

**Vulnerabilities of African Female Refugees in South Africa: A Case Study of Albert
Park Area**

By

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DECLARATION

I declare that “Vulnerabilities of African Female Refugees in South Africa: A Case Study of Albert Park Area” is a true version of my original work and this study has never been submitted for fulfilment of any degree. All information and ideas taken from other authors have been acknowledged through referencing.

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ABSTRACT

The fear of being persecuted has led to thousands of refugee women fleeing their countries of origin to seek safety in South Africa. However, this has proved an elusive aspiration. This dissertation investigates the vulnerabilities of African refugee women in South Africa with specific reference to the Albert Park area in Durban. The objectives of the study were to: understand the life histories of refugee women; evaluate South African refugee policies since 1994; explore the vulnerabilities of refugee women and evaluate government and non-governmental organizations' responses to the vulnerabilities of refugee women in the Albert Park area.

Structuration and elements of feminism influenced the theoretical framework of the study. Life histories and in-depth interview methods were used to collect primary data. Snowball and purposive sampling methods were used to select participants. The migration of refugee women was mainly caused by conflict and many lost their loved ones, and had also been sexually and physically attacked. During the journey, refugee women were often sexually abused by gangs, truck drivers and border officers. In South Africa, the rights of refugee women were violated as they were denied refugee status permits and their safety and security were not guaranteed. They also faced difficulties in finding accommodation and employment, and could not access government social services, even though this is constitutionally guaranteed. Most female refugees in the Albert Park area have survived through the support of non-governmental organizations such as Refugee Social Service, Lawyers for Human Right and church-based organizations.

LIST OF ABBREVIATIONS

ADAPT	Agisanang Domestic Abuse Prevention and Training
AIDS	Acquired Immune Deficiency Syndrome
ARV	Antiretroviral
CASAC	Canadian Association of Sexual Assault Centres
CCMA	Commission for Conciliation, Mediation and Arbitration
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNDD-FDD	National Council for the Defense of Democracy-Forces for the Defense of Democracy
CNPD	National Congress for the Defense of the People
CoRMSA	Consortium for Refugees and Migrants in South Africa
DCRA	Durban Central Residents Association
DHA	Department of Home Affairs
DSD	Department of Social Development
EDP	Ethiopia Democratic Party
EFF	Economic Freedom Fighters
EPRDF	Ethiopian People's Revolutionary Democratic Front
FGM	Female Genital Mutilation
FLEC	Front for the Liberation of the Enclave of Cabinda
FNL	Forces of National Liberation
HIV	Human Immune-deficiency Syndrome
IOM	International Organization on Migration
IRS	International Refugee Services
ISA	Immigration South Africa
LHR	Lawyers for Human Rights
NCRA	National Consortium on Refugee Affairs
NGOs	Non-governmental Organizations
NFP	National Freedom Party
OAU	Organization of African Unity
PLC	Private Limited Company
POE	Procedures at the Port of Entry
RAB	Refugee Appeal Board
RAF	Rwandan Armed Force

RMP	Refugee and Migrant Programme
RRO	Refugee Reception Office
RSDO	Refugee Status Determination Officer
RSS	Refugee Social Service
SALGA	South African Local Government
SAMP	Southern African Migration Project
SASSA	South African Social Security Agency
SCRA	Standing Committee for Refugee Affairs
STD	Sexually Transmitted Disease
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WCRWC	Women's Commission for Refugee Women and Children
VOC	Voice of Cape
WGRW	Working Group on Refugee Women
WFP	Women for Peace
WPA	World Plan of Action

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CHAPTER ONE: INTRODUCTION

1.1 Preamble

The twentieth century has been marked by an increase in refugee populations around the world as a result of socio-economic and political instability. This can be attributed to the formation of new states after colonial rule, the end of the Cold War, the adoption of external policies and the legacy of early military action (Martin, 2004). The history of forced migration has been marked by Russian refugees during the 1920s, Jewish refugees in the 1930s, Vietnamese refugees in the 1970s, Rwandan refugees in the 1990s and Zimbabwean, Somalian, Sudanese, Congolese and Eritrean refugees in the twenty-first century (Bollaert, 2008). At the end of 2013, the United Nations High Commissioner for Refugees (UNHCR) estimated that there were approximately 11.7 million refugees worldwide and that some 49 percent constituted women and girls (UNHCR, 2013f:7). Concerns have been expressed about the security, safety and the rights of refugees.

In the host countries refugees experienced ethnic and racial discrimination, prejudice, and social exclusion that prevented integration into the host society (Karraker, 2013). However, the gender-based violence experienced by refugee women was not regarded as a form of persecution by the UNHCR 1951 and Organization of African Unity's (OAU) 1969 definition of refugees (Boyd and Pikkov, 2005). Female refugees also faced difficulties in accessing host governments' social services. In the past decade the UNHCR has worked to ensure that refugee women have equal access to protection, goods and services (Martin, 2004). The UNHCR seeks to remove the barriers encountered by women when applying for refugee status; increase its efforts to provide health care services, water and food; combat sexual violence and increase training and skills development opportunities for women in all member states (Hajdukowski-Ahmed *et al.*, 2008).

In South Africa, cases have been reported of children and women being subjected to sexual violence during and after their journey (Park, 2010). Women have been denied refugee status, were unable to feed their families and themselves, and were exposed to sexual violence perpetrated by government officials. Refugee women did not have access to health care services, education and shelter (Amisi and Ballard, 2005). According to Peberdy (2001) the South African government has failed to implement refugee policies. Some government social

service providers were not aware of refugees as well as their rights (Peberdy, 2001). This was further compounded by xenophobic attitudes which prevented the integration of refugees into mainstream society. It is against this background that this study investigates the vulnerabilities of African female refugees in South Africa.

1.2 Geographical Orientation

Geography is a discipline concerned with spatial interaction between people and their environment. According to Savage (2006:1) the human geography sub-discipline is “concerned about spatial differentiation and organization of human activities and its interrelationships with the physical environment”. In order for the human geography sub-discipline “to fulfil its potential as a scholarly endeavour examining the human conditions, human rights must be part of its research focus” (Selya, 2012:1046). Human rights regulate violence, human abuse and state power. According to Ross (2010: 496) “the human rights regime exists locally, nationally, internationally and operates in all of these at once”. Human rights form the basis of many policies, national constitutions and conventions (Bollaert, 2008). In past decades much scholarly attention has focused on the human rights of refugees.

This study investigates the vulnerabilities of African female refugees in Durban, South Africa. Research on refugees and human rights in geography provides information regarding refugees’ places of origin and destination and their human rights challenges (Selya, 2012). Refugees are products of human rights violations caused by structural factors such as gender-based violence, conflicts and war. Human rights violations continue in the destination country, yet these experiences of violence and abuse reverberate in national and international politics (Selya, 2012).

Millions of women throughout the world are subjected to sexual torture, injury, starvation, and murder because they are female. These crimes against women are recognized as a violation of their human rights. Women sometimes faced the same abuse as men. However, women victims were usually invisible because they were not politically active and vocal (Bunch, 1990). Many violations of female’s human rights were connected to gender (Bunch, 1990).

In some countries women were sexually abused because they belonged to a particular ethnic group and the perpetrators wanted to torture their male counterparts (Bunch, 1990). Sexual violence has been used as a tool to punish men or a community. As a result women were forced to flee and seek safety in other countries. Even after forced migration women still

faced sexual violence (Elmadmad, 1999). Violence against women has been neglected around the world and poses significant challenges to the practise of human rights today. The promotion of human rights is an accepted goal which provides ways of addressing the challenges experienced by women (Bunch, 1990).

Regarding the protection of refugees, South Africa has progressive human rights policies that are enshrined in its Constitution. However, the government has failed to progress beyond constitutional rhetoric (Maharaj, 2009c). According to Maharaj (2009c) there has been critical intellectual reflection on who has the right to the city and how these rights are realized. During the process of claiming and defining rights, there are political and social struggles over urban spaces.

1.3 Rationale for the Study

Oppression of women is still rampant and continues to grow in South Africa. Most feminist scholars believed that women's oppression is caused by the division of gender roles (Bwakali, 2001; Hutson, 2007). While women are often seen as home makers, mothers and the source of emotional strength, they are prohibited from making economic decisions and are dependent on men for survival. On the other hand, men are seen as heads of households with power and authority (Bwakali, 2001).

Refugee women experience more difficulties than South African women. They are targets of xenophobia, while attempting to integrate. They experience discrimination and violence with little police protection (Wumbugu, 2003). Female refugees are often turned away from public clinics and hospitals due to xenophobia. Women are also seen as representing the permanent settling of foreigners as they give birth to babies, creating families, while men are regarded as temporary visitors (Sigsworth *et al.*, 2008; Fuller, 2009).

Barring a few exceptions, the burgeoning literature on refugees has tended to be gender blind, with an implicit male bias. Hajdukowski-Ahmed *et al.* (2008) argued that while both males and females are represented in the study of refugees, women's experiences were often muted. Current writings are characterized by generalizations about the vulnerabilities of African refugee women. The few studies on female refugees have focused on developed countries with little attention paid to the developing countries (Mahler and Pesser, 2006; Kanjo, 2010; Park, 2010). This gap in the international research on the vulnerabilities of refugee women has resulted in a one-sided body of literature (Mahler and Pesser, 2006). However, there are

few notable exceptions (for example Indra, 1999; Brun, 2000; Turner, 2000; Martin, 2004; Hajdukowski-Ahmed *et al.*, 2008; Hyndman and De Alwis, 2008; Karraker, 2013).

South Africa has become the main destination area for refugees in Africa, due to economic and political crises, continued conflict and insecurity across the continent. However, the South African government has failed to deliver social services which have increased refugees' vulnerability in the country. While there is a rich body of literature on refugees in South Africa (for example Crush, 2000; Dodson, 2001; Harris, 2001; Peberdy, 2001; Crush and William, 2002; Sterken, 2003; Amisi and Ballard, 2005; Landau, 2004b; Pursell, 2004; Amisi, 2005a; Davids *et al.*, 2005; Amisi, 2006b; Bollaert, 2008; Maharaj, 2009c; Desai, 2010; Park, 2010), however, these scholars have focused on the experiences of refugees with little insight into the vulnerabilities of refugee women in both their home countries and South Africa. This study will contribute to the emerging scholarship on refugee women in the country.

1.4 Chapter Outline

1.4.1 Chapter One: Introduction

Chapter one is the introduction to the study, and provides an overview of the research, geographical orientation and the rationale for the study.

1.4.2 Chapter Two: Theoretical Framework and Literature Review

Chapter two presents the theoretical framework and literature review. Section one discusses the theoretical framework for the research study, while section two reviews the literature on refugee women, focusing on forced displacement in Africa and the impact on women; the social construction of refugees in a host country, camps and urban areas; the UNHCR and gender dynamics; the South African Refugee policies and gender guidelines; the challenges confronting refugees in South Africa and the role of non-governmental organizations (NGOs) and the government.

1.4.3 Chapter Three: Methodology

Chapter three explains the research methods that were used including the sampling, data collection and data analyses methods as well as study area. The limitations of the study and ethical considerations are also presented.

1.4.4 Chapter Four: Experiences of Refugee Women

Chapter four represents data analysis. Data was analysed using narrative analysis. The findings are organized according to the themes of the study.

1.4.5 Chapter Five: Evaluation, Recommendations and Conclusion

Chapter six presents the evaluation, conclusion and recommendations.

1.5 Conclusion

Female refugees are forced to leave their countries due to human rights violations. In host countries, refugees find themselves in new places, with new hardships and new settings. Although there are number of research studies on refugees in South Africa, few of them engage with the experiences of women. This dissertation therefore focuses on the experiences of refugee women in South Africa, using a case study of Albert Park area.

CHAPTER TWO: THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

This chapter discusses the theoretical framework and literature review for this study, in the first and second sections, respectively. The study of forced migration and refugees is very complex and scholarly analysis requires a multi-disciplinary approach. Many theories have been used to explain forced displacements. Structuration theory and elements of feminism provides a lens through which the challenges confronting refugee women are analysed in this study. Section two contextualises this study by reflecting on international and South African scholarship on refugees. Most studies reveal that forced migration was caused by conflict and refugees were prevented from integrating into the host societies by xenophobia and prejudice. Furthermore, female refugees have not been given the protection offered to male refugees in host countries throughout the world.

2.2 Theoretical Approach

2.2.1 Structuration Theory

Structuration theory was developed by British sociologist, Anthony Giddens (Giddens, 1984). It was used by geographers in the 1980s to understand the ‘socio-spatial dialectic’ (Aitken and Valentine, 2006:86). The socio-spatial dialectic is a process whereby people reshape their spaces, while they are also modified by it. Structuration theory has also been used to view the interaction of spatial structures and social relations. The structure/agency debate attracted geographers of the time, notably Pred, Gregory and Thrift (Aitken and Valentine, 2006).

Structuration theory focuses on the interaction between human agency and a society’s structures. Giddens (1984) defined agency as action or an individual’s ability to act. According to Bakewell (2010b) agency is the capacity of social actors to reflect on their positions and take action. Agency is based on the notion that individuals are able to make decisions and choices that shape their own lives. Hence, agency can be transformative, and actors sometimes choose to maintain the status quo or bring about social change (Bakewell, 2010b). Sewell (1992:20) argued that “to be an agent means to be capable of exerting some degrees of control over social relations in which one is enmeshed, which in turn implies the ability to transform those social relations to some degree”. Social actors with agency have the resilience to cope with the most extreme experiences (Sewell, 1992).

Giddens (1984) described structures as resources, rules, enabling and constraining forces, and the recurrent patterned arrangements which influence or limit the choices and opportunities available. Aitken and Valetine (2006) pointed out that, structures exist through concrete human agent practices which reproduce daily social life. Giddens saw institutions as mechanisms which reproduce resources and rules, that can be enabling or constraining factors (Aitken and Valetine, 2006:87). Structures shape social practices. In turn, structures are reproduced and transformed by social practices. Healey (2006) defined structural forces as culture or hegemonic discourses of a society. Structural forces can influence individual behaviour by creating laws and rules as to how people should behave and act. Structural forces vary across space and between and within societies. Social structures are difficult for newcomers from different cultures (Healey, 2006).

