Service Providers](chart)

It is clear that Gauteng has the highest number of governmental service providers. It is interesting to note that the Eastern Cape and Limpopo have the next highest numbers. In Limpopo, this can be explained by the number of government departments operating in Musina and the South Africa/Zimbabwe border. Significantly, there is no similar concentration of service providers near the Mozambican border, even though this is also a major entry corridor for refugees and migrants. In the Eastern Cape, this high percentage of governmental service providers might be due to regional government departments (such as social development) explicitly providing services to migrants and refugees (and building relationships with refugee and migrant rights organisations), while similar services in other provinces may not be as clearly targeted or communicated, or may be simply non-existent.
The high prevalence of access to legal services across all provinces is accounted for by the numerous Justice Centres that are operated by Legal Aid South Africa, which provides free legal services to those who meet a means test. More specialised legal assistance is only available from legal NGOs operating in the most urbanised provinces. Legal Resources Centre has a good number of less urban offices, but tends to focus on class action suits which will not always relate to specific refugee and migrant legal concerns.

Gauteng has the vast majority of basic needs service providers: the chart is a stark illustration of the gap identified above, whereby urbanised provinces have the highest level of service provision and other provinces have a serious lack of support. Compare Gauteng’s figure of 46%, to the Eastern Cape’s figure of 9% - while both provinces have high migrant and refugee populations. Especially notable is that there is not a single basic needs service provider recorded for Mpumalanga, in spite of the presence of very high numbers of Mozambican and Swazi migrants on commercial farms and in border communities, as well as the presence of migrants and refugees transiting from the Mozambican border to more inland destinations.
Mental health needs are among the most pressing and under-serviced needs for refugee and migrant populations. It is disturbing to see that a single province (Gauteng) has half the counselling service providers in the country. Once again, the Eastern Cape has more impressive percentages than might be expected – but three provinces have no psycho-social services at all.

This chart is a very clear indication that more rural provinces suffer from a lack of the most basic support. Limpopo’s higher percentage of shelter can be accounted for by the presence of shelters for unaccompanied children in the Musina area (including areas around Makhado), responding to the needs of children crossing the border with Zimbabwe in that province.
Service provision for women and children

This chart is based on whether the 2011 CoRMSA directory explicitly noted that an organisation only or mainly served women and children. This was not independently verified. This chart indicates that all provinces in South Africa offer services to all migrants and refugees (e.g. women and men), rather than stipulating that services are restricted to women and/or children. Limpopo has a relatively high percentage of children-only service providers (primarily shelters and accommodation), which can be accounted for by the location of the Zimbabwe border post in this province at Musina, and the crisis of unaccompanied minors stemming from Zimbabwe. What is interesting to note is that Gauteng and Limpopo are the only provinces that provide children-only services (primarily accommodation); and similarly, only two provinces (Gauteng and the Western Cape) offer services designed specifically for women and children only. These services, specifically, are shelters and places of accommodation and/or safety. As above, it is notable that no shelters or other children-specific services are recorded for Mpumalanga, even though there are also unaccompanied children in the border region to Mozambique.
It is clear that the majority of services are provided for both refugees and migrants. It is not surprising that those provinces with a more specialised offering are the larger, more urbanised and better resourced provinces. Considering South Africa is a key destination of migration from the African continent, however, it is surprising that Gauteng is the only urbanised province to offer migrant-specific support. One would expect that such support would be especially needed in provinces with large migrant farm worker communities, including Limpopo, Mpumalanga, the Free State and the Western Cape.
Recommendations to the Foundation for Human Rights

This report has investigated and analysed research gaps concerning refugee and migrant women and children. As a way forward for the Foundation for Human Rights, this section summarises key recommendations, stemming from the gaps identified and expounded on in the narrative section of this report. The recommendations have been divided into two sections: high priority recommendations that refer to an urgent or pressing need; and a second tier of recommendations that refer to networking and other medium-term goals that will assist in addressing the gaps identified by this study.

*These points are not listed in order of importance.*

**High priority recommendations**

- Fund the development and provision of a **basic research methodology course** (including a module on writing up and archiving research findings) for **organisations providing services to refugees and migrants**, including those with specialised services for women, children and families. This could target both civil society and government departments. The course could take the form of a series of workshops spread over a period of time, or an intensive two or three day workshop. This should be offered in at least Gauteng, the Western Cape and KwaZulu Natal, with support to bring in representatives from organisations working in other provinces, including in rural areas and small towns.

- Fund and commission **field-work based research into the presence of service provider organisations for refugee and migrant women and children in small towns and rural areas** with known or suspected concentrations of migrants. This would include the Nkomazi area in Mpumalanga (the border with Mozambique and Swaziland), the Rustenburg and Vaal areas (migrant mine workers), and the commercial farming areas of the Western Cape and the Free State. It is possible, indeed likely, that some form of service provision to migrants and refugees occurs in these areas (through faith based organisations or local CBOs or NGOs as well as local government agencies), but these service providers are not linked with the existing networks of urban-based refugee and migrant rights NGOs. This research would aim to support the networking and thereby capacity building of peri-urban, small town and rural service providers with their urban counterparts.

- Fund or encourage other donors or a coalition of funders to **support quantitative research into refugee and migrant families’ enjoyment of basic rights to food, shelter, water, electricity and housing**. The family as a unit of analysis is absent from current literature. This is a crucial gap, as the literature analysis above shows that women’s access to rights is often deeply embedded in accessing rights for children, or dependent on family relationships (often arbitrated by culture and identity). Research on the family unit as a specific sample would be the first of its kind, and would thus allow a deeper and ground-breaking analysis of how women and children access their rights.
The research design should enable an assessment of the effects of different family structures and experiences on the ability of women and children within families to fulfil their basic rights. This research should furthermore explicitly compare migrant and refugee families with South African families in the same locations (including long-term residents of the area and recent internal migrants), and should compare a variety of locations apart from inner city neighbourhoods.

- A pressing gap highlighted by this study relates to unaccompanied children's access to healthcare. Almost no work has been done on this issue, and it remains to be discovered what access to healthcare rights are enjoyed by this vulnerable (and difficult to research) population.

- The dearth of research on, and service provider support for, mental health and trauma counselling is disturbing. Research in this area should be prioritised, as should the provision of funding for support organisations in this area.

- Given the focus on unaccompanied children, there is an almost complete lack of research on the ability of accompanied children, e.g. those living with family members or guardians, to access basic rights, even though such migrant, asylum seeker and refugee children are also often highly vulnerable.

**Medium-term recommendations**

- An on-going goal for FHR should be an assessment of all funded research activities based on their research methodology. This will ensure that high-quality research is produced that can be used for decision-making.

- FHR should consider strategies (including advocacy and networking) to encourage funded organisations, or organisations within FHR’s network, to collate their operational data, if available, and produce reports from programmatic interventions. This should not be viewed as an evaluation or a form of auditing – rather, it will help all stakeholders better assess their target groups, and the populations they service. It will also remove the ‘veil’ from many operational procedures that could provide valuable statistics and facts about levels of rights access.

- Similarly, FHR should consider strategies to encourage government departments to share data and operational reports that could give indications as to the levels of rights access for specific populations.

- Exploratory research into the complex issues of culture, identity and citizenship, and how these impact on the ability to access rights, is a very important project.
Annotated Bibliography


Article that employs ethnographic methods to study the motivations and sexual behaviours of thirty migrant women between the ages of 15-45 living in informal settlements near Rustenburg, South Africa. This article builds on existing literature examining the motivations, journeys and behaviours of migrant women in South Africa as they relate to transactional sexual relationships with the male migrants they encounter. Ethnography is also used in order to try illuminate the complexity behind the risky behaviours that are central to the association of migration with HIV/AIDS in this country.


A study that investigates Congolese refugees’ economic activities in Durban in order to understand why some refugees adapt and integrate in the local economy whereas others fail and migrate to refugee camps outside South Africa. Key people such as officials are said to generally play a negative role in assisting refugees; refugees are also denied trading licences and sites as well as proper identification documents and work permits. In this research, 23 males and 7 females were interviewed. Participant observation and both structured and unstructured interviews were conducted at interviewees’ homes and work places. Purposive sampling was used, which consisted of intentionally selecting subjects from research interests. As a result, the findings cannot be generalized.

Amit, R. (2012). NO WAY IN: Barriers to Access, Service and Administrative Justice at South Africa’s Refugee Reception Offices, African Centre for Migration and Society

Although domestic and international law prohibit the deportation of asylum seekers, the findings show that many asylum seekers are at risk of deportation because they cannot access the reception offices for a variety of reasons, including long queues, bureaucratic irregularities, and overt discrimination. The report questions DHA’s claims that over 90 percent of those in the asylum system are economic migrants, finding that less than half of respondents listed economic factors as their sole motivation for flight. DHA has pointed to its high rejection rates as confirmation of its view, but the findings highlight serious flaws with the procedure around these rejections, confirming the findings of a June study highlighting deficiencies in the status determination process.


This report summarises data that was gathered over a period of eight months at five of South Africa’s permanent refugee reception offices (Cape Town, Durban, Johannesburg, Pretoria, and Port Elizabeth), as well as the satellite offices in Johannesburg and Durban that were set up as part of the Backlog Project. The data focuses on 1) asylum seeker experiences in accessing the reception offices and lodging their asylum claims, 2) their interactions inside the reception offices, and 3) the difficulties they experience as a result of the problems with access and service delivery.

In many developing countries, culture and tradition have contributed to the disempowerment of women. In these countries, a woman’s time is divided between the reproductive role of creating a family, the productive role of feeding the family, and balancing all the demands. This has resulted in 1) higher unemployment rate for women than men and 2) women having low self-confidence and self-esteem. Furthermore, when living outside their country with little or almost nothing, refugee women live in camps, temporary shelters, collective centres or rent a house in a host country where they compete with the local populations for property as well as natural and social resources, while being excluded from some of the basic rights through restrictive regulations imposed by the host country. Building upon the widely known facts that women more likely reinvest their earnings in a business and their families and spend more of their extra income on things that help develop human capital, this study addresses the application of microfinance with the objective of empowering Congolese refugee women in the Western Cape in South Africa.


This study specifically focuses on the provision of health and welfare services to refugees and asylum seekers. In terms of health, the study seeks to address both access to primary health care and to hospital services. In terms of welfare services, the study focuses primarily on access to food, shelter and social security. It is based on the views provided by relevant government officials and service providers but does not include an in-depth analysis of the needs and concerns of asylum seekers and refugees directly.


This article explores migration from Zimbabwe to the UK and South Africa and the experiences of the receiving countries from the perspective of the migrants. It provides a critical examination of the impact of structural barriers in both the UK and South Africa on the economic experiences of migrants. The effects of immigration status, due to the exclusion of asylum-seekers in the UK and the presence of undocumented migrants in the UK and South Africa, is explored in relation to employment and remittance activities. The clear evidence of the deskilling taking place among the majority of Zimbabwean migrants – and its impact on remittances and other forms of transnational support – is also examined. The article concludes that any real commitment to alleviating global poverty on the part of the world's migrant receiving countries must include a re-examination of barriers to employment, education and the use of skills, since these barriers not only have a short-term impact on remittances to the sending country and fiscal capacity to contribute in the receiving country, but will also impact on longer-term development should the migrants return to their country of origin.

This article examines the disjuncture between the theory of international refugee protection, human rights and citizenship rights and their practice. Drawing on data from a sub-sample of 500 Zimbabwean migrants in South Africa and the UK, it explores the labour market and transnational lives of undocumented migrants and compares them with migrants with other immigration statuses. The article demonstrates that while the protection and rights frameworks exist, in reality undocumented migrants cannot access protection and/or rights.


Thesis examining why and how refugees come to Pietermaritzburg, how refugees are treated (by locals to public officials), the hardships that refugees face, and their livelihood options. The main method used was the life story approach, whereby the refugees wrote their own life story, providing detailed information and an in-depth understanding of their hard and often tragic experiences. This thesis presents a framework to better understand the problems experienced by refugees, as well as some policy recommendations to remedy the situation. It provides a detailed account of the stories of refugees in Pietermaritzburg and the lack of assistance offered to a growing population of concern.


This paper argues that the problems of educational access for non-nationals in South Africa lie not simply in failures of the current policies, although there are certainly instances where policies need modification, but largely in the implementation of existing policies, and the ways in which they are developed and modified. The paper reviews evidence in the international literature and draws on empirical evidence from a small study of a group of Zimbabwean migrant children to illustrate more clearly the dynamics that serve to exclude them from access to schooling, despite official policy commitments. Key research questions that are addressed are what main barriers to educational access exist for non-national and are these a result of policy gaps; how does the implementation of existing educational policies affect the educational access of non-nationals; what approaches to policy and practice would be more effective in ensuring non-nationals participate fully in basic education? The paper ends with some observations on how to address the policy gaps and how to develop a more effective approach to policy formation and implementation in order to improve both policy and practice.


The article considers whether the treatment of undocumented foreign migrant children in South Africa conforms to the requirements of international law and the South African Constitution. The author points out that South Africa has ratified several international treaties which contain specific provisions protecting undocumented foreign migrant children. The author also points to the strong protection of such children afforded by the South African Constitution and discusses cases where government officials were ordered to change the way in which the department treated undocumented foreign migrant children.
While a strong legal framework is in place to protect these vulnerable children from abuse and maltreatment, problems arise in practice when government officials fail to adhere to these standards. Better training of officials, it is suggested, will go a long way in addressing some of these concerns.