According to Giddens (1984) society neither exists independently of human activities nor is a product of it. The notion of the duality of structure is central to structuration theory (Giddens, 1984). The duality of structure is a process where “structural properties of systems are both medium and outcome of the practices they recursively organize... structure is not equated with constraint, but is always both constraining and enabling” (Giddens, 1984:25). The connection between structure and agency depends on three concepts: reflexivity, recursiveness and regionalization. Reflexivity refers to the reproduction and production of social life by informed actors or human beings, rather than a spontaneous response to structural forces (Giddens, 1984; Healey, 2006). For example, in some communities, individual agency had reproduced patriarchal norms at household level. Recursiveness is a condition where social life occurs, but is not fully understood and not planned by social actors. An example is refugees’ feelings of social exclusion from the host society. Regionalization is the process whereby social life is carried out through interactions between individuals who are co-present in a space and these interactions are largely dependent on the relationship which goes beyond the current moment, to allow intergenerational connections (Giddens, 1984). For example, regionalization could include people maintaining contact with individuals living in other part of the world that are experiencing similar challenges (Healey, 2006:261).

i) Critiques of Structuration Theory

While Giddens' structuration theory has been widely applied, it has some theoretical drawbacks. First, structuration theory does not allow a separate analysis of agency and structure (Archer, 1995b; Elder-Vass, 2010; Moritz, 2012). Structuration theory suggests that structures are always contingent on social actors. Archer (1982a) contended that structures pre-exist and that agency and structure can be separated without polarising each other. Furthermore, Carter and New (2004) noted that structures can exist independently of human activities. Hence, structure is an "outcome of agency which merges or passes a developmental threshold beyond which they exercise their own casual powers, independently of agency which produce them" (Bakewell, 2010b: 1696).

Secondly, structuration theory has been criticized for being too abstract and lacking empirical sophistication (Gregory, 2000a). The theory focuses on capable and knowledgeable human agents. Giddens overlooked the fact that people's actions are differentiated in terms of the scale and scope of their effects, and that some agents and actions differ and matter more than others (Gregory, 2000b). However, Bakewell (2000a) regarded structuration as a useful theory in his study of Angolan refugees in North Zambia. He placed the agency of refugees at the centre of the picture, and they were assumed to be social actors along with the UNHCR, government and NGOs that struggled with the challenges they faced in foreign territory.

Thirdly, Thrift (1996) argued that Giddens time-space emphasis which was central to the notion of regionalization, did not overcome the dualism of structure and agency. Thrift (1996:54) noted that Giddens over-emphasised on individual actions and did not consider "the ghost of networked others that continually inform actions". Fourthly, structuration theory failed to provide a guide as to how structure and agency can be balanced (Bakewell, 2010b). Notwithstanding these criticisms, structuration theory has inspired thinking about the relationship between human agency and the structures of society. This study considers the relationship between structure and agency and the way it impacts the lives of refugees in their home countries and in the Albert Park area.

ii) Structuration and Forced Migration

Migration of refugees is not planned; rather it is forced by structural forces and human agencies in a given geographical space (Healey, 2006). The experiences of refugees in the destination country are also shaped by the interaction between structural forces and human agencies. Structuration theory is rooted in the belief that an individual's experiences are determined by structure and agency. Some feminist scholars argue that the experiences of refugee women should be understood through an analysis of structures and agencies that impact their lives in a given time and space (Healey, 2006; Moritz, 2012).

Structural factors such as gender-based violence and conflict result in the violation of human rights and forced migration. In their country of origin women may have experienced gendered-based violence such as forced pregnancy; rape; forced sterilization; slavery; forced Female Genital Mutilation (FGM); sexually transmitted diseases; and Human Immune-deficiency Syndrome (HIV)/Acquired Immune Deficiency Syndrome (AIDS) infection. Once they have been sexually attacked they face social stigmatization (Ganguly-Scrase *et al.*, 2005). The decision to move is made in a state of panic and people have few options but to escape with life and limb. Forced migration disrupts ontological security and refugees lose stability in their known world. Ontological security is a process whereby people understand their place and feel comfortable. Forced migration disrupts the lives of refugees and fragments their families, and they lose their sense of belonging and stability in their known world (Hynes, 2004).

Refugee women have less human agency, especially when newly-arrived in the destination country. They have no or few legal rights and are powerless and marginalized and their voices are rarely heard. Sadly, the atrocities encountered in their home countries could be repeated in the destination country. The experiences of female refugees in the destination country are limited by language, education, work experiences and childcare facilities (Koskela, 1997; Healey, 2006 and Moritz, 2012). Language barriers can impede refugee women from access to social services and learning in the destination country. Most refugee women do not know the language of the destination country, and have little formal education and work experience (Wolfel, 2013). Hence, they face difficulties in finding a job and communicating with the local people. They are also denied access to government social services by corrupt officials. Local people in the destination country often discriminate

against refugee women and make them feel unwelcome. Some refugee women cannot work outside their household because they have to look after children.

According to Koskela (1997) newly-arrived women in the city fear urban violence. This is “a result of the social production of fear: parental and other warnings, rumours, the media and crime prevention advice they all produce the picture of public space as dangerous and private space as safe” (Koskela, 1997:7). In urban areas, women experience violence, sexual attacks and harassment (Koskela, 1997). This threatening situation and violence causes more fear that restricts women’s mobility, undermines their confidence, restricts their activities and limits their access to public space (Koskela, 1997). The structural forces in the destination countries includes the rules that governs employment opportunities, cultural practices that prevent women from achieving certain educational levels, gender division and the cost of education and training (Hynes, 2004).

Poor implementation of refugee policies in the destination country may add to the vulnerabilities of refugee women (Menjívar and Salcido, 2002). In most countries refugee laws have incorporated gender perspectives in the asylum application process. However, the UN (2005c:46) has argued that “progress in establishing gender-sensitive asylum procedures has been slow and inconsistent”. Some countries’ immigration laws require foreigners to be married for number of years in order to be recognized. The intention is to prevent marriages of convenience in order to obtain legal status. According to Menjívar and Salcido (2002: 908) “these requirements often translate into hurdles for women in situations involving domestic violence”. If a refugee woman chooses to leave an abusive husband, she may not obtain legal status. Most refugee women remain married for the sake of obtaining legal status.

Regardless of their trauma and loss, refugee women need to be respected as capable actors that have the ability to exercise their agency even though they face difficulties. In a destination country refugees need to re-establish ontological security by understanding the structures that act upon them and the level of agency they can achieve. Making the decision to migrate is the first ability of refugee women to use their human agency. Even though women fear public spaces and are oppressed by males, they are not objects in a space where they experience obligations and restrictions: “They can also reproduce, reclaim and redefine space” (Koskela, 1997:7). Firstly, women convince themselves that they must not be afraid. Secondly, they gain courage through awareness of the new culture that they are about to

adapt, and the dangers they are facing. Thirdly, they adapt to the new culture and style. Adaptation to a new culture empowers women to respond to threats, claim space and start feeling at home. The balance between agency and structure in the host country impacts on the way female refugees are integrated into the host society (Healey, 2006).

Humanitarian organizations empower women and their agency (Turner, 2000). They offer food assistance, education, and health care services and protect them from sexual violence. Humanitarian organizations are concerned with building refugees' human agency, reducing dependency and boosting their self-esteem. Humanitarian organizations establish economic projects that help female refugees to be self-reliant. For example, they have programmes to help refugee women to learn English. Once they have learnt the language of a destination country, they can get jobs; communicate with local people and access social services (Wolfel, 2013).

2.2.2 Feminist theory

Feminism emerged in the mid-1970s in western academia. Indra (1999) defines feminism as political interaction and analyses of gender roles and relations. Feminist analysis "addresses the unequal and often violent relationships among people based on real or perceived economic, social, cultural, political and sexual differences" (Hyndman and De Alwis, 2008:88). Feminist theory focuses on eliminating masculinist and patriarchal relations of power, but this is not its exclusive focus. Gender is a central concern of feminism thought and politics. The gender relationship is not fixed across place and time. Feminist theory argues that in developing countries women's gender roles and relations are shaped by cultural negotiations and norms (Indra, 1999). This means that gender roles and relations are socially constructed by society. In most cultures, men are assigned to public space while women are confined to private space. Women are not allowed to be exposed to strangers or to work outside the household. Women take care of all domestic activities. They are allowed to work outside the household only if it is a family business (Brun, 2000). Males can work outside the household for wages.

In the 1980s feminist geographers started to be taken seriously within the sub-discipline of human geography (McDowell, 1993a). Feminist geography is concerned with exploring gender relations and roles from a spatial perspective. It is also concerned with improving women's lives by understanding the dynamics, resources and spatiality of females' oppression and documenting approaches to resistance (Dixon and Jones, 2006). According to

Johnston and Sidaway (2004) the growth of feminism in human geography has been uneven. Dixon and Jones (2006) argued that previously the discipline embraced masculinist viewpoints, with white men dominating geographical knowledge production. The early feminist geographers were concerned about male-centred approaches which dominated the discipline and influenced spatial thinking (Rose, 1993). Feminist geographers argued that the discipline failed to recognize gendered binary logic which administered western spatial thinking (Johnston, 2005). The feminist geographer linked the female/male binary with different spatial dualisms such as space/place, private/public and local/global. Feminist geography not only focuses on female/male differences, but incorporates themes such as class, sexual orientation and race (Johnston and Sidaway, 2004).

Feminist geographers theorised private/public dualism. The physical division of home and work started during the industrial revolution and was promoted by the capitalist economic system (Mitchel, 2000; Domosh and Seager, 2001). Feminist geographers were influenced by Marxism in theorising private/public dualism which was related to the capitalist mode of production. They analysed how both patriarchy and capitalism reinforced and supported the ideological and physical separation of the spaces of reproduction and production (Domosh and Seager, 2001). The focus was on the spatial division of labour in terms of domestic work and paid labour, as well as the associated impact on females (McDowel, 1999b). Feminist geography scholars noted that women's unpaid labour at home (private space) was important for the survival of the capitalist economy. They were raising children who were the future labourers that would help to sustain modes of production (McDowel, 1999b). When their husbands returned home (private space), women supported them by ensuring that their sexual, psychological and physical needs were met (Mitchel, 2000; Domosh and Seager, 2001).

The patriarchal system benefitted from ensuring that women were kept at home, and men's control and domination was ensured (McDowel, 1999b). Gender relations served to divide private and public space and to naturalise work and home as representing masculine and feminine characteristics (Johnston, 2005). Home was seen as women's natural realm, while public space was accepted as the place for men (Mitchel, 2000; Domosh and Seager, 2001). However, poor women were forced to work in factories and as domestic workers (Mitchel, 2000; Domosh and Seager, 2001). The engendering of private and public space was entrenched at the ideological level (Johnston, 2005).

The ideology of home and work continues to shape contemporary society. The notion of domestic and home space is still linked to femininity and womanhood (Mitchel, 2000; Domosh and Seager, 2001). Home is seen as the place with moral stability and spiritual values and it is women's duty to keep and maintain the home and the values that symbolize it. However, "home work is one of the most significant, and repressive, forms of 'women's work' in the contemporary global capitalism" (Mohanty, 2003:167). Work is seen as the area of action where males engage with other men to prove their economic worth. The idea a woman's place is at home manifests in different ways. For example, because of poor planning, women and children have been constrained in using public space because of the fear of being physically attacked (Mitchel, 2000; Domosh and Seager, 2001).

Feminism has been used to theorize violence against women. The first article on gender-based violence was published in 1971. According to the Canadian Association of Sexual Assault Centres (CASAC) (2013) all power resides in the use of force. Power was exercised through sexuality, aggression, violence and masculinity (CASAC, 2013). All forms of male violence including emotional, physical, sexual and rational integrity were different facets of male power that aimed to subjugate women. Johnson (2005) recognized that physical force played a major role in contemporary patriarchal society. Men used physical violence to oppress and subordinate women, and this was legitimised by society.

According to Mustaine and Tewksbury (2002) sexual violence such as rape and harassment was not understood as a sexual act, but rather as an act of domination by men over women. The fear of sexual violence and other concerns inspired by males, structured females' lives, increasing psychological and physical vulnerability, diminishing the capacity for self-affirmation and creating fear of using public space and participation in social activities (Mustaine and Tewksbury, 2002). Hence, sexual violence was a crime committed by men against women and was a powerful mechanism used by males to control females (Whisnant, 2007; CASAC, 2013).

The notion of work and home in the private and public sphere is socially constructed. Feminist geographers have explained the ways in which private and public spaces are constructed over time (McDowel, 1999b). For example, home is not a natural space for women, but is a place of abuse, boredom and oppression (McDowel, 1999b; Mitchel, 2000; Domosh and Seager, 2001). The idea of work and home is socially constructed and can be subject to change (McDowel, 1993a). Most feminist geographers noted that gender, place and

space are interrelated and produced by spatial configurations (McDowel, 1999b; Mitchel, 2000; Domosh and Seager, 2001).

i) Feminist Theory Critiques

Cain (1990) challenged the notion that gender roles are socially constructed by society. Cain (1990) argued that the biological nature of women led to the private/public division and to the notion that the domestic sphere is designed for women. Stone (2007) defined feminist theory as an essentialist and deterministic mode for women's subjectivity, which had failed to account for the situation of women outside Western countries. Feminist theory believes that all women are exploited and oppressed by men. It also makes claims about all women, while it is actually some women. Feminist theory has advanced female perspectives, but it should not privilege one approach over another.

Most feminist debates have focussed on equality and not enough on the meaning of self-definition for women (Cain, 1990). According to Cain (1990) if feminist theory wants to challenge the status quo and create equality between men and women, there is a need to emphasize on the similarities between men and women, and minimize their differences. The equality doctrine has not been successful in correcting existing inequalities between men and women.

ii) Feminism and Forced Migration

According to Hyndman and De Alwis (2008) feminism is a good approach to understand the production of gender relations, roles and identities among displaced people. Gender roles, relations and identities are generated differently across time and space and can be changed. Forced migration and adaptation to new environments requires refugees to understand unfamiliar demands and circumstances. This is achieved by renegotiating expectations, relationships and behaviours and assuming new gender roles. Most new circumstances impact at the household level and are differentiated along gender lines. The relationship between gender and the household offers important understanding of how refugees adapt to new environments and situations.

Feminism recognizes that female refugees are affected by the same political, historical and social forces as their male counter parts (Hyndman and De Alwis, 2008). However, refugee women face specific risks (sexual violence) during conflict and the journey to destination countries. Forced migration causes women to engage in new gender roles in order to support

their dependents (Hyndman and De Alwis, 2008). Refugee women lose their social and negotiated roles and have to adjust to a new, changing life. Parrenas (2001:73) argued that “the process of migration for women involves escaping their gender roles”.

During conflict, refugee men may have joined the military, died or become separated from their families. This leaves women as bread winners or as single parents (Martin, 2004). Women have to seek employment in order to support their families. They take on different roles as protectors and providers. Forced migration also removes the household division of labour between a man and woman. Sometimes women and children may be the group most targeted by humanitarian aid (Brun, 2000). Women may be more empowered, receive education, start their own business or find employment. Refugee men may spend most of their time at home and end up participating in domestic work (Martin, 2004). Male refugees lose their role as heads of households. They may be unable to rebuild their position as self-respected decision makers.