This article is a review of the PhD thesis of Mark Collinson. The findings show that in rural South Africa, temporary migration has a major impact on household well-being and health. Remittances from migrants make a significant difference to socioeconomic status (SES) in households left behind by the migrant. For the poorest households the key factors improving SES are government grants and female temporary migration, while for the less poor it is male temporary migration and local employment. Migration is associated with HIV but not in straightforward ways. Migrants that return more frequently may be less exposed to outside partners and therefore less implicated in the HIV epidemic. There are links between migration and mortality patterns, including a higher risk of dying for returnee migrants compared with permanent residents. A mother's migration impacts significantly on child survival for South African and former refugee parents, but there is an additional mortality risk for children of Mozambican former refugees. It is recommended that national censuses and surveys account for temporary migration when collecting information on household membership, because different migration types have different outcomes. Without discriminating between different migration types, the implications for sending and receiving communities will remain lost to policy-makers.


Issued to commemorate World Refugee Day (20 June), this report assesses South Africa’s compliance with its legal and ethical obligations towards asylum seekers and refugees. As this is the Consortium for Refugees and Migrants in South Africa’s second annual report, it begins by measuring progress on the recommendations made in last year’s report. In doing so, it identifies persistent gaps between obligations to protect refugee, asylum seeker, and migrant rights and actual protection afforded by the South African government, the United Nations, and South African society. It concludes by outlining a series of recommendations and benchmarks for action. Many of these are included in this summary.


Issued annually in commemoration of World Refugee Day (20 June), this report represents research by members of the Consortium for Refugees and Migrants in South Africa (CoRMSA), a national network of service providers and research bodies. The findings have been compiled over a six-month period using surveys, in-depth interviews and a review of relevant documents, legislation and policies. In-person and telephone interviews were also conducted with officials and service providers in Johannesburg, Pretoria, Durban, Cape Town, and Port Elizabeth, and in border areas near Mozambique and Zimbabwe. The report also draws on extensive engagement with migrants across the country.

The Consortium for Refugees and Migrants in South Africa (CoRMSA) is the South African national network of refugee and migrant service providers. This report is the result of a site visit to Musina from 10th–12th February 2009. The information contained in this report was provided by a variety of nongovernmental and international organisations based in Musina working with Zimbabwean nationals on a daily basis. A meeting with government officials that was scheduled for 12th February was unfortunately cancelled by government and there was thus no opportunity to address the concerns listed in this report directly with government at the time of the visit.


This paper is aimed at assisting the Department of Social Development (the Department) in understanding and responding to the welfare and social assistance needs of refugees in the country. This paper gives background information to the context within which refugees access and/or should access state sponsored social assistance in South Africa.


Despite the political and social transformation set in motion by the collapse of apartheid and the advent of democracy in 1994, South Africa’s migration policy remained mired in the past. The Aliens Control Act of 1991 continued to govern the country’s policy until the passage of the Immigration Act of 2002. After amendment in 2004, the Act finally came into force in July 2005. This paper focuses on the implications for South Africa and the SADC region of persisting with a policy framework devised in the apartheid period. Recent changes in South African Government policy, particularly the new JIPSA initiative, suggest that the ‘lost decade’ may finally be over. However, without major policy transformation, the unseemly history of post-apartheid migration policy will continue.


South Africans believe that immigrants are largely responsible for the post-1994 crime wave in the country. The simplistic, and largely unsubstantiated, association of foreignness with criminality, job-stealing and disease is echoed in the rhetoric of state and the media. The purpose of this brief is to draw attention to the complex new forms of migration and immigration that are transforming traditional migration dynamics to South Africa. The intention, in doing so, is to contest the view that there is any necessary relationship between South Africa’s crime problem and the presence of increasing numbers of non-citizens in the country. This research paper suggests that except for the small minority who are part of organized crime networks, most migrants are in South Africa to work, to trade, to shop or to visit.

Medical xenophobia refers to the negative attitudes and practices of health sector professionals and employees towards migrants and refugees on the job. The study extends the findings of earlier research and suggests that the phenomenon of "medical xenophobia" is very real in the contemporary South African public health system. The paper concentrates on those forms of ill-treatment that can be attributed to xenophobia and argues that the withholding of treatment from those who need it, and any form of discrimination motivated by hostility to the patient based on their national origins, is a form of xenophobic violence.


Report that examines the obstacles that Zimbabwean children and students face in relation to accessing schools and tertiary institutions in South Africa. It is based on research in six communities in Cape Town and Johannesburg in August and September 2010 and examines the experiences of Zimbabwean migrant parents, children and students. Participants were found by using a "snowball" sampling strategy, which makes use of participants to find other respondents through their own networks. Two main data collection techniques were used, namely in-depth interviews (50 in Cape Town and 50 in Johannesburg) that collected information on access to health (discussed in a separate paper) and educational services and the challenges migrants face and other relating challenges. 10 focus groups were also set up with approximately 10 participants each. Most participants were unaware of their rights relating to education. Problems students face when trying to get into schools is that they don't have study permits, birth certificates, fail language admission tests, claims that the schools are full and get put at the bottom of enrolment lists, financial hardships, geographical inaccessibility ad unwarranted fee demands.


Southern Africa's entrenched patterns of migration have undergone major restructuring in the last two decades. The existing policy frameworks of NEPAD, the SADC, national governments and donor agencies, including the MDGs, PRSPs, and CAPs provide opportunities to mainstream and retrofit migration. This paper suggests there is a need to review these policies and initiatives to incorporate migration to enable them to more effectively intervene to reduce poverty and encourage development in the region.


This report discusses the organized violence and torture experienced by Zimbabwean women during the crisis that has engulfed Zimbabwe since 2000. The women described in the report have all fled Zimbabwe into exile in South Africa and have subsequently sought political asylum. The report provides statistics of the types of violations experienced and their frequency, paying particular attention to rape.


The lives of migrant women have generally received far less attention than those of their male counterparts. Similarly, male migrants have been the focus of research on the
relationship between migration and HIV/AIDS. Little attention has been paid to the vulnerability of female migrants themselves to HIV infection and their access to health care and treatment. Domestic work is the second largest sector of employment for black women in South Africa, and the largest for black women in Johannesburg and, as this article shows, most of these workers are migrants. Based on a survey of 1100 domestic workers in Johannesburg, the article explores the lives of domestic workers, focusing on their experience as migrants, their working conditions, use of health-care services and knowledge of and possible vulnerability to HIV/AIDS.