In some cultures it is inappropriate for women to express sexual desire. FGM is used to control women’s sexual desires and to maintain their virginity until they are married. According to the World Health Organization (2001:25) FGM can be defined as a process which involves “partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other nontherapeutic reasons”. Indra (1999) noted that forced migration destroys such cultural practices. Forced migration can result in the adoption of a new style and culture which can frustrate men and challenge their authority. Men may want to gain back their authority and traditional culture and this can lead to domestic violence (Brun, 2000). The cultural practices of refugee women are muted in the destination country as a result of cross-cultural adaptation.

2.3 Defining Refugee

The term ‘refugee’ was defined by the UNHCR in 28 July 1951 as:

“a person owing to well-founded fear of being persecuted for reason of race, religion, nationality, membership of particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UNHCR, 1951a:14).

The conditions relating to refugee status were approved following the adaptation of the 1967 protocols. According to the UNHCR (1951a) a displaced person must be given state protection in the destination country and be allowed to apply for refugee status. However, refugee status is not given to a person who has fled to seek a job or business opportunities, to further their education or is visiting family. The UNHCR definition of refugee was produced during the early days of Cold War (Martin, 2004). It was intended to remove restrictions after World War 2 and resolve the situation of millions of people that had been displaced (Guterres, 2008).

The definition of refugee aimed to draw attention to violation of human rights committed against individuals by the state (Guterres, 2008). The UNHCR established a set of rights for those who had been granted refugee status in particular countries. The definition of a refugee has been the cornerstone of the international response to forced migration in past decades. However, the definition of refugees and the criteria for determination were criticized because they were Eurocentric in that they focused on individual persecution. The 1951 UNHCR definition of refugee did not recognise the forced movements that occurred in Africa (Martin, 2004). In 1969 the OAU refined the 1951 UNHCR definition of refugee as a person:

“who is owing to external aggression, occupation, foreign domination or events seriously disturbing public order in their part of or the whole country, is compelled to seek refuge outside his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere” (OAU, 1969:2).

This definition is more concerned with the stability of the country than willingness to protect elements of the population.

2.4 Forced Displacement in Africa

There are many causes of forced migration in Africa. Whitwell (2002:9) argued that forced migration on the continent was caused by “civil strife, social and economic restructuring with individual countries and closer cooperation between groups of African states”. Refugee flight occurred not only during wars but also as a result of political conflict. After the end of hostilities new refugees are created as people try to escape the new political system and its impacts (Harris, 2002). Hamilton (1999:5) contended that citizens were displaced by “violent government change, revolution and *coups d’etat*, insurrections, nationalist movement and persecution minorities”. National governments contributed to forced migration, for example,

by terrorizing citizens and denying them their rights (Iqbal, 2007). State failure has also resulted in migration of refugees, such as government's inability to establish order and safety for its citizens. Ong'ayo (2008) noted that the causes of conflict and forced migration were not entirely domestic; they were also the result of the internalization of individual states. Hamilton (1999:5) further argued that forced migration in Africa was caused by "conflict resulting from decolonization, both during liberation and subsequent to independence as a result of ethnic conflict and state formation or collapse".

Africa remains one of the continents which produce the most refugees due to conflict and wars created by political instability (Hamilton, 1999). Since the late 1950s conflicts have developed in almost all African States. Post-independence and anti-colonial revolution, civil conflicts and wars have produced massive number of refugees. Conflicts within and between states over ethnic affiliation and political ideologies has resulted in many people being forced to leave their homes. In Africa, conflicts between tribes have led to civil wars and genocide (Bollaert, 2008). Examples include the ethnic hatred between the Hutus and Tutsis in Burundi and Rwanda; Ethiopia's 30 year civil war and the ongoing civil wars in Somalia and Sudan. In Angola war over resources such as oil and diamonds has generated an estimated 3 000 000 refugees in past years (Bollaert, 2008:42). About 800 000 people were murdered during the 1994 Rwandan genocide (Hamilton, 1999:1).

In 2013, Somalia, Sudan, Democratic Republic of Congo and Eritrea were among the top 10 refugee producing countries of the world (UNHCR, 2013f). Disintegrated states like Somalia are good examples of the chaotic situations and common displacement that occur due to tribal, religious and ethnic conflicts. The 2013 civil war in Somalia was caused by battles over the control of resources. As resources were already depleted due to conflict, famine ravaged Somalia. Refugees fled to escape both the conflict and famine (UNHCR, 2013f). Resources were also at the heart of the conflict in Sudan. According to Reeves (2013:1) the conflict arose because of "Khartoum's decision to halt the flow of oil from land-locked South Sudan to Port Sudan in the north, denying both economies desperately needed foreign exchange currency". This led to conflict between the Sudan People's Liberation Army and Khartoum's Sudan Armed Forces. Rebels in the Democratic Republic of Congo known as M23 wanted to overthrow the national government and control the country. This led to conflict between government and the rebels (UNHCR, 2013f). The Democratic Republic of Congo Department of Foreign Affairs and Trade (2013) argued that the unprecedented

conflict occurred only in the eastern and northern parts of the country. The provinces that were affected include North and South Kivu and the Goma Ituri district. In Eritrea, state failure due to repression has led to violence and destruction. Africa is grounded on unstable politics, poverty and ethnic and religious conflicts which have continued to increase the number of displaced people (Iqbal, 2007). African countries have also expelled citizens, increasing the number of refugees.

2.4.1 Impacts on Women

The human rights violations that occur during conflict seriously impacted women (Hamilton, 1999; Gururaja, 2000; Sirleaf and Rehn 2002; Hynes, 2004). Women were also at risk, like men, of being abducted and recruited as fighters. Adding to the human rights abuse suffered by individuals in general, additional coercion is directed to girls and women such as forced impregnation, rape, abortion, sexual slavery and trafficking by rebels and soldiers (Hamilton, 1999 and Hynes, 2004). After conflict, women were likely to experience domestic violence, and commit suicide, while others were killed by soldiers.

Even when there was no armed conflict, women were abused because of their age and gender. Girls and women from Africa and Asian were subjected to cultural practices such as FGM which left them traumatized, psychologically harmed and injured (Crista, 2009; Horowitz and Jackson, 2010). Some cultures compelled women to marry at an early age before they were emotionally, mentally and physically mature. Early marriages were usually followed by early pregnancies which affected their health. Forcing woman to get married at an early age is a human rights violation (Crista, 2009; Horowitz and Jackson, 2010). Other girls and women were subjected to domestic violence practiced by family members or husbands. This led to physical handicap, trauma and death. When the state is unwilling or unable to protect women, this can result in females taking a decision to flee to other countries.

2.5 Social Construction of Refugees in the Host Country

Much of the available literature highlights how refugee identities are constructed and how men are favoured over women in destination countries. Refugee women face specific risks during conflict and the journey to the destination countries. Rajaram (2002:251) argued that “refugees are consigned to their body... they are rendered speechless and without agency, a physical entity or rather a physical mass within which individuality is subsumed”. This generalized and depoliticised description of refugees is usually influenced by decision makers

engaged in developing and implementing asylum policies and refugees may be powerless during this process (Barsky, 1994; Spijkerboer, 2005b; Rajaram 2002). The powerlessness starts during the asylum determination process because of the lack of economic resources, information, knowledge and institutional power. Gender-based persecution may be assessed in terms of cultural, gendered and racial notions of the asylum seeker (Barsky, 1994; Spijkerboer, 2000a; Rajaram 2002). Spijkerboer (2000a) argued that it was common for female refugees to be constructed as defenceless and subjugated to their male counter parts during the asylum determination process. This construction conforms to the notion of culture and gender. However, such social construction of female refugees may perpetrate myths that can work against them if they get a residence permit.

Macklin (1995) and Crawley (2000) demonstrated private and public distinctions during asylum determination. In most cases gender-based violence has been assigned to the private rather than the public sphere. This distinction is maintained when gender-based violence is the reason for asylum, especially when the perpetrator is a family member. As Freedman (2007) argued, domestic violence is not regarded as seriously as other forms of violence that take place in public sphere. When a woman uses domestic violence as reason for asylum, her application is usually dismissed. Women's experiences were often constructed as private acts, even when practised by state officials or family members.

Sexual violence has not been seen as a form of torture and has not been incorporated into the UNHCR's definition of refugee as it has been viewed as a private and personal matter associated with lust and desire (Spijkerboer, 2000a; Freedman, 2007). Sexual violence is considered normal and a universal relationship between men and women and asylum claims on such grounds are usually not taken seriously (Freedman, 2007). The reason for this is that persecution is framed as political rather than private. Spijkerboer (2005b) argued that sexual violence is often directed at women's bodies with a clear political motive. The recent debate on sexual violence during war has moved sexual violence from the private to public sphere and hence, there is more focus on this form of violation (Canning, 2010). Sexual violence may be used as weapon or tactic to deconstruct a community and its culture (Canning, 2010). If women asylum seekers are granted refugee status, they can either settle in urban areas or refugee camps, depending on the policies of host countries.

2.5.1 Refugee Women in Camps

Refugee camps are places to accommodate forcibly displaced people so they can get protection and assistance as part of the UNHCR's principles and host governments' strategy to keep them in one place. Refugee camps were theoretically designed to protect refugees but they have become unsafe places for women. Many scholars have analysed the experiences and challenges of refugee women in refugee camps (Hamilton, 1999; Kagwaja, 2000; Martin, 2004; Hyndman and De Alwis, 2008). A major problem was sexual exploitation of refugee women, not only by military and border officials but also by local people, humanitarian and government officials (Hamilton, 1999). A study conducted in 2002 in Sierra Leone, Guinea and Liberia by Save the Children and the UNHCR revealed that sexual exploitation of refugee women was perpetrated by staff from the UNHCR and international NGOs (Martin, 2004). Refugee girls stated that if they reported such cases to the authorities, all staff of humanitarian organizations mistreated them and refused to assist them. Hence, keeping quiet was the only solution. The UNHCR (2002e) noted that the physical environment of refugee camps often exacerbated women's safety and security problems. In the destination area, families from different sides of the conflict were forced to live in one area and shared social and communal space. Refugee camps were often overcrowded, lacked privacy and had poor lighting, which increased violence against refugee women.

Martin (2004) found that in some refugee camps food was distributed by male camp leaders, often without women's participation. This resulted in inappropriate distribution of food because male leaders did not understand the circumstances and needs of the people who fed and cooked for their families; they provided food which was not suitable; males were served first and when food was limited, children and women did not receive it. This exposed refugee women and children to malnutrition and diseases which also increased mortality rates (Martin, 2004). Sometimes refugee women were pregnant and malnourished which resulted in insufficient provision of nutrients to the foetus and the death of both mother and child.

Kagwaja (2000) argued that women were also responsible for collecting water and wood in Kenya. Refugee women spent a lot of time collecting water and carrying heavy containers. Some female refugees reported being physically and sexually attacked as they travelled to fetch wood and water. For example, in Kenya at the Dadaab camps, refugee women from Somalia were often attacked by bandits (Kagwaja, 2000; Martin, 2004). Some female refugees were also exposed to sexual harassment during their long journey to collect water and wood (Hamilton, 1999).

Concerns about safety and security impede access to health care services. According to Martin (2004) female refugees were less likely to visit clinics because they had to pass insecure areas. The clinics were located far from refugee communities and they were scared of being attacked on their way to the clinic. In some refugee camps, like in Pakistan, there were more male health workers than females (Martin, 2004). The absence of female health workers prevented women from accessing health care services. Cultural values that prevent women from being attended to by men who are not related to them hindered refugee women's access to health care services. Some camp leaders asked for bribes or sexual favours in exchange for health care service in Hong Kong (Martin, 2004).

Hajdukowski-Ahmed *et al.* (2008) noted that after forced migration families were forced to deal with new living arrangements. Fathers had joined the military forces or died during the war, leaving women as heads of families. Children and relatives died due to disease and hunger. First, women were responsible for domestic work, and after forced migration females had to take over men's responsibilities (Hamilton, 1999). Women found themselves as heads of households and were forced to depend on external help from humanitarian organizations. Some officials working at humanitarian agencies required sex in exchange for services. Other refugee women were forced to seek employment outside the home. This resulted in women not being able to fulfil their traditional domestic functions (Martin, 2004). Forced migration destroyed the society's traditional values. Many traditional cultures required women to be separated from strange men. During humanitarian emergencies women were located in camps with many unrelated men. This created insecurities amongst men as their wives were exposed to strange males and sometimes led to domestic violence.

Inaccessibility to health care services hindered the well-being of refugee women. They were more exposed to health risks than males (Hamilton, 1999). Complications from pregnancy due to a lack of midwives and poor lighting during birth resulted in health risks for women. According to Martin (2004) refugee women were also susceptible to waterborne diseases, as they were responsible for collecting water in refugee camps. Sometimes water was contaminated, causing illness such as infectious hepatitis, typhoid, dysentery and cholera (Martin, 2004). Women were also at risk of contracting illness carried by small insects that bite or breed next to the river like malaria, sleeping sickness, red blindness and yellow fever and being infected by STDs after having being sexually attacked on their way to fetch water (Martin, 2004).

Refugees had limited access to education in the camps because there were inadequate resources, classes and teachers (Martin, 2004). There was a lack of sanitary supplies and girls were scared of being humiliated at school (Women's Commission for Refugee Women and Children (WCRWC), 2000a). The cost of education was high and displaced people could not afford it. In Burundi refugee parents could not afford school fees, clothing and books (Martin, 2004). Some had asked government for financial assistance which had been refused. In Sudan and Uganda girls could not go to school because buildings were destroyed and pupils and teachers were killed and abducted (WCRWC, 2001b). Most Sudanese girls were not allowed to go to school because their families feared that they would be sexually harassed on their way.

2.5.2 Refugee Women in Urban Areas

Some refugees may settle in urban areas because there are no refugee camps in a particular country, for example in South Africa and Zimbabwe. Other refugees settle in an "urban area based on the assessment that they will make them relatively better off" (Kobia and Crabfield, 2009:4). There is a view that is a natural connection between urban areas and refugee camps (Sommers, 1999; Horst, 2002; Jacobsen, 2004; Crisp *et al.*, 2009). Some refugees leave the camps so they can work to support their families. Refugees often argued that living conditions in camps are bad and money is scarce. In refugee camps social services may be concentrated in one area, while in urban areas assistance centres are spread out (Kobia and Crabfield, 2009:4). In urban areas there are no movement restrictions as compared to camps. Education, health, accommodation and employment opportunities are better in urban areas than in camps and refugees can become independent and self-sufficient.

Urban employment in the informal economy is common amongst refugees, mostly in countries that are not part of the 1951 Convention (Sommers, 1999; Horst, 2002; Jacobsen, 2004). Denied access to formal employment, refugees often seek jobs in the informal sector, hiding their legal status. Employers often exploit refugee workers, pay low wages, and demand longer working hours in uncondusive working environments. Under such circumstances refugees will struggle to support their families. Refugees usually do not report such cases due to fear of possible identification, detention and deportation (Sommers, 1999; Campbell, 2005; Kobia and Crabfield, 2009). Refugees who pursue small businesses bring their expertise from their home countries. The authorities may turn a blind eye to refugees' informal business activities because of their contribution to the economy and the fact that

they are not a burden on the state. For example, in Nairobi, Somalian-run businesses are integral to the informal economy (Sommers, 1999).