This paper presents a gender analysis of the South African government's proposed new policy on international migration, identifying a number of areas of implicit gender discrimination. Such "discrimination by default" is of more than academic relevance, having important implications for national and regional development. Research undertaken by the Southern African Migration Project indicates a growing "feminization" of migration to South Africa from the Southern African region, as well as gender-specific motives and patterns of migration. If migration is to be effectively managed, such realities must be taken into account. The paper concludes by advocating a development-centered, "household strategies" approach, both in understanding international migration to South Africa and in the further development and implementation of legislation.


While South Africa has been somewhat responsive to the needs of Zimbabwean adults, it has largely ignored those of unaccompanied refugee minors. This paper shifts that focus and argues that South Africa must immediately turn its attention to the plight of the thousands of unaccompanied minors who have entered the country from Zimbabwe. Specifically, it advocates for the adoption and implementation of comprehensive and carefully tailored legislation to protect unaccompanied minors who enter the country primarily for economic and educational reasons. Enactment and enforcement of such laws would respond to the immediate crisis of Zimbabwean URMs, while providing a sustainable approach for dealing with similar refugee populations in the future.


This article discusses the employment experiences of Basotho migrant domestic workers in South Africa. In 2008, the commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court officially extended basic labour protections and rights to apply to foreigners working 'illegally' in South Africa. Despite these moves, Basotho domestic workers find labour institutions, including unions, inaccessible. As deportable migrants they are afraid of being detected by the authorities; this precludes any engagement with institutions, and often even with fellow domestic workers. Living-in with employers – while an effective strategy for migration and even for concealment from the authorities – also heightens their dependence on employers. Unsurprisingly, these workers' isolation and dependence create the conditions for their exploitation, as reflected by their long working hours, low and/or variable pay levels, and limited access to leave. This analysis carries
numerous implications for the regulation of domestic service, while highlighting the significance of employment relations and labour institutions in constructing and reinforcing the 'illegality' of unwelcome migrant workers in South Africa.


This paper investigated differentials in mortality between children from former Mozambican refugee and host South African households in a rural sub-district in the north-east of South Africa. There was no difference in infant mortality between children from former Mozambican refugee households and those from South African homes, but mortality levels were higher among former Mozambican refugee children during the next 4 years. Increased mortality levels were also seen among children from larger households and whose mother died, while children born to mothers aged >40 years or with higher education were at lower risk. Measured maternal, household, and health service utilization characteristics could not explain the difference in mortality between children from former Mozambican refugee and South African households. Former Mozambican refugee children residing in refugee settlements had higher mortality rates than those residing in more established villages. This study demonstrates higher childhood, but not infant, mortality rates among children from former Mozambican refugee households compared with those from host South African households in rural South Africa.


This is a study of local integration of Congolese refugees from The Democratic Republic of Congo (DRC) living in Johannesburg. The point of departure is from Jacobsen’s assertion that refugees are de facto integrated when they are not in physical danger, are able to sustain livelihoods through access to land or employment, and can support themselves and their families, are socially networked into host communities so that intermarriage is common, ceremonies like weddings and funerals are attended by everyone and there is no distinction between refugees and local communities. The study looks at the amount of interaction between refugees and South Africans, the dynamics involved in social integration and the perception of integration by refugees and service providers. Refugees and service providers in Johannesburg were interviewed and conclusions are drawn from their responses and the literature consulted.


This report examines the obstacles asylum seekers encounter in access to the refugee status determination process and the lack of protection that asylum seekers and refugees receive in Johannesburg. The Johannesburg refugee reception office was selected as the focus of research for this report because, until May 2005, it received the largest number of applications for asylum. For a significant number of asylum seekers, the Johannesburg office was the first office approached on arrival in South Africa. The Johannesburg office currently has the largest number of pending asylum seeker applications approximately 75,000 out of 115,000 applications as at the end of 2004. The challenges in the refugee status determination process in Johannesburg are representative of similar challenges at other
refugee reception offices across the country, particularly with regard to corrupt practices, delays in the determination of refugee status and access to the office.


The report emphasizes the most worrying human rights violations perpetrated against migrants including abuses in the asylum application process, arbitrary or illegal arrests, detention and deportations, exploitation at work, restricted access to health services and facilities, precarious living conditions, limited access to education or lack of effective remedies. These ongoing human rights violations are the result of the South African migration policy geared towards security concerns and population control. They are also due to the prevalent xenophobic feelings against Black Africans and based on the vision that migrants are linked with, or even responsible for, social ills and crimes. The report is illustrated with testimonies of documented and undocumented migrants, coming from various African countries. These interviews gave the mission the opportunity to have a glimpse at personal itineraries as well as conditions of arrest and detention.

IOM (2004). HIV/AIDS vulnerability among migrant farm workers on the South African - Mozambican Border, JAPAN INTERNATIONAL COOPERATION AGENCY (JICA) and IOM

Between August and October 2003, the International Organization for Migration (IOM), in collaboration with the Japan International Cooperation Agency (JICA), conducted a behavioural surveillance survey among farm workers living and working in the South African border region with Mozambique. 183 South African and foreign workers were surveyed on 12 farms in two farming districts in the Limpopo and Mpumalanga provinces to find out more about their knowledge, attitudes and behavioural practices relating to HIV/AIDS. A mapping and a gap analysis exercise were also carried out to assess health - including HIV/AIDS - services available to farm workers in the surveyed areas.


This report focuses on trafficking amongst women and adolescent girls being trafficked to and from East and South Africa. The main aims of the study are to present the links between reproductive and mental health and to make recommendations on how to respond more effectively to trafficked women in ESA. Interviews were conducted with medical practitioners working with trafficked women as well as technical experts working with trafficked women and engaged in counter trafficking work in general. Findings, specific to South Africa, concentrate on sexual, reproductive and mental health and consequences for Mozambican women in South Africa in relation to transit, travel and destination.


The main objective of this assessment is to build on a previous phase of research conducted by IOM in and around Musina at the end of 2008 and to improve understanding of migration trends and challenges facing migrants entering South Africa and travelling through the Limpopo province. This report outlines the second phase of the research project, including an ongoing typology of migration in Limpopo, the needs and vulnerabilities of migrants in
the area, and an in depth analysis of the specific situations faced by unaccompanied minors, women and victims of gender-based Violence (GBV), and other mobile vulnerable groups. A sample of 1,128 respondents was drawn from migrants in the town of Musina, the farming community of Wiepe and Maroi, and Makhado/Louis Trichardt. They were sampled using a convenience/quota sampling technique across ten different field sites. Based on the collected data and analysis, this assessment makes specific recommendations to address the identified gaps.

IOM (2010). Migration and Health in South Africa. Background paper for the National Consultation on Migration and Health in South Africa: Realising migrants’ right to health in South Africa, IOM Regional Office for Southern Africa

The paper begins with a global overview of the linkages between migration, development and health, emphasizing that “healthy migration” is positive for development. This is followed by an overview of current migration patterns within South Africa, which emphasize the importance of urbanization. The paper then turns to synthesizing current knowledge and empirical data relating to health and migration within South Africa, and challenging common assumptions that negatively associate migration with health seeking. The paper concludes with a range of recommendations that call on the multiple levels of South African government, non-governmental actors and academia to engage with – and address – the interlinked features of migration and health.


With their focus on economic engagement and wage labour, scholars have typically overlooked the active role women play in the migration process as women are analytically consigned to the home or informal economy. The increased feminization of migration is, however, challenging this and directing academic and practitioners' attention to a broader range of women's experiences. But much of this literature focuses on instances of overt exploitation, portraying women as passive participants or victims without individual or collective agency or social status. Consequently, a growing body of literature has recently begun highlighting the shortcomings of these perspectives, illustrating women's agency and how they sometimes manipulate exploitative conditions to their advantage. Using accounts from cross border migrant women in Johannesburg this article reveals how women are moving, the mechanisms they use to do so, and the meanings they ascribe to these movements. In doing so, it collapses binary conceptual frames that depict women either as victims or victors in the migration process and provides a deeper understanding of the socio-political dynamics in areas that have become primary regional or global destinations for migrants.

Kiorikis, L. (2005). The Role of Islam in Conceptions of Entitlement to Protection and Assistance: A Case Study of Somali Refugees in Johannesburg, University of the Witwatersrand

A research report written in fulfilment of the requirements for the degree of Masters of Arts in Forced Migration Studies. This report focuses on Somali refugees' ideas concerning their right to protection and assistance. It uses ethnographic, mainly interviews and informal group discussions to gather data needed to answer their research question. Interviews were conducted with 15 Somali migrants’, women and men, as well as four representatives from leading charitable organisations in Johannesburg between September and November 2004.
The report finds that Islam plays an important role in entitlement to protection and assistance but there are also important factors such as daily lived experiences, tribal issues, and conflict within the community also plays an important role in shaping the way refugees conceive of entitlements to protection and assistance.


This qualitative study conducted in Johannesburg and Pretoria, explores the effect of migration on domestic violence. Drawing on the social constructionist and feminist theory, the study investigates how migrant women understand and explain the effect of migration on domestic violence. Participants were identified using purposive and snowball techniques and narratives of fifteen migrant women were employed in data collection using a semi-structured interview guide. Data for this study was analysed using a combination of content, narrative and discourse analysis. Analysis of the data revealed that the context in which domestic violence is experienced greatly shaped how urban migrant women understood and explained domestic violence.


This article argues that because refugees and asylum seekers in South Africa are effectively unable to convert legal entitlements into effective protection, South Africa has failed to meet its domestic and international obligations. This argument draws particular attention to institutional failures in determining refugee status and issuing recognizable identity documents; denial of essential social services; and abuse at the hands of law enforcement agents. It concludes by suggesting a positive obligation for the state to counter the full range of obstacles that prevent asylum seekers and refugees from securing effective protection.


Controls on human mobility and efforts to undermine them continue to shape South Africa’s politics, economy, and society. Despite the need for improved policy responses to human mobility, reform is hindered by lack of capacity, misinformation, and anti-migrant sentiments within and outside of government. This report outlines these trends and tensions by providing a broad overview of the limited demographic and socio-economic data available on migration to and within South Africa. Doing so highlights the spatialised aspects of human mobility, trends centred on and around the country’s towns and cities. It also finds significant development potential in international migrants’ skills and entrepreneurialism. By enhancing remittances and trade, non-nationals may also expand markets for South African products and services. The success of any of these initiatives will require better data, the skills to analyse that data, and the integration of data into planning processes.

Lawrence, P. C. (n/a). Forced Migrants and Access to Services in Johannesburg, Coordinating Body of Refugee Communities (CBRC)

The main aim of this report is to investigate the extent to which refugees’ access services in South Africa. The Coordinating Body for Refugee Communities (CBRC), commissioned this
research, to investigate the degree of service delivery to refugees in Johannesburg. It is anticipated that findings from this research will inform the government and other service providers on the state of refugees in relation to service delivery.


The concept of the feminization of migration traditionally refers to the growth in numbers and relative importance of women’s migration, particularly from and within developing countries. In Africa, for example, the proportion of female migrants rose from 42% of the total in 1960 to almost 50% at the present time. This process is a result, first, of the continued impoverishment and marginalization of many women in developing countries; and second, of the increasing demand for female labour in the service industries of industrial and industrializing countries. The United Nations suggests that the full implications of migration and mobility for women are difficult to assess, due to a dearth of data on women and migration. What also eludes official statistics is the extent to which women migrants are independent actors in migration decision-making. There remains a lack of understanding of women’s motives and experiences in the migration process, which is linked historically to the invisibility and marginalization of women as migrants. In Southern Africa, there is still a serious lack of gendered analysis of contemporary cross-border migration, and limited understanding of women’s experiences as migrants.


This report highlights serious human rights concerns in South Africa’s immigration detention facilities, in particular the private operated facility at Lindela in Krugersdorp and the detention centre operated by the SAPS in Musina. The report reveals that despite South Africa’s obligations in domestic and international law to comply with basic minimum standards of detention, there are serious violations of these most basic rights ranging from lack of access to drinking water to the most serious violations of torture in detention, which occur with little oversight or legal recourse. The report also raises concerns about the unlawful detention and deportation of bona fide asylum seekers and refugees, and their lack of access to the legal protections guaranteed to them in law.


Lawyers for Human Rights is the only organisation that regularly visits Lindela and provides pro bono legal representation to detainees. Through these consultations, we are able to identify immigration trends and legal issues confronting detainees, as well as shifts in the policies of the Department of Home Affairs (DHA) and the South African Police Services (SAPS). Our consultations with detainees also provide us with information about conditions at the facility and the treatment of detainees—an important window into the detention experience given the lack of any independent monitoring. This report is based on LHR’s findings through its consultations with detainees, and its ongoing litigation brought against the Department in the period from January 2009 to August 2010.

This report looks at the different types of programs have been set up in order to help children, refugees and South African citizens, in South Africa. It was written as one of the preparatory activities for a broader study on how children, families and communities cope with and how they are affected by poverty and AIDS. Eleven different Government departments were discussed; each of these discussions included the key policies, legislation, programs and services providers and policy and service delivery gap. Focusing on refugee children, the application process for refugee status and permanent residence, access to foster care grants and documentation requires as well as social relief of distress and access to education are important issues raised.


Book chapter that looks at the amount of refugee children, mainly from the Democratic Republic of Congo, Angola and Somalia live in South Africa. It also looks at South African domestic law, international law and comparative laws and policies of other refugee receiving countries laws put in place which are intended to protect not only South African citizens but also refugee children. In order to find out how these laws are influencing the lives of refugee children in South Africa, interviews were conducted in South Africa with a range of organisations and other service providers who engage with refugee children at various levels. For comparative purposes, a small number of additional interviews were conducted with service providers in the Netherlands.