There is a gendered dimension to the experiences of men and women in the cities (Gururaja, 2000). Women may live in urban areas in unhealthy conditions with lack of access to services such as sanitation, health care and education. Refugee women may have no or limited access to employment, while they are expected to feed their families (Gururaja, 2000). Sometimes they may be exploited by their employers. Women may be at risk of being sexually exploited by landlords as they do not have the money to pay for rent and food. Women may be less equipped than their male counterparts. Males may have resources or survival strategies to overcome a crisis situation (Sommers, 1999; Horst, 2002; Jacobsen, 2004). Refugee children usually engage in employment without being aware of the dangers of child labour. Child labour occurred in Pakistan amongst Afghan refugees. Some girls may be motivated by poverty to marry at a young age to curb the economic burden.

2.6 The UNHCR and Gender Dynamics

The 1951 UNHCR and the 1969 OAU definition of a refugee did not include gender based persecution experienced by women. Furthermore, men were favoured over women when refugee applications were assessed (Crawley, 2000; Martin, 2004; Boyd and Pikkov, 2005 and Hyndman and De Alwis, 2008). Refugee women faced the following difficulties in their countries of origin: domestic violence; prejudice due to traditional customs; forced marriage; forced abortion; forced to witness killings; tortured through sexual violence; forced pregnancy; and human trafficking abductions (Boyd and Pikkov, 2005). Female refugees also faced sexual harassment during and after their journey, and experienced difficulties in accessing government social services and livelihood opportunities in host countries.

It was only in the past few decades that the issues of women began to be included in the UNHCR's policies and programmes. In 1975 the General Assembly of the UNHCR in Mexico "proclaimed 1976-1985 as the UN Decade for Women: Action for Equality, Development and Peace" (Martin, 2004:147). The World Plan of Action was adopted to overcome the challenges experienced by female refugees. At the following mid-decade conference it was expected that some minimum goals would have been met, including: increased participation of women in decision making; equal access to education; increased access and provision of health care services; equal rights to vote and recognition of women's activities. The mid-decade conference was held in July 1980 in Copenhagen. The problems

facing refugee women were discussed and resolutions were adopted (Hajdukowski-Ahmed *et al.*, 2008). Several recommendations pertained to the reasons for migration and state's responsibility to assist and protect refugee women. They included the following:

- Governments should punish those who exploit children and women refugees and take measures to prevent further atrocities;
- The UNHCR, together with other United Nations (UN) agencies, must create the necessary programmes to deal with the needs of displaced and refugee women. Such programmes must specialize in education, employment and health care opportunities;
- The UNHCR should create and implement programmes for family reunification and resettlement;
- The UNHCR must increase the number of female staff in senior positions to assist refugee women; and
- Information regarding family planning and contraceptive methods must be freely available and distributed to refugee women and men (Martin, 2004).

According to Martin (2004) during the second half of the decade the World Plan of Action called for:

- Counselling and assistance for refugee women, with an emphasis on developing self-reliance;
- Special health care measures and counselling by female health practitioners where needed;
- Special programmes to feed lactating and pregnant women;
- Educational and skills training opportunities including language acquisition and programmes to assist refugee women to generate an income; and
- Refugee camps should have international personnel to discourage attacks and exploitation of refugee women.

These strategies were an attempt to better understand the challenges and needs of refugee women. However, the implementation of the above recommendations was difficult and little progress was made because of a lack of resources and funding.

In 1985, the UNHCR Executive Committee decided that all countries were “free to adopt the interpretation that women asylum seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a particular social group” (National Consortium on Refugee Affairs (NCRA), 1999:5). In 1985,

at the end of Decade for Women, the UN established refugee women's groups and associated NGOs under the banner of the UNHCR, aimed at tackling the problems faced by female refugees identified at the Nairobi Conference (Hajdukowski-Ahmed *et al.*, 2008).

The UNHRC formulated policy frameworks that insisted that females be placed in developmental programmes (El-Bushra, 1995). One such framework was the Women in Forced Migration (WIFM) policy which received institutional recognition in 1985 at the third Decade for Women Conference in Nairobi, Kenya (Indra, 1999). The WIFM approach started to be integrated in charters, programmes and discourses of organizations responding to humanitarian emergencies. The approach was rooted in the belief that refugee women have special needs and are more vulnerable than men. It suggested that more resources and specific programmes should be allocated to women to address their vulnerabilities (Torres, 2013). In addition, women refugees were entitled to civil human rights and especially the right to protection from violence, abuse, exploitation and harmful cultural, religious and traditional practices, access to social justice and to be involved in all decision making in matters relating to their lives and those of their children. The UNHCR implemented projects such as ceramic, handicraft and soup making to meet the needs of refugee women and some programmes were successful (Torres, 2013). However, other projects suffered from a lack of funding (Indra, 1999).

In 1990, the Executive Committee of the UNHCR ruled that severe discrimination against women as defined in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) could be one of the bases for granting refugee status (NCRA, 1999:5). The discrimination against women means “any differentiation, exclusion or restriction applied due to sex, which irrespective of marital status of women, lead to limited exercise, use and recognition of human rights and fundamental freedoms by women in political, economic, social, cultural, civil or other field” (UN, 1979a:5).

In 1991, the UNHCR issued its “Guidelines on the Protection of Refugee Women” to overcome the challenges faced by female refugees (Martin, 2004:152). The Guidelines included the suggestion that legal procedures be reformed to include gender-based persecution and also suggested interview techniques when dealing with claims of this nature (Martin, 2004; Hajdukowski-Ahmed *et al.*, 2008). Crawley (2000) saw the UNHCR guidelines as a strategy that can be used to raise awareness of specific difficulties experienced

by displaced women. The 1991 UNHCR guidelines defined female refugees as a vulnerable group whose physical security was at risk during and after their journey. Upon their arrival in the destination country, women needed to apply for refugee status which was important for the protection and assistance of females. Women often faced difficulties in acquiring refugee status if they cited gender-based persecution as a reason for their application for asylum. The 1991 UNHCR guidelines recognised gender-based persecution in assessing applications (UNHCR, 1991b). The 1991 guidelines further provided measures to protect women from physical violence, human trafficking abduction, and sexual violence, and to ensure that they had access to food, health care services, and education and could participate in economic activities (UNHCR, 1991b).

Almost a decade later, an assessment by the WCRWC (2002c) showed that there had been some progress in implementing the 1991 UNHCR guidelines. On the positive side, the guidelines had improved efforts to protect women including: the increased number of girls enrolling at schools; refugee women being included in camp management; women were involved in food distribution; an increased number of women were employed as health care workers; and the availability of the reproductive health care facilities and counselling services for women suffering from trauma (WCRWC, 2002c).

However, the problems of refugee women continued to increase. The 1991 UNHCR guidelines were poorly implemented due to the following reasons (WCRWC, 2002c):

- Lack of organizational commitments to address the needs of refugee women;
- The UNHCR's work settings were challenging. It worked in unsecured, dangerous and impoverished environments;
- Some states failed to fulfil their responsibilities under international law and made the protection of refugee women difficult;
- Refugee women and girls' unequal status in the society in which they were located; and
- A lack of funds and resources made it difficult to implement the guidelines.

The 1991 guidelines were also criticized at the international refugee women's conference held in Toronto in 1993. The conference was entitled 'Gender Issues and Refugees: Development Implications' (Martin, 2004). The 1991 guidelines emphasized the protection

and participation of women only, excluding men as well as socio-economic contexts. The conference emphasized the need to address the problems of refugee women through a gender integrated approach. Furthermore, gender issues should be mainstreamed in all assistance and protection programmes. Humanitarian agencies were aware of the needs of refugee women, however, the implementation of the UNHCR guidelines was lacking. Hence, the situation of refugee women was still precarious (Hajdukowski-Ahmed *et al.*, 2008). This was attributed to a lack of funding, inadequate staff and the environment in which women were located.

The French Commission for Appeals of Refugees recognized FGM as a form of persecution in terms of the 1951 UN Convention in 1991 (NCRA, 1999). In 1993, the Executive Committee of the UNHCR issued guidelines on the evidentiary processes to be used by countries during refugee status determination. The UNHCR Executive Committee agreed that people who had experienced sexual violence should be treated with specific sensitivity (NCRA, 1999). Furthermore, the UNHCR recommended that all countries establish training programmes for officials involved in asylum determination in order to ensure that they are sensitive to culture and gender (NCRA, 1999).

Canada was the first state to produce guidelines in March 1993, including gender under membership of a social group, in terms of the 1951 UNHCR Convention (NCRA, 1999). In 1996, the Canadian guidelines were revised and restructured. Today, these guidelines act as guide for other states in addressing gender-based claims. Canada was followed by other states, such as Australia, the United States of America and United Kingdom (NCRA, 1999). However, most countries have not amended their current law to include gender or sex under social groups. Rather they have set non-binding procedures on how asylum determination officials may assess gender-based claims (NCRA, 1999). South Africa is the only country to include gender under membership of a social group (NCRA, 1999).

A second set of guidelines were issued in 1995 by the UNHCR, entitled 'Sexual Violence against Refugees: Prevention and Response'. These were specifically intended to protect women refugees from sexual violence (UNHCR, 1995d). The 1995 guidelines provided ways to address sexual violence and emphasised the provision of training, education and awareness campaigns. According to the UNHCR (1995d:3) the 1995 guidelines "seek to promote attitudinal changes in relation to sexual violence where there are obstacles, to improve or initiate services that address psycho-social as well as health needs, and, overall, to create an awareness and sensitivity to special needs and concerns of refugees who have been subjected

to sexual violence". The UNHCR, NGOs and state governments needed to ensure that the necessary steps were taken to prevent sexual violence (UNHCR, 1995d).

The 1991 and 1995 guidelines were based on the notion that refugee women have special needs and concerns (Martin, 2004). The UNHCR implemented developmental projects for refugee women so they could access jobs and meet their basic needs. Some projects designed for women did address their needs. These included ceramic, handicraft, and soup making as well as repairing tractors and bicycles (Hajdukowski-ahmed *et al.*, 2008). However, other projects suffered from a lack of funding and did not generate a profit as expected. The developmental programmes were criticized because they focused on the needs of female refugees in isolation, as if they were living separately from males. Instead of empowering women, they increased inequality between men and women (Hajdukowski-Ahmed *et al.*, 2008). Measures to protect refugee women from gender-based violence failed because most humanitarian agencies remained gender neutral. The 1991 and 1995 guidelines could only be effective during a crisis, yet refugee camps were becoming long term and almost permanent (Torres, 2013).

There was a need for a paradigm shift in terms of the policy framework from looking at the needs of women only, to focussing on both female and male refugees' issues. Gender mainstreaming was endorsed at the 'Beijing Platform for Action' during the UN Fourth World Conference on Women held in Beijing in 1995 (UN, 1995b; El-Bushra, 1995). All countries agreed to recognize claims made by women on the basis of well-founded fear of persecution, comprising torture by sexual attack and other gender-based persecution (UN, 1995b). The adoption of gender perspectives during humanitarian emergencies was encouraged (UN, 1995b). This focused on removing harmful cultural and traditional practices, while promoting women's human rights (Torres, 2013). NGOs and humanitarian agencies were encouraged to adopt gender perspectives in their projects and programmes. However, some NGOs resisted adopting a gender perspective (Indra, 1999). Furthermore, this perspective improved refugee women's access to social services and promoted greater awareness of their needs but did not confront ideological discrimination against female refugees. Gender perspectives failed to consider the power relations in which refugee women were trapped (Indra, 1999). If projects were designed for both males and females, they always favoured men. For example, in Sri Lanka, capacity building training included

programmes such as welding, carpentry, and tractor and bicycle repair, while women were not allowed to work outside household (Hyndman and De Alwis, 2008).

At the Beijing Conference in 1995, countries agreed to give female refugees legal status if their claims were based on well-founded fear of persecution including sexual attacks and other gender-based persecution (UN, 1995b). The 1998 Report of the UN Special Rapporteur on Violence against Women urged states party to the 1951 UNHCR to adopt guidelines with respect to gender-based claims. The UNHCR issued a third set of guidelines in 2002 which focused on ‘Gender-Related Persecution’. The intention was to ensure that national policies consider gender-based violence a form of persecution. The traditional definition of refugee was based on the framework of men’s experiences. This meant that the experiences of homosexuals and women were ignored (Gururaja, 2000). Understanding of gender and sex in the refugee context has advanced in international law. The 2002 guidelines also emphasized gender awareness and sensitivity during the application process for refugee status (Martin, 2004; Hajdukowski-Ahmed *et al.*, 2008). Gender is referred to as the relationship between men and women, which is socio-culturally constructed and identifies status, role, and identity as well as the responsibilities allocated to each sex (NCRA, 1999). Gender-related claims apply to both males and females, but are commonly raised by women. They are not limited to domestic violence, and include FGM, sexual violence, forced family planning, discrimination against homosexuals and punishment for transgression of social mores (NCRA, 1999). The following discussion illustrates how gender-related claims are included in the definition of refugee.

2.6.1 Gender-related Refugee Claims

Well-founded fear of persecution: According to UNHCR (2002e:3) “Female and male applicants may be subjected to the same forms of harm, they may also face forms of persecution specific to their sex”. International criminal and human rights laws recognize other acts as violation of the laws, including sexual violence. Sexual violence is classified as serious abuse and is a form of persecution. Sexual attacks as well as other forms of gender-based violence including FGM, dowry related violence, trafficking and domestic violence cause severe suffering and injury, whether perpetrated by state or non-state actors.

Discrimination amounting to persecution: According to the UNHCR (2002e:4) a “gender-related claim is also an analysis of forms of discrimination by the state in failing to extend protection to individuals against certain types of harm”. Domestic violence cases or abuse attributed to one’s different sexual orientation can also be analyzed in this context.

Sexual orientation: A person can be persecuted and discriminated against because of his or her sexuality. In most cases an individual may have refused to perform the cultural or social roles attributed to his or her sex. For example in many societies homosexuality is illegal and people have been persecuted because of their sexual orientation (UNHCR, 2002e).

2.6.2 Convention Grounds

The well-founded fear of being persecuted must be linked to the Convention grounds in terms of “race, religion, nationality, membership of particular grouping or political opinion” (UNHCR, 2002e:6). The fear of persecution can be attributed to one or more Convention categories:

Race: Men and women can experience racial persecution in different ways (UNHCR, 2002e). For example, in a war, the persecutor may want to destroy certain racial or ethnic groups by injuring, imprisoning or killing men, while women may be sexually attacked.

Religion: In many societies religion ascribes certain behavioural codes and roles to different sexes. If a woman fails; refuses or does not fulfil her roles, she can be punished. Women may have a well- founded fear of persecution because of religion (UNHCR, 2002e).