MHF (2008). Challenges to the successful implementation of policy to protect the right of access to health for all in South Africa, Migrant Health Forum

This report will specifically highlight the challenges that foreign migrants – including refugees and asylum seekers – face when trying to access public health services in South Africa. This report draws on the experiences of a range of non-governmental organisations, research institutions working “on the ground” with migrant groups and individuals. The report consists of documents compiled by member organisations of the Migrant Health Monitoring Forum.


In 1998, South Africa became the first country to explicitly state within its refugee law that gender related persecution is a binding basis for asylum, further distinguishing South Africa as a state with outstanding legal commitments to gender equality. Creating further visibility within the law, however, is only one step in the process. How the law is implemented determines its real worth and effectiveness. This study assesses the manner in which asylum decisions are made, particularly in cases of gendered harm, questioning readily accepted and essentialised notions of women and gender. It looks at how the South African asylum system defines legitimate refugees, and the interplay of fluid interpretations of gender, culture, violence and the political within these constructions. Through interviews with officials and asylum seekers, the study identifies trends in the refugee system, and interrogates the reliance on narrow understandings of the political and personal, as well as the nature of conflict and culture.
his report summarises the findings of a pilot survey aimed at empirically assessing vulnerability levels and factors causing vulnerability as related to migration to the city. A further motivation for this study was to assess levels of violence and vulnerability experienced by individuals who had been affected or displaced by the wide-spread violence against foreign nationals in May 2008, especially those displaced within communities rather than to high profile displacement camps. The study was conducted as a collaboration between the Forced Migration Studies Programme of the University of the Witwatersrand (FMSP), the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), and the South African Red Cross Society (SARCS). Research was conducted in Alexandra Township and three neighbourhoods in Johannesburg’s inner city (Hillbrow, Berea and Yeoville) from 3 February to 3 March 2009. There were 2028 respondents overall, with 1006 in Alexandra and 1022 in the inner city. In each location, the sample was divided into foreign-born, South African-born recent arrivals to the city and South African-born long term residents.


The Wits Education Rights Project and Khanya College conducted a participatory action research study in order to gain a deeper understanding of and to facilitate mobilisation of refugees and asylum seekers around the apparent violation or neglect of their education rights in the inner city of Johannesburg. Through participatory workshops, focus groups and in-depth interviews, the research team unravelled a complex web of social, economic, cultural and poverty-related difficulties faced by refugee and asylum-seeker children. In education, these factors manifest themselves in several situations: children living in households with 100% unemployment; children who cannot afford the cost of schooling including transport, uniforms, fees and textbooks; children who do not understand or speak any of the South African languages; and children who are older than the age-grade norm. Researchers found that every one of the above-mentioned barriers to education encountered by migrants is also true for many South African children living in the inner city of Johannesburg. The difference is that the situation of migrant children is exacerbated by inadequate dwellings for families so that migrant families sometimes do not live together, thus making it difficult for caregivers to, for instance, support children with homework; inadequate and unclear governmental policy on refugees and asylum seekers; inadequate programmes aimed to mitigate the impact and effects of migration; and xenophobia.


The survey, carried out in January to March 2006, demonstrates that although there is a fairly acceptable measure of legal and policy protective mechanisms for the protection of refugees and asylum seekers in South Africa, there is a serious lack of coherence in the government’s implementation of these policies. Ineffectiveness can be attributed to negative social attitudes towards the influx of Zimbabweans, which has caused inconsistency and general insensitivity amongst SAPS and DHA officials in dealing with foreigners in general and Zimbabweans in particular seeking refuge in South Africa The survey provides evidence that Zimbabwean asylum seekers and refugees have been detained illegally at Lindela repatriation centre and at other similar facilities, deported (and in the case of
refugees refouled back to Zimbabwe. Further, the report confirms that asylum seekers and refugees who have been ill-treated are also subjected to corrupt practices such as the payment of bribes to the SAPS and to the DHA officials, in dealing with foreigners in general and Zimbabweans in particular those seeking refuge in South Africa.


This article examines the multiple identities and economic strategies of Zimbabwe's women crossborder traders, which enable them to survive and sometimes prosper within the context of the Economic Structural Adjustment Programme (ESAP) while the majority of women have struggled to subsist in towns under deteriorating socioeconomic conditions. The case study findings presented in this article are part of a larger study of the livelihoods of female-headed households conducted in 1994-1995 in Masvingo, a provincial town of 52000 people in southern Zimbabwe. In the author’s survey 50 female-headed households were involved. Those whose primary source of income derived from crossborder trade constituted 26 percent of the sample. Another 46 percent did commissioned knitting and crocheting jobs for the traders, making crossborder trade the leading income-earning activity for women in town. Despite its economic importance for the area and for what was generally considered a vulnerable category of households, crossborder female traders have had a negative image in the official Zimbabwean media.


Recent research that has focused on the socio-economic impact of African migrants in Durban is gendered-biased: it focuses only on male migrants and ignores the contribution of women. Although Ulicki and Crush (2002) have attempted to correct this male bias in African migration research, their emphasis is on female farm workers. The socio-economic impact made by African female entrepreneurs, specifically Ghanaian hairdressers, who have established themselves as successful entrepreneurs, is yet to be revealed. This article is an attempt to fill this gap by focusing on the daily activities of African female entrepreneurs, specifically Ghanaian hairdressers, who have established themselves as successful entrepreneurs in South Africa. While restrictive immigration laws hamper the work of these women, they employ a variety of innovative strategies to ensure that they are able to make a contribution to the development of the country.


This report outlines the situation facing children who migrate across international borders to South Africa. The report begins by outlining the policy framework that should guide migrant children’s access to rights in South Africa. This section points to a well developed legal and policy framework for securing the rights of migrant children regardless of their documentation. The second section of the report reviews existing studies on child migration with a view to identifying children’s access to their rights as well as pointing to gaps in information. The research on child migrants indicates very poor implementation of the legal and policy framework and significant abuses of migrant children’s rights. In particular, children are often left behind when caregivers migrate and face a range of vulnerabilities associated with this. In addition, children are migrants in their own right and the existing research indicates that, where children migrate alone, they are particularly vulnerable to
exploitative working conditions, violence and denial of basic rights. Migrant children’s access to basic health and education is extremely compromised and there is evidence of widespread violence and abuse against them – very often by the state authorities whose duty it is to protect them. Furthermore, there is an indication from the research that children who live outside of the major urban centres are particularly vulnerable.


Report written for the City of Johannesburg that looks at the demographics of internal and cross-border migrants in Johannesburg. The report is drawn up using results from the 2001 Census as well as research on regional migration undertaken by SAMP, it also refers to other secondary sources that refer to migration in Johannesburg. It looks at issues like housing and facilities and health issues. Women and children are referred to as "migrants with particular vulnerabilities". Key issues concerning women and children are, their vulnerability to violence and an inability to report such offences, difficulties to migrate legally, unable to access reproductive health care (women). Children may also find it difficult to access schooling and social services and Children’s Courts for protection and services.


This study examines the migrant and health experiences of domestic workers in Johannesburg, as well as some of their points of vulnerability to HIV. Given the importance of domestic work for women workers in South Africa, and the potential for their working conditions to affect their access to health care and their vulnerability to HIV infection, the study explored questions around migrancy, working conditions, access to health care and the experiences of, and vulnerability to HIV of domestic workers working in Johannesburg. The study is based on interviews with 1,100 female domestic workers employed in the City of Johannesburg.


The Department of Home Affairs (DHA) is South Africa’s premier institution charged with managing migration. However, its migration management functions are largely located at the borders and in specific urban locations, such as the five Refugee Reception Offices in the country’s metropoles. In other locations, including most municipalities, DHA fulfils its mandate to certify the identity and legal residence of citizens and to provide appropriate documentation to this effect. This brief focuses on the impact of migration on service provision in local municipalities, especially in border areas. It suggests that DHA offices in local municipalities have an important role to play, together with other government departments, in supporting local economic development through effective migration management at the local municipality level and that the provision of different forms of documentation to non-citizens at the local level is an important aspect of this. Finding forms of documentation which are adapted to the needs of the municipality (for information about its residents and transiting migrants and for crime prevention, for example) and the needs of non-citizens (for access to basic public services and economic activity, for example), is in the
interests of South African citizens and South Africa in general and can address many of the current concerns attached to undocumented migration.


From January 2006 – June 2007, the Forced Migration Studies Programme of the University of the Witwatersrand carried out a research project entitled “Local Government, Service Provision and Migration in Border Areas – Challenges and Opportunities.” The research looked at the provision of services in the areas of education, security, and trade and local economic development in Nkomazi Municipality, bordering Mozambique and Swaziland. The field work was carried out from 2-9 and 21-25 March 2007 by Tara Polzer and Jacob Akech with the assistance of Vusi Ndukuya. Ingrid Palmary supported the project at the Forced Migration Studies Programme. 43 key informant interviews were conducted with a wide range of actors, including the municipal manager, mayor, councilors, municipal officials, police, school principals and education circuit managers, businesspeople and associations, Traditional Authorities and indunas, and citizen and non-citizen residents. This discussion brief sets out the research findings which have implications for the Department of Education.


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In recent years there has been a significant increase in the mix of Zimbabweans migrating to South Africa in search of better economic opportunities, fleeing political persecution, to pursue education. Little is known about the public health impact of this migration, the healthcare needs of the different categories of migrants, as well as their health-seeking strategies. This report aimed to explain the patterns of health care utilisation of Zimbabwean migrants in Johannesburg. A descriptive exploratory research design was developed, using existing quantitative data from a recently completed survey (RENEWAL 2008) in which Zimbabwean migrants were the prominent international migrant group.
Follow-up qualitative in-depth interviews with four respondents were conducted to explore in detail specific cases where respondents used a public healthcare facility or where they had to make a difficult decision due to illness in a foreign country. There is little evidence in the findings to support the hypothesis that legal status is a deterrent factor among migrants who seek treatment at government hospitals. Instead factors such as proximity of the healthcare facility to the respondent’s place of residence were the more important reasons in choosing a certain healthcare provider. Also the generally low utilisation tendencies could be attributed to the “healthy migrant hypothesis”. A survey with a larger sample size could establish more diverse patterns of health care utilisation among Zimbabwean migrants in South Africa.


Shadow report crafted in response to the South African Government’s report in anticipation of the 2010 15+ Year Review and the outcomes of the twenty third special session on the General assembly. The purpose of this report is to highlight the current reality of violence against women in South Africa in order to demand greater accountability of the state in fulfilling its international human rights and constitutional commitments and obligations; to address the silence in the state’s report regarding routine discrimination and violence experienced by women who are part of marginalised groups; to identify institutional and other challenges and constraints in the implementation of this Critical Area; and to make recommendations which will contribute to the protection and promotion of women’s rights generally, and the elimination of violence against women, in particular.


The objective of this project was to identify and investigate barriers faced by Somali forced migrants when accessing health care in Johannesburg. In particular, the study seeks to compare perceptions of health personnel and migrants as to the nature of such access constraints. The study made use of semi-structured and in-depth interviews with a snowball sample of health personnel and migrants. Ten health personnel were interviewed and twenty migrants (ten male and ten female). Constraints of language and xenophobia were identified by both health personnel and forced migrant interviewed. Constraints related to the shortage of resources and the poor functioning of the referral system are experienced by all users of the public health system, irrespective of their nationality. No mention was made of traditional or allopathic medicine. There exists a gap between the access to health care guaranteed in the Refugees Act and practices at facility level. There are many similarities across interviews in the constraints identified by migrants and some agreement in the constraints identified by migrants and health personnel. These results confirm that migrants experience a fairly severe level of constraint when attempting to utilize formal health care services in Johannesburg.

Schreier, T. (2011). Critical Challenges to Protecting Unaccompanied and Separated Foreign Children in the Western Cape: Lessons Learned at the UCT Refugee Rights Unit, UCT Refugee Rights Unit

Increasingly, children from countries as far afield as Somalia, the Democratic Republic of Congo and Zimbabwe are migrating and crossing South Africa’s borders without their parents, relatives or care-givers. This research report will focus on the key challenges that
the RRU has experienced in the protection of unaccompanied foreign children in the Western Cape. It will review some of its cases and highlight various experiences of the RRU in the course of undertaking this work. The key protection gaps that will be highlighted include difficulties with or lack of suitable entry into South Africa’s child care and protection system, the unclear interface between the refugee regime and the child protection regime, inability to access legal documentation, and the poor level of knowledge of the legal and protection frameworks by government and frontline service providers.


Violence against foreigners and violence against women are two forms of violence that are internationally condemned but are normalised ways in which South African society interacts with minority and vulnerable groups. Foreign women in South Africa therefore face a double jeopardy: they are at the intersection of these two groups that are so vulnerable to exploitation, abuse and violence. The main objective of this study was to explore the gendered nature of xenophobia in South Africa and the impact of such xenophobia on migrant women. Thirty semi-structured interviews were conducted with migrant women in Johannesburg, Cape Town and Durban. A snowballing technique was used and the sample yielded participants from Burundi, the Democratic Republic of Congo (DRC), Zimbabwe, Rwanda, Somalia, Uganda and Nigeria.