Nationality: refers “to membership of an ethnic or linguistic group and may occasionally overlap with the term race” (UNHCR, 2002e:7).

Membership of Particular Social Group: Gender-related claims are often analysed under this category. A social group is defined as a group of people that have similar characteristics but face different forms of risk of persecution (UNHCR, 2002e). Their characteristics are unchangeable, innate, important for identity, and an affirmation of human rights. Females are an example of a social group, defined as immutable and innate and are treated differently from males. Women are a group in the society that receives different standards and treatment in most countries. The category can also include transsexuals, homosexuals and transvestites (UNHCR, 2002e).

Political Opinion: This includes any opinion on matters where society, government, the state, or policy is involved. The claimant is assumed to be holding an opinion which is not accepted or tolerated by society or the authorities: “It is not always necessary to have expressed such opinion or to have already suffered any form of discrimination or persecution; rather it is based on an assessment of the consequences that a claimant having certain dispositions would have to face if he or she returned” (UNHCR, 2002e:8). Females generally do not get involved

in high profile political activities as males. Women may be persecuted because of their relatives' involvement in politics. Sometimes women may work as nurses in rebels' camps and not intentionally support them. The persecutor may see women as part of the rebel group and punish them (UNHCR, 2002e).

2.6.3 Women and Status Determination

A person that has faced gender-based persecution needs a supportive environment and should be reassured that all information presented is confidential. Due to trauma, some claimants are too scared to tell the truth about the causes of their persecution. Hence, they are afraid that the asylum determination officials may reject their application. The UNHCR (2002e) guidelines provided procedures that need to be followed in such cases:

- Female asylum seekers need to be interviewed alone without family members or a male presence. This will ensure that women speak without fear;
- It is important that female asylum seekers are given information regarding the status determination process and legal advice in a language that they understand;
- Claimants should be told that they have the right to interviewers and interpreters of the same sex. Interviewers and interpreters need to be gender sensitive;
- Interviewers should build trust with the claimants so that they are able to talk about sensitive topics;
- The interviewers and interpreters need to introduce themselves and explain their role and the purpose of the interview. They must assure the claimant that all information presented would be treated confidentially;
- The interviewer must remain objective, compassionate, and neutral. Claimants must be allowed to tell their stories without being interrupted. How women react during the interview must not affect their credibility. Interviewers and decision makers must understand that trauma can adversely affect people;
- Questions relating to gender needs to be incorporated into the asylum interview process. Female asylum seekers that have been involved in political activities usually do not provide relevant information. Women asylum seekers often fail to relate

information about torture, and the type of persecution they fear such as FGM and rape; and

- Medical staff such as counsellors and psychologists should be made available if necessary before and after the interview.

While some countries adapted these guidelines and procedures in their legislation, others developed their own guidelines and policies but on the same grounds. The UNHCR encouraged states to ensure that their asylum application laws and procedures were gender sensitive. South Africa was the first developing state to include gender-based persecution as the reason for asylum and distinguished itself as a country committed to women's rights and gender equality.

2.7 South African Refugee Policies

South Africa recognized gender-based persecution in terms of the Refugee Act, No. 130 of 1998. The South African Refugee Act, No. 130 of 1998 uses both the UNHCR and OAU definition of refugee (Middleton, 2008). In 1993, South Africa and the UNHCR signed a memorandum agreeing to allow refugees into the country. This agreement included the criteria for determining refugee status and the foundation for refugee reception was established (Department of Home Affairs (DHA), 2013b). In 1995 South Africa agreed to include the OAU extended definition of refugee (Crush, 2000). In 1996 the 1951 UNHCR definition of refugee and its protocol of 1966 were incorporated (DHA, 2013b). The Refugee Act, No. 130 of 1998 was established on the recommendation of the 1997 Green Paper on International Migration designed to deal with refugees. Dodson (2001) pointed out that the Green Paper was silent on gender issues. She argued that there was no explanation as to why the majority of refugees entering the country were men and questioned whether they left their female counterparts, children or parents behind.

Canada (1993), the United States of America (1995) and the United Kingdom (2004) recognized gender-based persecution but did not incorporate it in their legislation (Oxford, 2005; Ceneda and Palmer, 2006; Middleton and Palmary, 2008). "In South Africa, gender-based persecution is recognised as a legitimate reason for asylum" (Middleton, 2008:7). The South African Refugee Act, No. 130 of 1998 incorporated gender under social grouping and described a social group as including "group of person of the particular gender, sexual orientation, disability, class or caste" (Republic of South Africa, 1998e: 4).

Gender-based persecution was incorporated under social groupings as one of the five grounds on which refugee status can be granted. According to Middleton and Palmary (2008) many women asylum seekers in Africa flee because of the gender-based violence associated with conflict and harmful traditional practises. Gender-based violence needed to be clearly defined under the Refugee Act, No. 130 of 1998. The NCRA proposed guidelines in 1999, to further define gender as a basis for asylum determination in the Refugee Act, No. 130 of 1998 (NCRA, 1999). The proposed guidelines were similar to those of Canada (Middleton and Palmary, 2008). The guidelines also suggested methods which could be used by immigration officers when assessing asylum claims (Alfredson, 2009).

2.7.1 South African Gender Guidelines

Women experienced different forms of persecution. The South African guidelines recognized gender-based persecution in four ways (NCRA, 1999; Valji *et al.*, 2003; Middleton and Palmary, 2008):

- i. Females may fear persecution on the same grounds as males. For example, an individual can be persecuted because of her particular belief or identity. In this case, women could face similar persecution; however, the nature of the harm feared may be different from that of a man, for example, sexual harassment and attacks;
- ii. Women might fear persecution because of spousal or familial relationships. Women may be persecuted in order to intimidate or threaten family members due to the assumption that they hold similar beliefs;
- iii. Women can fear persecution on gender grounds or are at risk of being harmed by private citizens and the state is unwilling or unable to protect them; and
- iv. Women may fear persecution because of social or customary mores and transgressing religious precepts.

2.7.2 Refugee Determination Process in South Africa

i) Step One

Figure 2. 1: Procedures at the Port of Entry (POE)



Source: DHA (2013b:10)

An asylum seeker needs to declare him or herself at the land border post, harbor or airport in South Africa. Border officers are urged not to refuse an asylum seeker entry; if the asylum seeker does not understand the local language, they must arrange for an interpreter; and assist the asylum seeker to complete the application form for a transit permit (Annexure 1). After completion of the application form, the asylum seeker is given the asylum transit permit (Annexure 2) issued under Section 23(1) of the Immigration Act, No. 19 of 2004 (Republic of South Africa, 2004h). The asylum transit permit is non-renewable and is valid for 14 days (Republic of South Africa, 2004h). It serves to authorize the person to quickly report to the closest Refugee Reception Office (RRO) in order to apply for asylum seeker status under Section 21 of the 1998 Refugee Act, No. 138 of 1998 (DHA, 2013a).

ii) Step Two

Figure 2. 2: Refugee Reception Process



Source: DHA (2013b:12)

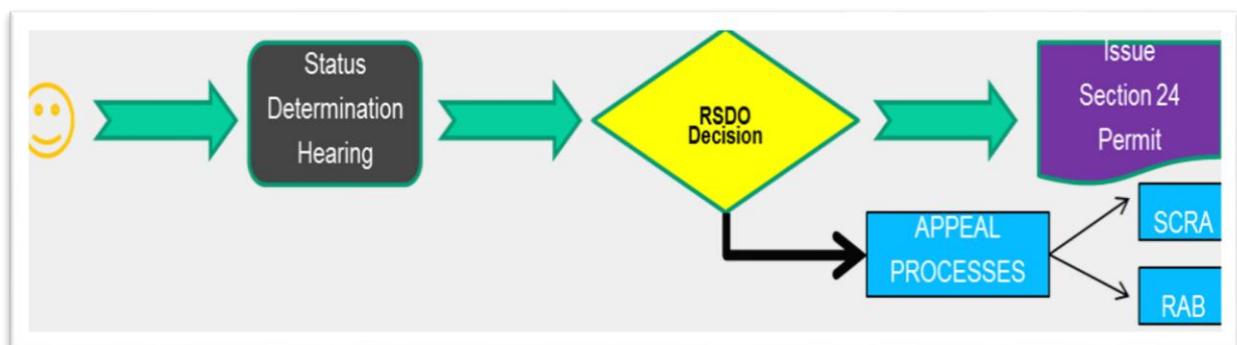
The RRO functions are established in terms of the Section 8 of the Refugee Act, No. 130 of 1998 (DHA, 2013b). There are five RROs in South Africa and each of these offices has one qualified refugee reception officer who performs the initial interviews (Republic of South Africa, 1998e). All refugee status renewals, interviews and hearings are done at the RRO. At

the RRO, the asylum seeker is expected to furnish: a Section 23 permit; any proof of identification from the home country; and travel document, if available (DHA, 2013b). The asylum seeker is fingerprinted and two pictures are taken. The first interview is done by the RSDO and the applicant fills in a B1-1590 determination form (Annexure 3).

The RSDO gives the applicant a temporary asylum seeker permit (Annexure 4) under Section 22 of the Refugee Act, No. 130 of 1998 (Republic of South Africa, 1998e). The RSDO sets a date for a hearing for refugee status determination within 30 days. The temporary asylum seeker permit is valid for six months, allowing asylum seekers to stay in South Africa while the decision on the asylum application is pending (DHA, 2013a). The asylum application must be finalised within 180 days (DHA, 2013b).

iii) Step Three

Figure 2. 3: Refugee Adjudication Process



Source:DHA (2013b:15)

The RSDO conducts the second interview with the applicant and decides whether or not the applicant should be granted asylum (DHA, 2013b). The RSDO decides whether the person meets the requirements of being a refugee in South Africa under Section 3 of Refugee Act, No.130 of 1998 (Republic of South Africa, 1998e). A person who is recognized as a refugee is granted asylum and issued a formal recognition of refugee status (Section 24 Permit) which is valid for two years. The refugee can now apply for refugee identification and travel documents (Annexure 5 and 6). If a person want to continue to stay in South Africa, he/she needs to renew their refugee status before its expires (DHA, 2013b).

A person that has been rejected “as manifestly unfounded, is immediately referred to the Standing Committe for Refugee Affairs (SCRA)” to review the decision taken by the RSDO (DHA, 2013b:15). If an asylum seeker has been rejected but believes he/she has a well-

founded fear of persecution, he/she must lodge an appeal within 30 days with the Refugee Appeal Board (RAB) (DHA, 2013b). If an asylum seeker is finally rejected, he/she is given 30 days to leave the country.

2.7.3 The Rights of Refugees in South Africa

According to the South African Refugee Act, No. 130 of 1998 a refugee has a right to “enjoy full recognition of full legal protection which includes the rights set out in Chapter 2 of the Constitution” except the right to vote (Republic of South Africa, 1998e:10). The refugee has a right to: receive refugee status; remain in South Africa; an identity document as referred in Section 30 of the Refugee Act, No. 130 of 1998 and travel documents (Republic of South Africa, 1998e).

Table 2.1: The Rights of Refugees under Chapter 2 of the Constitution

Chapter 2 of the South African Constitution confers a number of rights on refugees, including the right to:

- Equality
- Human dignity
- Life
- Freedom and security
- Not be subjected to servitude, slavery and forced labor
- Privacy
- Freedom of belief and religion
- Freedom of expression and opinion
- Assembly, picket, petition and demonstration
- Associate with NGOs, non-political organizations and trade unions
- Freedom of residence and movement
- Freedom of occupation, trade and profession
- Labor relations
- A clean environment
- Access to property and lease as well as other contracts
- Access to emergency and primary health care services, water, food and social security
- Access to primary, secondary and tertiary education
- Freedom from detention and arbitrary arrest

- Language and culture
- Access to information
- Access to employment or be self-employed
- Access to the courts and to be considered a person before law

Source: (Republic of South Africa, 1996c:1247-59).

2.8 Challenges Facing Refugee Women in South Africa

South Africa is the only country in the Sub-Saharan African region with policies that integrate refugees in the mainstream society. Other Sub-Saharan African countries rely on policies that isolated refugees in camps. The Refugee Act, No. 130 of 1998 was considered progressive legislation by NGOs and governments, which would honour the 1951 Convention and provide protection for refugees. However, assessment of this legislature is discouraging (Crush, 2000). Refugees were experiencing difficulties in exercising their rights set by the South African Constitution (Harris, 2001; Crush and William, 2002; Amisi, 2005a; Sigsworth *et al.*, 2008; Maharaj, 2009c). Peberdy (2001) argued that most refugees are not aware of the legislation and the Constitution and this makes it hard for them to claim their rights. The next section focuses on the challenges faced by refugee women in South Africa.

2.8.1 Interaction with the DHA

During the apartheid era, the DHA was seen as the most corrupt government department in South Africa. Even today, it is characterized by arbitrary and administrative incompetence, and uninformed decision making (Landau, 2004b). Refugees and asylum seekers face difficulties when applying for identity documents. Identity documents promote social integration, safety and security, and a sense of belonging, and enable foreigners to exercise their rights (Landau, 2004a). The NGO Human Rights Watch conducted a study in 1996-1997 which revealed that there were high levels of corruption during the refugee determination process (Landau, 2004b). Segale (2004:47) provided the following example: “refugees and asylum seekers consistently allege that they were not allowed into Refugee Reception Centres unless they were willing to pay bribes to security guards at the doors of the building”.

Asylum seekers receive Section 22 permits while waiting for their status to be considered. Section 22 permits need to be renewed at least twice a year and this is done through the RRO. The backlog of asylum seeker applications at the RRO has been used by some refugees to

legitimize their stay in South Africa. Due to the backlog, most asylum seekers' status is unclear and they are not able to exercise their rights (Landau, 2004b). Consortium for Refugees and Migrants in South Africa (CoRMSA) (2009b) identified the following causes of refugee status determination delays in South Africa: the lack of refugee reception offices; language barriers; the increase in the influx of refugees; and insufficient staff at the DHA. In applying for asylum, female refugees faced difficulties in communicating with officials and required interpreters. Sometimes there was a shortage of interpreters and this resulted in asylum applications being delayed (Sigsworth *et al.*, 2008). Sterken (2003) study at the RRO in Cape Town showed that there were long queues, misleading signs, no facilities for children and the disabled and inconsistent procedures. Furthermore, refugees complained that signs were written in English, and that there were document delays and xenophobic behaviour on the part of RRO officials (Sterken, 2003).

Sigsworth *et al.* (2008) found that it was difficult, time consuming and humiliating for refugees to access legal status in South Africa. Home Affairs officials harassed women if they did not have the right documentation, despite that fact they were not told what exactly was required. Valji *et al.* (2003) argued that some authorities often assumed that women were appendages of their husbands and that their experiences were the same. Taking refugee status as family left women entirely dependent on men and increased the rate of domestic violence. Women were forced to stay with abusive partners even if they do not want to, for the sake of their legal status. It was common for files to go missing and to contain the wrong information, causing delays in acquiring legal status. Some DHA officials disrespected and verbally abused women. It was also reported that some DHA officials were requesting bribes in order to grant women legal status (Sigsworth *et al.*, 2008). The DHA has attempted to address these problems through internal anti-corruption programmes; however little progress has been made.

South African asylum procedures were characterized by high degree of uncertainty. A Southern African Migration Project (SAMP) survey in 2004 on the quality of refugee services delivery in South Africa showed that RRO officials were unfamiliar with the Refugee Act, No. 130 of 1998 (Davids *et al.*, 2005). Valji *et al.* (2003) argued that if the asylum seeker's home country was not at war, the RSDO often rejected the asylum application. Refugee women who gave gender-based violence such as rape and sexual torture as a reason for asylum were often rejected (Middleton, 2008). However, the International

Criminal Court and South African law recognize gender-related claims including sexual slavery, rape, forced pregnancy and other different forms of sexual violence as possible crimes against humanity during war (Valji *et al.*, 2003). Davids *et al.* (2005) noted that there is a great need for training programmes to ensure that staff understands the legislation.

2.8.2 Access to Government Social Services

The UN Refugee Convention states that refugees should be entitled to the same treatment as nationals with regard to education, social security and health care services. However, there are no adequate policies to ensure that refugees' children have access to education. CoRMSA (2008a) asserted that refugee children were not able to access basic education because they were excluded by school administrators. They were also the target of xenophobic comments by other students and teachers. It has been reported that in Durban, refugee children were unable to access basic education because they were not accepted in a number of public schools (Amisi, 2005a). Some refugee women could not afford to pay their children's school fees. Refugee women also did not have access to adult basic education. Amisi (2005a) noted that in Durban there was a need for adult basic education for refugee parents who did not have the opportunity to study in their country of origin. Adult refugees need an education in order to improve their lives and get a better job. This type of education can be also advantageous to refugee women as they will be able to help their children with their homework.

Pursell (2004) argued that some health workers ignored refugees in public hospitals and clinics. CoRMSA (2011c) noted that many refugees were denied treatment in clinics and hospitals. Some refugees did not have access to Antiretroviral (ARV) treatment from clinics and hospitals because they did not have green identity documents. Amisi (2005a) asserted that refugee women's experiences in clinics and hospitals were very traumatising and some medical staff did not attend to them. According to CoRMSA (2011c) some African refugee women had performed FGM as part of their culture, and when they went to clinics or hospitals, nurses and doctors would laugh at their private parts and call other nurses to come and have a look. This upset refugee women and they felt like not going to clinics even if they were sick. The inability to access health care facilities affected the women most. Pregnant women needed to attend clinic, and were at risk of losing their baby or their lives. Other refugee women were exposed to sexual violence during their journey, were infected by HIV/AIDS and needed ARV treatment (CoRMSA, 2009b). Most refugee women did not

have the money to pay for private health care (CoRMSA, 2009b). Sigsworth *et al.* (2008) argued that language also prevented female refugees from accessing health care services. When refugee women went to clinics, they were not able to communicate with doctors and nurses.

Social disability and foster child care grants were extended to refugees. According to Voice of Cape (VOC) (2013) the Social Assistance Act, No. 13 of 2004 allows refugees to apply for social grant that are available to all South African citizens. Refugees holding Section 24 permits are able to access social grants, while those that hold Section 22 permits and who are still asylum seekers are not able to apply for social grant. CoRMSA (2011c) reported that few foreigners were receiving social grants. Refugees were denied access to their rights by the officials working in the Department of Social Development (DSD) and South African Social Security Agency (SASSA). Ndyondya (2012) noted that some refugees were denied access to social grants because they did not have identity documentations. They also failed to produce the required documentation within the stipulated time. CoRMSA (2011c) noted that officials working at the DSD failed to explain to refugees that identity documentation were required to apply for a social grant.

In South Africa there are no refugee camps. Humanitarian organizations offer three months' rent to the most vulnerable refugees. Some refugees and asylum seekers were left homeless and forced to depend on social networks for accommodation. Nkai (2003) defined social networks as the link between the destination country and country of origin. Social networks help individuals to access information on the destination area, and provide financial assistance, and accommodation (Nkai, 2003).

Safety and security was not guaranteed amongst the refugee population. CoRMSA (2008a) found that refugees were facing harassment, bribery, verbal assault, detention and arrests by police officers in Johannesburg, Durban and Pretoria. Refugees were often arrested even though they had official documents. They were also forced to offer bribes in order to be released from prison or avoid being deported to their country of origin (CoRMSA, 2008a). When female refugees reported crime and domestic violence, they were often ignored or told to report their cases in their home countries, or were referred to other police stations until they give up (Sigsworth *et al.*, 2008a).

The CoRMSA (2008a) study found that women refugees were more vulnerable than males. According to Harris (2001) police officers requested bribes from refugee women in order to

be released, especially those whose refugee status had expired; the amount varied between R30 and R1 000. Those who did not have money were forced to have sex with police officers. One refugee woman refused and she was locked in prison until she made arrangements to pay R150. Foreign traders were also harassed by police officers (Harris, 2001). Police officers always checked immigration papers and if refugees did not have them, they would confiscate their goods. Sometimes even if refugees have documentation police officer would want to take the goods for free.

Sigworth *et al.* (2008) noted that non-national women in South Africa were not protected by the law for two main reasons: they lacked knowledge of their rights and the laws which are meant to protect them, and poor implementation of the law by the officials. Refugee women also experienced sexual harassment and xenophobic behaviour from police officers (Sigworth *et al.*, 2008). One refugee woman was attacked by South Africans during the attacks of May 2008 and suffered a miscarriage. The attackers were taken in by the police officers but after 30 minutes they were out on the streets. Public spaces were also identified as one of the areas where women were exposed to sexual harassment and verbal abuse (Sigworth *et al.*, 2008). When women were using public transport and walking on the street local men, taxi drivers and conductors threatened them, calling them '*amakwerekwere*' (Harris, 2001).

2.9 The Role of NGOs and Government

2.9.1 The Role of NGOs

NGOs are non-profit organizations that promote, implement and enforce human rights. They include humanitarian organizations, and human rights monitoring and advocacy groups (Steiner, 2000). NGOs play an important role in addressing the difficulties experienced by refugee women. They implement policies and programmes that aimed to tackle the issues of refugee women. For example, NGOs played an important role in assisting refugees in the 1979 war in Pakistan (Hyndman and De Alwis, 2008). They came up with programmes to alleviate their suffering and provided emergency services such as food parcels, shelter and health care services.

i) Growth of Refugee Women's NGOs

In 1985, the UNHCR contracted some existing NGOs to work as their representatives in addressing the problems experienced by refugee women (Hajdukowski-Ahmed *et al.*, 2008). The UNHCR became the co-founder of such organizations. Working Group on Refugee Women (WGRW) was formed in 1985 in Geneva, Switzerland. Refugee groups were then

established in other countries. For instance, the Women's Commission of Children and Refugees and the Australian National Consultative Committee were formed. The Women's Commission of Children and Refugees was established in the United State of America aimed to provide support to improve policies as well as programmes for displaced and refugee women (Martin, 2004). The Australian National Consultative Committee aims to improve the lives of refugee women at national and international level.

ii) South African NGOs

NGOs play an important role in ensuring that post-apartheid South Africa complies with international law and monitoring refugee programmes and policies. Different NGOs operate in South Africa have different approaches and mandates in assisting refugees. One of the organizations funded by the UNHCR is Lawyers for Human Rights (LHR). The LHR was established in 1980, to ensure legal protection for the provisions of the Universal Declaration of Human Rights in South Africa (LHR, 2013). It is an organization of lawyers and is the largest NGO in South Africa. The LHR deals with lawsuits, human rights education, penal reforms, law reforms and paralegal training. In 1996, the LHR established the Refugee Rights Project to strengths, enforce and advocate the rights of refugees and asylum seekers in South Africa (LHR, 2013). The LHR implements protection programmes for refugees like voluntary repatriation, local integration, resettlement and court appeals if they are denied refugee status (Amisi and Ballard, 2005).

CoRMSA is an NGO that is committed to the protection and promotion of migrants and refugees' rights. It consists of member organizations devoted to promoting the welfare of asylum seekers, refugees and other foreigners in South Africa. CoRMSA "uses its membership networks to advocate for the right based refugee and immigration policies and laws, promote best-practise models, and encourage compliance with minimum international and constitutional standard" (CoRMSA, 2009b:2). CoRMSA projects include research, advocacy, capacity building, public awareness and networking.

The Refugee Social Service (RSS) is another NGO that provides social assistance to refugees; it was registered in June 2008 (RSS, 2013). The RSS only assists refugees and asylum seekers that have legal documentation (RSS, 2013). It focuses on the most vulnerable groups such as: children, unaccompanied children, minors and orphans; newcomers; single parents; people who are ill; the disabled and old people (RSS, 2013).

Wits Law Clinic Advisers also work in partnership with other NGOs, to represent refugees, asylum seekers and illegal immigrants in the South African High Court and ensure that they are fully protected by the Constitution (Nel, 2001). They only assist individuals who cannot afford to pay for lawyers. They assist refugees, asylum seekers and illegal immigrants with legal issues including: helping asylum seekers and refugees make applications to the SCRA; presenting asylum seekers at the RAB, suing in the High Court when refugees and asylum seekers have been mistreated; helping refugees to get the work permits, travel documents and permanent residence in South Africa; and assisting in legalizing illegal immigrants in South Africa (Raymond and Carpenter, 2013).

NGOs in Durban include the Mennonite Church and Refugee Pastoral Care. These organizations provide food to refugees for the first two months in the form of 1Kg of rice, 1Kg of beans, 75 Cl of oil, 1Kg of sugar and shelter. The Mennonite Church provides medical assistance to refugees that are chronically ill and are denied access to public hospitals and clinics (Amisi and Ballard, 2005).

Refugee Pastoral Care was established in 2003 and is run by Catholic Archdiocese of Durban (Maharaj, 2009c). It focuses on Catholic social teachings, but they do not discriminate against anyone on the basis of religion. Refugee Pastoral Care was established as a result of the many refugees who visited the Archbishop's office seeking assistance (Refugee Pastoral Care, 2009). The office is situated in the Denis Hurley Centre, previously known as the Emmanuel Cathedral Parish Centre (Refugee Pastoral Care, 2009). Refugee Pastoral Care collaborates with other organizations involved in refugee ministry. They also collaborate with the RSS, lawyers, government departments (such as the DHA and DSD) and civil society organizations (Refugee Pastoral Care, 2009). Refugee Pastoral Care advocates the rights of refugees such as the right to health, education food and shelter (Amisi and Ballard, 2005; Maharaj, 2009c).

Other NGOs are run by refugees, for example the Hope Initiative in Durban formed in 2000 (Amisi and Ballard, 2005). This NGO runs HIV education programmes and provides condoms to refugees. The Hope Initiative uses trained foreign nurses. It assists newly-arrived refugees and does advocacy work (Amisi and Ballard, 2005). Another NGO is the International Refugee Services (IRS) which was established by refugees and concerned South African citizens in 2001 (Maharaj, 2009c). The IRS provides food, counselling, accommodation and clothing for refugees (Maharaj, 2009c).

There are also NGOs made to address women's issues in South Africa, such as Women for Peace (WFP) that focuses on issues such as rape and sexual harassment. WFP provides counselling to women and develops projects that will help women to be self-reliant. Women are trained to be home-based care workers so they can open their own pre-schools. Another NGO is Agisanang Domestic Abuse Prevention and Training (ADAPT), which provides support and counselling for abused women. ADAPT's initial focus was women but it now includes children, the youth, the elderly and men.

NGOs respond fast to humanitarian crises (Amisi and Ballard, 2005; Sinwell and Podi, 2007; Maharaj, 2009c; Dasai 2010). For example, during the May 2008 attacks, NGOs responded to the needs of displaced refugees. WFP volunteered to assist with cooked food and clothes for the displaced (Sinwell and Podi, 2007). Other NGOs were responsible for calming the community down and promoting peace. ADAPT volunteered to provide counselling for the displaced (Sinwell and Podi, 2007). LHR and the RSS built tents for refugees in the Albert Park area. They also provided refugees with food and blankets (Desai, 2010). Refugee Pastoral Care provided shelter for many refugees and was effective in providing resources and care because of its continued involvement in providing services to refugees (Maharaj, 2009c). All faith-based organizations became homes for displaced refugees.

2.9.2 The Role of the Host Government

According to Ongpin (2008), some host governments were often weak and had insufficient trained personnel to manage and assist with refugee programmes. Some host governments did not have sufficient funds and lacked the ability to contribute to the humanitarian emergency programmes developed by external agencies (Ongpin, 2008). This motivated the UNHCR and donor governments to provide funding for humanitarian assistance (Ongpin, 2008).

Sometimes host governments were obstacles in addressing refugees' needs. For example, when the NGOs needed a signature or came across a problem that required local official support, contact with local government was limited (Ongpin, 2008). The relationship between host governments and agency staff was sometimes antagonist, mutually distrustful and defensive. Their relationship can be described as one where the parties had the same goal of assisting refugees, but they were suspicious of each other. This resulted in humanitarian donors contracting NGOs because they were better in servicing refugees than government.

Most donor agencies and governments did not agree to fund host governments (Ongpin, 2008). Instead, funds were given to the UNHCR or NGOs. The UNHCR did not implement

programmes; rather, it contracted volunteer organizations to undertake specific projects. Sometimes the UNHCR only funded government departments designed to tackle the issues of refugee such as the DHA. There was an assumption that African government officials were corrupt and used the money for their own ends. Corruption has resulted in insufficient attention being paid to refugees' concerns.

In South Africa, local governments' response to the vulnerabilities of refugees was always insufficient and sometimes resulted in problems as they did not respond fast in humanitarian crises (Maharaj, 2009c). Local government officials tended to be ignorant of the issues confronting refugee women. Amisi and Ballard (2005) asserted that the Refugee Act, No. 138 of 1998 was promulgated to ensure that refugees receive proper services as South Africans. However, local governments did not consider the Refugee Act, No. 138 of 1998 and felt that refugees should be serviced alone and not together with citizens (Amisi 2006b). Some local governments claimed that no funds were allocated for refugees (Amisi 2005a). Refugees have rights to education, health care services and employment. South Africans, refugees and legal migrants are also entitled to municipal service delivery such as clinics, housing, education, safety and security and libraries. Amisi (2006b) asserted that in Durban, local government was not aware of refugees' rights. There were no plans to ensure that services were provided to refugees. Lack of awareness of refugees' rights has increased their vulnerability. Some local government officials thought that refugees should be serviced by the DHA.