SPT (2010). Desperate lives, twilight worlds: How a million Zimbabweans live without official sanction or sanctuary in South Africa, Solidarity Peace Trust

The desperate plight of migrants, caught in a twilight world of poverty and unbelonging, involves over one million Zimbabweans 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. 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.


This report brings to light the discrepancies between the legal requirements around deportation of migrants and the anomalies in its practical application. It is clear from the findings that South Africa is falling short of its lofty legal standards in the manner that the various government agencies are dealing with this huge challenge. The overall picture of abuse, corruption, lack of capacity, and the neglect of the rule of law in this area is a cause of great concern. In this matter Zimbabwe represents a particular challenge, with Zimbabweans making up the largest number of migrants in South Africa in the context of the crisis that has engulfed that country for over a decade. The hope that the SADC mediated Global Political Agreement would provide the basis for a long-term stabilization in the country is yet to be fulfilled, and South African leadership in this process remains critical.
STC-UK (2007). Children Crossing Borders, Save the Children UK

This report begins to address a significant dearth of information about children who cross international borders. Although there has been increasing research into children's migrations, there has been very little research on children who migrate without a caregiver or those who migrate across international borders. The research aimed to provide information on the following: the routes of migration; who children migrated with; the reasons for migration; how these children obtained basic necessities such as food, money, shelter, health care and safety; and their experiences of arrest, deportation and violence. The research took place in three main sites; Johannesburg, the border with Zimbabwe (predominantly in Musina) and the border with Mozambique (predominantly in Malelane and Komatipoort).


In this report children tell their stories of the dangers they face when crossing borders alone. They talk of being beaten by the authorities; having their possessions confiscated; being imprisoned with adults; and being left vulnerable to sexual abuse. Children were interviewed in Mozambique, Zimbabwe and South Africa. All interviewers spoke at least one indigenous language, and workshops were held in Harare to guide the interviewers in dealing with vulnerable children. Approximately fifty children were interviewed in South Africa, Zimbabwe, Mozambique and Swaziland. No children are named, and the manner of expression of their original responses has been maintained as closely as possible.

Teke Apalata, Edith T Kibiribiri, et al. (2007). Refugees Perceptions of their Health Status & Quality of Health Care Services in Durban, South Africa: A Community-Based Survey, Health Systems Trust

Health problems experienced by the majority of displaced population, either through natural catastrophes or man-made disasters pose major challenges for public health systems worldwide. The diversity of problems experienced by refugees requires diverse approaches, including diseases surveillance, control and prevention. The objective of this project was to evaluate the perceptions and opinions of refugees about the health care services in South Africa and to make recommendations to the officials, NGOs and social networks involved in the health care of refugee communities. Qualitative and quantitative approaches were used. Focus group discussions were held from which a structured questionnaire was developed. Respondents to the questionnaire were purposively sampled. SPSS and STATA V9.2 software were used for data entry and analysis.


A presentation presented at the International Studies Association Annual Convention that aims at exploring the challenges that South African state and non-state face in helping urban refugee children from Central Africa (including Cameroonian, Democratic Republic of Congo and Rwandan). The paper draws on recent socio-economic research findings and reports on Central African urban refugee children in Johannesburg. It also draws on the relief work experiences of humanitarian organizations. The paper focuses on ensuring legal protection of refugee children in South Africa, fighting illegal detention of refugee children, education
and trafficking and smuggling of children. Relief responses are evaluated and recommendations are suggested.


During the 1990s, eastern Free State vegetable farmers increasingly relied on migrants from neighbouring Lesotho for seasonal labour. This coincided with a major downsizing of the mine labour force in South Africa, hitherto the major employer of Basotho migrant workers. However, there was no simple process of transfer of unemployed migrants from the mining to the farming sector; rather, decisions were mediated by domestic relationships and household poverty in Lesotho. Basotho women and girls have been a major casualty of mine retrenchments and the drying up of remittances, and those with domestic skills but little formal training have been forced into the labour market, mainly domestic work in towns and labour on farms. This article examines the Basotho migrants' experiences and conditions of employment, the regulatory environment within which they are recruited and employed, and their future in the context of changing immigration and migration legislation in South Africa.


Paper that focuses on the need to reframe theories underpinning refugee rights and legislation in order for women refugees to gain access to more protection. It suggests alternative approaches to traditional interpretations of categories of persecution, and argues that there is a further category of persecution - persecution because of gender. It does not focus on just one group of refugee women but all women from all nationalities. It also addresses these women's access to documentation.


Since the end of apartheid, patterns of migration into South Africa have shifted, and South Africa has become a destination for people from across the African continent and beyond — a small but important number of whom are refugees and asylum seekers. While South Africa has a protective, integrative, urban refugee policy, many of these individuals struggle to access the rights to which they are entitled, including healthcare. In addition, many lower-skilled international migrants are unable to legalise their stay in South Africa. As a result, international migrants often become part of the group of ‘urban poor,’ falling within the periphery of health and social welfare provision and relying on a survivalist livelihood within the informal economy. The health and wellbeing of an individual impact greatly on their ability to maintain a secure livelihood, and this becomes more difficult in the context of an HIV epidemic. This paper presents findings from a case study situated in the City of Johannesburg. The research made use of 1) 2006 survey data on migrant livelihood strategies in Johannesburg, 2) a study investigating non-citizens’ access to antiretroviral treatment (ART) in the inner city, which included 3) a set of interviews conducted with migrant ART clients who were working in the city's informal economy. The findings indicate (a) the importance of the informal economy for migrants to Johannesburg; (b) the challenges that non-citizens face in accessing ART in the public sector in South Africa; and (c) the linkages between urban migrants’ access to ART and their ability to maintain a survivalist
livelihood. The paper argues that upholding people's right to ART for all who need it within South Africa will enable international migrants (including refugees and asylum seekers) to maintain an otherwise fragile survivalist livelihood, and this in turn will assist their self-reliance and integration into urban life.


There is a general lack of detailed information on the well-being of asylum seekers, refugees and others of concern to the United Nations High Commissioner for Refugees (UNHCR). In particular, the welfare of those who are not living in camps and/or are not otherwise assisted, is not always well documented. Detailed socio-economic baseline data on non-camp refugees and other persons of concern to UNHCR is increasingly needed for needs-based planning, operations monitoring as well as for advocacy and external information purposes. This desktop study on refugees and urban asylum-seekers in South Africa will compare the well-being of such persons with comparable groups in the light of the UNHCR Standards and Indicators Report and the UN Millennium Development Indicators.

Whittaker, N. (2012). Monitoring Immigration Detention in South Africa, Lawyers for Human Rights Report that summaries the work that has been done by Lawyers for Human Rights Detention Monitoring Unit from February 2011 to March 2012. LHR conduct frequent visits to various detention facilities and from these visits they were able to gather information regarding these issues. It aims at informing a range of organisations who have contact with refugees about the conditions of detention areas. It also includes unlawful detention of children.