According to Maharaj (2009c:3) "eThekweni response to the needs of foreigners have ranged from neglect to active hostility". Refugees were attacked, exploited and discriminated against. Other local governments add to the vulnerabilities of refugees. For example, during the attacks of January 2009 the ward councillor in the Albert Park area, Vusi Khoza led xenophobic attacks. The council's response lacked leadership and was disorganised. The local authorities only started to take action after 10 days (Sinwell and Podi, 2007). The UNHCR offered to provide tents and documentation for the displaced. Democratic Alliance (DA) leader Helen Zille complained about the slowness of local governments to respond to xenophobia. According to Zille, the government should have deployed the army to help the police to stop violence (Sinwell and Podi, 2007).

A study conducted by Palmary (2008b) in Cape Town municipality found that local government had failed to assist refugees with housing and security. One of the City officials interviewed felt that refugees should be serviced by the DHA or central government, rather

than local government (Palmary, 2008b). The official further argued that there was no land to build houses for migrants (Palmary, 2008b). Refugees were attacked and did not receive police protection.

2.10 Conclusion

This chapter examined the work of different scholars to explore the experiences of refugee women in their home and host countries. It discussed the causes of forced migration and how refugees are social constructed in camps and urban areas. The literature review revealed that female refugees continuously experience difficulties in their home and host countries. These experiences have only recently been recognized by the UNHCR. South Africa was one of the first countries to protect female refugees and include gender-based persecution as a reason for granting asylum. However, South African citizens do not acknowledge the rights of non-nationals (Crush and William, 2002).

Refugees in South Africa have at times struggled to obtain legal status in time because of inefficiencies in the DHA and corruption and could not access government social services. South Africa's Constitution and laws remains at the level of rhetoric when it comes to vulnerable groups. The South African government has the challenge of formulating and implementing policies which will effectively accommodate female refugees and end discrimination against them.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter presents the research methodology used in this study, including the sampling techniques, data collection methods and data analyses as well as study area. Kanjo (2010) defined research methodology as the process which is used to specify and link the nature of the study using certain methods or rules in order to provide the required information. This study adopted qualitative research methods and a non-random sampling approach. The justification for using these methods is provided as well as the advantages and disadvantages of such approaches.

This study was conducted in the Albert Park area in Durban. This area was chosen as the study site because it is where the majority of African refugees are located in Durban. The Albert Park area has a history of multi-racial, cross-cultural characteristics since the late 1980s and experiences of xenophobic attacks. NGOs that assist refugees are also located in this area. This chapter is arranged as follows: aim and objectives; research questions; study area; research design; ethical considerations and limitations.

3.2 Aim and Objectives

3.1 Aim

The aim of this study is to investigate the vulnerabilities of African refugee women in the Albert Park area, Durban.

3.2 Objectives

The objectives of the study are to:

- Understand the life histories of refugee women in the Albert Park area;
- Evaluate South African refugee policies since 1994;
- Explore the vulnerabilities of refugee women in the Albert Park Area; and
- Evaluate government and non-governmental organizations' responses to the vulnerabilities of refugee women in the Albert Park area.

3.3 Research Questions

This study addresses the following questions:

- What circumstances forced women to leave their home countries?
- What were the experiences of refugee women on their journey from their home country to South Africa?
- What forms of vulnerabilities are encountered by refugee women in the Albert Park area?
- How have refugee women attempted to adapt and adjust to life in the Albert Park area?
- How have South African government policies responded to refugees' challenges since 1990?
- How have humanitarian organizations addressed the vulnerabilities of refugee women in the Albert Park area?

3.4 Study Area

3.4.1 Geographic Location and Demographic Characteristics

The Albert Park area is located south-east of the Durban central area (Matuma, 2010). It falls under eThekweni municipality in Ward 32. The population of Albert Park area is very diverse. There are young black professionals, tertiary students, old white pensioners, Chinese shopkeepers, and refugees and migrants from many African countries (Matuma, 2010). They are drawn by access to business opportunities, cheap flats, transportation infrastructure and markets for consumers (Matuma, 2010). There are also NGOs that provide services to migrants and refugees, such as RSS and LHR, which are located in Diakonia Centre in St Andrews Street.

3.4.2 History of the Albert Park Area

i) Apartheid Era

In 1864, Albert Park was reserved for public recreation by the Durban City Council (Maharaj and Mpungose, 1994). The Albert Park ground was the international field for cricket matches and was used by white people for entertainment and leisure (Maharaj and Mpungose, 1994;

Matuma, 2010). According to Maharaj and Mpungose (1994:21) in 1964, the Albert Park was defined as the:

“Oldest Park in Durban, its name conjures up scenes of Victorian grandeur, horse drawn carriage and life in calm sedate manner of almost forgotten days... people lived in flats and it combined playgrounds and back garden”.

In 1950 the apartheid government promulgated the Group Areas Act, No. 41 of 1950 as a tool to enforce apartheid and provide separate educational services, residential areas and other municipal services based on race (Maharaj, 1997a). White people were assigned to the suburbs and other races were allocated to townships (Maharaj, 1997a). The Albert Park area was described as a white residential area, accommodating white civil servants, working at the railways, post office and the harbour (Maharaj and Mpungose, 1994; Matuma, 2010). In the 1980s the apartheid obsession with race and colour was watered down. Non-white young professionals were allowed to stay in the Albert Park area (Matuma, 2010). They were attracted by the central location of the area. In mid-1980s the characteristics of Albert Park area began to change. The black population began to increase, “which blurred race-space divisions and led to the formation of grey areas” (Maharaj and Mpungose, 1994:19).

In June 1987, landlords evicted black tenants from the Albert Park area (Maharaj and Mpungose, 1994). Civic organizations such as the Durban Central Residents’ Association (DCRA) opposed the evictions. The DCRA united the evicted families and organized a petition against the evictions with support from the Natal Indian Congress Durban Housing Action. They collected about 46 000 signatures (Maharaj and Mpungose, 1994:26). In March 1990, estate agents agreed to rent flats to black tenants and white sympathisers living in the area supported this move (Maharaj and Mpungose, 1994). However, in the first quarter of 1990, black tenants again received eviction letters. Black people formed support networks and civil society groups and engaged in strikes against their eviction (Matuma, 2010).

ii) Post-Apartheid

After the 1994 democratic elections, white people who could afford to do so left the Albert Park area. Many elderly white pensioners could not leave the area because they did not have savings to pay for new accommodation. The area was occupied by white and black young professionals, old white pensioners, tertiary students and migrants from African countries (Matuma, 2010). Migration inflows into Albert Park area occurred alongside capital flight to the suburbs, leaving a tide of urban decay and crime. Urban decay was caused by

overcrowding, which increased water and electricity bills that landlords were unable to pay and services were cut off by the eThekweni municipality (Matuma, 2010). This left many buildings dangerous, unhealthy and not conducive for human habitation. Some buildings did not have electricity, water and proper sewage systems (Matuma, 2010). Some greedy landlords also converted warehouses and old buildings with insufficient service facilities to family rentals, mostly for illegal immigrants. There were 52 taverns in one square kilometre, and prostitutes and drug dealers which increased crime rates (Matuma, 2010). The area has also been marked by the growth of informal trading on the pavement.

iii) May 2008 Xenophobic Attacks

In May 2008, there were xenophobic attacks directed against foreigners in South Africa. Approximately 100 000 migrants were displaced and 670 injured; 12 women were raped and 62 people were killed including 21 South Africans (Misago *et al.*, 2009:7-12). The attacks started in Gauteng in Alexander Township, moved to the Albert Park area and then spread all over South Africa. Amisi *et al.* (2010) asserted that the attacks of 2008 affected refugee and migrant women, men and children differently in the Albert Park area.

Refugee and migrant women did not suffer physical attack as they remained indoors, but they were subjected to emotional abuse. Refugee and migrant children were attacked by taxi drivers and taxi conductors, local people and other children on their way to and from school. At Addington Primary School, a migrant's child was stabbed by another pupil (Amisi *et al.*, 2010). Congolese women argued that the attacks of 2008 made them feel humiliated as they watched partners and family members being attacked (Schwarer and Mwelase, 2008). About 47 displaced Congolese refugees, mostly women and children built shelters in the Albert Park ground (Figure 3.1) (Bond *et al.*, 2008; Desai, 2010). Refugees asked the eThekweni municipality to proclaim the Albert Park ground as an official refugee camps. The municipality refused on the grounds that no budget was allocated for refugees.

On 01 November 2008, police officers removed the refugees' shelter and confiscated their goods including their permits (Desai, 2010). Pressure from Durban City manager, Mike Sutcliffe and the 2010 World Cup were cited as the reasons (Bond *et al.*, 2008). Sutcliffe instructed police officers to attack refugees and remove all plastic and tent shelters in the Albert Park ground in order to ensure that Durban was clean during the 2010 World Cup and that there were no traders or vagrants on the streets (Bond *et al.*, 2008). After the attacks police officers became more violent against refugees.

Figure 3. 1: Refugees' Tents in Albert Park Area in 2008



Source: Madlala (2008)

In January 2009 refugees in the Albert Park area were attacked again. These attacks were not the same as in other parts of South Africa. In other areas, the attacks were conducted by ordinary citizens. However, in the Albert Park area the attacks were controlled and led by the former African National Congress (ANC) ward councillor, police officers and some local people (Schwarer and Mwelase, 2008; Amisi *et al.*, 2010; Desai, 2010). Vusi Khoza, the former Albert Park area ward councillor led the attacks and claimed that they had received permission from the eThekweni municipality (Schwarer and Mwelase, 2008). The attacks were driven by the notion that foreigners were increasing problems such as crime, diseases, littering and overcrowding in the area (Maharaj, 2009c; Amisi *et al.*, 2010).

The attacks started in Maudi Mfusi Street, formerly known as St Georges Street. The attackers entered Jumbo House and displaced foreigners. The mob destroyed foreigners' small businesses, such as shops, internet cafés and hair salons. As refugees and migrants were thrown out into the street, they were harassed by local people and police officers. One migrant from Zimbabwe, Mr Masango said that he was sleeping when the attacks started and he heard the noise of the mob (Amisi *et al.*, 2010). The mob was singing in the street (Amisi *et al.*, 2010). The migrants inside Masango's place kept quiet and did not come out. The attackers locked the main entrance to the building. Masango called the police station for assistance, but the police officers refused to help (Amisi *et al.*, 2010).

Some refugees left the Albert Park area while other remained and were assisted by the RSS and LHR offices, located at Diakonia Centre (Bond *et al.*, 2008; Desai, 2010). There were

long queues at their offices and they ran out of resources and funds. The South African government did not offer financial support to these organizations, but the UNHCR continued to fund them (Desai, 2010).

On 26 June 2009 the eThekweni municipality advertised an “African Unity Six-a-Side Soccer tournament to be held under the banner ‘fighting Xenophobia and promoting African Unity through Soccer’” (Desai, 2010:427). This project was led by Vusi Khoza. Refugees were very upset as Khoza was the one who led the evictions. In 2009 he was charged with conspiracy and public violence in connection with the xenophobic attacks in the Albert Park area (Padayachee, 2011a). In 2012 he was given a three year suspended sentence. By the time Khoza was convicted he was the provincial secretary of the National Freedom Party (NFP) (Padayachee, 2012b). After his conviction, he resigned from the NFP and joined the Economic Freedom fighters (EFF). He is now the provincial convener for the EFF (Mbanjwa, 2014).

While Khoza has been sentenced for attacking foreigners, Mike Sutcliffe has not been convicted for ordering the attacks (Bond *et al.*, 2008). On 03 September 2014, the Daily news reported that Sutcliffe was assisting the Msunduzi municipality to draw up a long-term development strategy for Pietermaritzburg (Peters, 2014). His involvement in the municipality planning exercise was supported by the South African Cities Network (Peters, 2014).

3.5 Research Methods and Design

Human geographers study people’s experiences, environments, structures and social processes and increasingly rely on qualitative methods. This study adopted a qualitative research approach to understand the vulnerabilities of African female refugees. Denzin and Lincoln (2000) defined qualitative research as a method which attempts to understand and explain sensitive experiences from the perspective of those involved. According to Marshall and Rossman (2011) qualitative research does not focus on facts and figures, but on an analysis of people’s experiences.

3.5.1 Sampling Methods

This investigation relied on non-probability sampling. Non-probability sampling does not involve random sample selection (Denzin and Lincoln, 2000). The population do not have an equal opportunity to be part of the research sample (Du Ploop-Cilliers *et al.*, 2014). The focus

was on obtaining a research sample that would allow the researcher to gain in-depth understanding of the topic. According to Babbie (2011) non-probability sampling is used when it's difficult to access the entire population, as was the case in this study.

This study used snowball and purposive sampling techniques to select participants. Denzin and Lincoln (2000) described purposive sampling as the process whereby the researcher identifies a person that can provide the relevant information for the study. The researcher selects participants based on the purpose of the study and knowledge of the population. The purposive sampling method ensures that every participant fits the population parameters of the study, and is able assist with the research (Du Ploop-Cilliers *et al.*, 2014). Officials from LHR, RSS and the DHA were chosen using purposive sampling methods.

In the snowball sampling technique, the researcher selects a scarce sample using networks (Denzin and Lincoln, 2000). Participants that have been interviewed direct the researcher to other people who they think can provide relevant information. The snowball sampling technique allows a researcher to use contacts developed over time that provide the names of people with similar experiences. The snowball technique is often used to identify hidden populations, which may be hard to access. The snowball technique was very useful in this study because some refugee women did not want to talk and share their experiences. The researcher had developed contact with female refugees by engaging in refugee activities for 18 months in the Albert Park area. One refugee woman was contacted and was asked to provide the names of female refugees who could be contacted for interviews. The researcher also worked as a volunteer at the RSS. RSS officials also referred her to other female refugees that fulfilled the study criteria.

i) Sample Population and Size

The sample population comprised of female refugees from African countries, and government and NGOs officials. Refugee women interviewed were from Burundi, Democratic Republic of Congo and Rwanda. These African states were not deliberately chosen, but because most refugees in the Albert Park area were from these countries. About 30 respondents participated in the study. Three officials from the RSS, DHA and LHR offices and 27 refugee women over the age of 18 were interviewed.

3.5.2 Primary Data Collection Methods

The key data collection strategies were in-depth interviews and life history methods. The primary data was collected in the first half of 2014. The interviews took place at refugees' homes and work places as well as at the RSS, LHR and DHA offices.

i) Interview with Refugees

Face-to-face interviews were conducted to obtain information, perceptions and opinions from refugee women. The interview guide (Appendix 3) allowed for open-ended responses. The interviews with refugee women were unstructured. The life history approach allowed the participants to provide information in their own words. This method was developed in 1920s by anthropologist, Paul Radin (Powles, 2004).

The life history method is a form of personal narrative interview which is used to learn about individual experiences. It is a process of recording, collecting data and interpretation of oral testimonies and individual histories (Ojermark, 2007). This approach allows participants to provide historical perspectives, allowing the researcher to understand how events and experiences were developed with reference to specific issues (Payne and Payne, 2004). The life history method "is promoted as a resource for faithfully recovering the richly nuanced details of respondents' own stories" (Weinberg, 2002:75). It is very useful in understanding "the changing experiences and outlooks of individuals in their daily lives, what they see as important, and how to provide interpretations of the accounts they give of their past, present and future" (Ojermark, 2007:1). There are several advantages of using the life history approach in refugee studies: it allows the researcher to capture the richness of refugees experience, while highlighting serious problems and concerns; can discover gaps in knowledge about refugees and provide ways of empowering the vulnerable; and can help the researcher to understand refugees' trauma and its impact, as some recording may be cathartic (Powles, 2004).

According to Lewis (2008) the life history method has some weaknesses. The researcher does not control interviews; participants speak for themselves and say whatever they want, without being disturbed (Lewis, 2008). In this study respondents were allowed to say whatever they wanted and the researcher had to make the crucial decision on what went into the analysis. Lewis (2008) noted that transcribing and analysing data collected using the life history method is difficult and time consuming. In this study the researcher had to listen to audio

recordings in order to engage more with the themes, read transcripts and use a highlighter to note the key themes.

a) Translation and Recording

Three languages were used during the interviews with refugees: French, Swahili and English, and researcher relied on two interpreters. The first interpreter was an RSS official from Uganda, who worked as a community development officer; besides English, she knew Swahili. The second translator was a male refugee from Democratic Republic of Congo. He worked as an interpreter at the RSS and LHR offices and could speak English, French and Swahili. The interpreters were not paid.

Some of the primary data collected using life history was recorded with respondents' permission. Many of the refugee women interviewed did not have a good grasp of English and this would have made it difficult to understand if it was not tape recorded. The data was tape recorded to ensure that information would be understandable. Recording enabled refugee women to tell their own stories without being disrupted. Some felt more comfortable talking than writing. The tape recording made it easy to reword the participants' life stories for purposes of clarity.

ii) Interview with Officials

In-depth interviews were also conducted with officials dealing with female refugees from the DHA, and LHR and RSS offices. Onwuegbuzie and Leech (2007) defined in-depth interviews as a good method to collect sensitive data, histories, perspectives and experiences of individuals. In-depth interviews are conducted in a conversation format, on a one-on-one basis which allows the people involved to discuss specific issues in-depth (Hennick *et al.*, 2011). The in-depth interviews used semi-structured lead questions. These questions provided the context for an open framework that allowed for two-way communication and focused conversations (Denzin and Lincoln, 2000). Semi-structured questions start with the general questions of the study. They are effective in obtaining information from respondents, revealing their attitudes, opinions and experiences (Marshall and Rossman, 2011). This method provided in-depth information on the vulnerabilities of refugee women and the role of different organizations in responding to their needs. According to Du Ploop-Cilliers *et al.* (2014) in-depth interviews are time consuming when detailed information is required. In this study, the researcher encountered the problems identified by Du Ploop-Cilliers *et al.* (2014) and she had to be understanding and sensitive.

3.5.3 Secondary Data

In order to better understand the project topic, a literature review was conducted. Previous case studies were used to understand the vulnerabilities of refugee women and develop sharper insight into the proposed topic. The secondary data included published literature, government policy documents, journal articles and books. A total of 50 asylum claimant files were reviewed from the LHR office based at the Diakonia Centre in Durban. Permission to review the files was granted by LHR manager on 13 November 2013 (Appendix 3).

3.5.4 Data Analysis

Narrative analysis was selected as the analytic approach for this study. Narrative analysis is used to provide descriptions or understanding of people's past experiences (Riessman, 2000; Crang, 2005). Henning *et al.* (2004) defined narrative analysis as a specialised method of discourse analysis as it searches for the way respondents make sense of their experiences by presenting them in story format: "A narrator repeatedly retells the same story even if they use different words but recurrent themes are often embedded within different sort of stories" (Phoenix, 2008:67). The data collected during an interview is organized according to themes and specialized quotations are selected.

During narrative analysis quotes are selected to provide a clear understanding of people's experiences. Bernard and Ryan (2010) explained how quotes are selected. The researcher reads the interview transcripts several times and quotes are made from anything in the text that is interesting and able to explain events relevant to the study. In this study special quotes were selected for analysis. The researcher had to read the interview transcripts several times in order to be able to choose quotes that explain and are relevant to the themes of the study. For the purpose of anonymity and confidentially pseudonyms were used when reference was made to quotes from the interviews.

Themes were developed to capture the essence of the refugees' stories. Themes help to organize the way life stories are told and "cluster around recurrent content in stories" (Phoenix, 2008:67). In this study themes were developed using the following procedures (Mohammed, 2012:10):

- The researcher needed to be familiar with data content through reading.
- The researcher defined the coding unit to be analysed.
- Codes or labels that identified the most important aspects of the data were generated.
- The entire data set was coded.

- All relevant data were merged together under one theme for analysis.
- Themes were reviewed to establish whether they were telling a convincing story. In this case themes were combined, split or discarded.
- Themes were defined and given titles.
- Themes were also evaluated for the purpose of validation and reliability.

3.6 Ethical Considerations

This study was very sensitive as refugee women were discussing their real life experiences. They faced difficulties in accessing livelihood strategies, and government social services and were subjected to sexual attacks, harassment, domestic violence, discrimination and exploitation. Ethical clearance for the study was obtained from the University of KwaZulu-Natal Research Ethics Committee (Appendix 2).

3.6.1 Informed Consent

Ensign (2003) argued that informing people about the nature of the study is very important. Respondents should know what they are asked to do and be informed about possible negative impacts. In this study, respondents were given detailed information on the nature of the research (Appendix 1). The purpose of tape recording the interview was explained and respondents' permission was sought. Informed consent was arranged according to the following plan:

i) Voluntary Participation

According to Charlotte and Lindsay (2002) participation in a study must be voluntary. Respondents were not forced to be part of this study. They were given the opportunity to decide whether or not they wanted to be part of it. According to Powles (2004) when dealing with refugees it is important to ask respondents if they are willing to talk about particular experiences and the researcher should not force them to do so. In this study, respondents were asked if there were topics that were off limits and issues that they were not willing to talk about before the interview commenced.

ii) Potential for Harm and Freedom to Withdraw

As this study was very sensitive, it was important to ensure that participants were not harmed, for example, by revealing information that could be embarrassing or endanger their lives (Ensign, 2003). According to Powles (2004) refugees could be emotionally, physically and psychologically harmed. It is important for the researcher to anticipate how refugees might be

harmed and how this can be addressed. For example, when dealing with sexual harassment experienced by refugee women, one needs to consider that respondents would be emotional and hurt and offer them support through recommending counselling. The researcher made contact with a social worker who was prepared to assist victims and always carried her telephone number. The social worker was contacted to ensure that when female refugees were emotionally, physically and psychologically upset, they received counselling. During the interviews, three refugee women were emotionally hurt and were referred to the social worker. The participants were also reminded of their right not to answer questions with which they were uncomfortable. Respondents had the right to withdraw from the interview at any time should they so desire.

iii) Anonymity and Confidentiality

Given the sensitivity of the study, respecting the respondents' privacy at all times was important (Charlotte and Lindsay, 2002). In the analysis pseudonyms were used when reference was made to the interviews. Information from respondents was used strictly for academic purposes and not given to anyone else. All information gathered will be destroyed after five years. The information from the respondents will be stored in the researcher's laptop, and the password for the laptop is only known by the researcher.

3.7 Limitations

Normally, refugees do not want to talk about their experiences. They are fearful and want to forget about their experiences. This makes it hard to study their experiences. The researcher encountered many challenges during data collection, including time constraints, language, and building trust between the refugees and the researcher.

3.7.1. Trust

This project required the personal collection of data. Obtaining the research sample was very difficult. The researcher is a young, puny black female and some of the participants did not initially take her seriously. The researcher had access to two refugee organizations at the study site. She needed to build trust which was very difficult at first. The researcher had been staying in the Albert Park area for four years. She needed to know someone within the refugee group in order to make formal contact. The researcher spent 18 months engaging in refugees' activities in the Albert Park area and over time a trusting relationship was built.

3.7.2. Language and Time Constraints

Most of the refugee women were not familiar with the local languages. The researcher relied on interpreters to translate the informed consent sheet, questions and answers, which was time consuming. This study was very sensitive and the interviews took a lot of time. During the interviews, two participants were forced to take a break as they were crying a lot; some were traumatized and were referred to a social worker. This made it difficult to engage with more refugee women. Other participants worked in salons and were very busy during the day. They kept postponing the interview. Some female refugees answered half the interview guide and continued the following day. The researcher needed to be patient, understanding and sensitive.

3.8 Conclusion

The history of social exclusion in the Albert Park area is being repeated in the post-apartheid era. During the apartheid era, black South Africans were excluded and evicted from this area. In the post-apartheid era, there is exclusion and evictions of African black foreigners. The Albert Park area can be described as an area where foreigners are located, attacked, discriminated against and face different forms of vulnerabilities.

Life histories and in-depth interviews were used to collect data. Snowball and purposive sampling methods were used to select the participants. Narrative analysis was used to analyze the data. Ethical clearance was acquired from the University of KwaZulu-Natal Research Ethics Committee. The most important part of the study was building trust amongst female refugees.

CHAPTER FOUR: EXPERIENCES OF REFUGEE WOMEN

4.1 Introduction

Refugees migrated not because they wanted to, but were forced to do so. Nkai (2003) asserted that the model of refugee migration was constituted of push factors rather than pull factors. The challenges did not end when women left their country of origin (Hamilton, 1999). During deportation and in the destination country, women were exposed to vulnerabilities (Caouette and Pack, 2002). This study investigates the vulnerabilities experienced by refugee women in the Albert Park area, Durban.

This chapter represents the research findings of this study. Three languages were used during interviews: French, Swahili and English. Two interpreters assisted with translations as explained in Chapter three. Narrative analysis was used to analyse data collected from 30 interviews, conducted with the refugee women, DHA official and NGOs staff (from the RSS and LHR). The interviews were coded according to the themes that were most apparent and specific quotes were selected. Pseudonyms were used when reference was made to interviews for the purpose of anonymity. Fifty rejected asylum claimants' files were also reviewed with the permission from LHR (Appendix 3).

4.2 Life Histories of Refugee Women

All the refugee women interviewed for this study migrated because of conflict in their home countries. They came to South Africa to seek protection and escape human rights violations. The female refugees interviewed were from Burundi, Rwanda and Democratic Republic of Congo. Their life histories revealed the circumstances that forced women to leave their home countries, and their experiences during the journey to South Africa.

4.2.1 War Zone

The responses from female refugees revealed that during violent conflict in their home countries, they experienced physical and sexual violence, and many lost their loved ones. They were persecuted to threaten family members, who supported opposition political parties, or to redraw ethnic boundaries and perpetuate social control.

i) Rape in the War Zone

During conflict, women were likely to be raped, especially those from Democratic Republic of Congo. They were raped by rebels and government military officers. Rehena and Sarah's narratives provide evidence of female torture by rebels in the Democratic Republic of Congo:

“I came to South Africa in April 2013, because of war in Democratic Republic of Congo. I was born in Goma (Berere village), situated in the North Kivu. In June 2012, the M23 rebels attacked Goma city... the attack took place around 20h00. During the attack, I was at home with my family about to eat dinner... we saw a group of armed men aggressively pushing the door and managed to enter. These men did not talk rather they started shooting. Both of my parents were at the sitting room and died during that scene. During the shooting I was at the passage. I managed to escape with my two sisters and one brother. I do not know where they went to because it was raining and we had to go separate ways. I could not go back to the village because I was scared... I slept in the bush. I tried to hide so that the rebels would not see me but they caught me... there were other women captured by the rebels. They took us in different directions and raped us. They beat me as I was resisting to be raped... am not sure how many men raped me but I think there were four. I lost consciousness when the second man raped me (weeping)... (Deep breath). I gained consciousness the following day. The other two girls were already gone. I was not too sure whether they escaped or the rebels took them away or killed them. I woke up and started running. I got the lift from the truck which was carrying other people. The truck was heading to South Africa. We passed Burundi, Tanzania and Mozambique” (Rehena, 27 February 2014).

“My mother, father and husband were killed during a war in Democratic Republic of Congo... many rebels raped me several times (cried)... everyone knew that I was raped and people would laugh at me. My husband was a bread winner and I was not working at all. I had no one to support me. I had to go with my six children... at that moment I did not have hope and I was worried that my children would grow up in a bad environment. I had to go for the sake of my children” (Sarah, 26 February 2014).

Other female refugees were raped because of their family members or husbands’ political involvement. The aim of the persecutors was to torture either family members or husbands. Rose’s life story provides evidence of women torture by security forces. Rose was raped because her father was a political activist. The perpetrator thought that she held the same views as her father and was a member of the same political party:

“I was born in Rombe in Uvira (Democratic Republic of Congo). My mother died in 2008 after a long sickness. We stayed with my father. He was a political activist and Member of Parliament. He was shot dead by the Rwandan rebels in 2009. Before he was killed, in the same year, I and my brother were beaten by soldiers and I was raped. The case was reported to the police station... and my father tried to ensure that the people who attacked me and my brother were behind bars. However, the police officers did not do anything. After my father died, in 2009, my brother and I were attacked by the police officers again. They beat us and took everything at home. We were taken to the hospital... after I was discharged. I decided to come to South Africa. I left my brother because at the time I was discharged he was still in a coma” (Rose, 18 February 2014).

ii) Physical violence and Loss of Loved Ones

Many refugee women lost their loved ones and experienced physical violence. They lost their loved ones either through death or kidnaping as a result of war. Some female refugees lost their husbands, mothers, fathers and siblings:

“I flee to South Africa because of insecurities... my uncle was a Hutu and left the country because of persecution of the Hutus in 1995. He was a member of Forces of National Liberation (FNL)... My uncle was killed in Kenya 1998. My family pushed the government to investigate his death. The government started to persecute everyone in the family. My brother was imprisoned. My mother and I were kidnapped and tortured. My mother disappeared and I was taken to the military prison (kanomber). The International Committee and Red Cross agent visited me in prison... I was discharged at the hospital and Dr Ruzindana assisted when I was escaping to South Africa. The time I was in Rwanda I saw that the ruling government had something against my family” (Judith, 19 February 2014).

Youth were kidnapped during the conflict in Goma, Democratic Republic of Congo. Boys were kidnapped in order to force them to join the rebels:

“I have two boys and one girl... the Mai Mai rebels attacked the Berere village, Goma. They wanted young boys to join them. They took both of my sons... I tried to stop them and begged them not to take them... I asked them

'why are you taking my boys... at least take the older one'... he was grown up, he could have found the way to escape. I followed them crying and they beat me... my younger son was weeping and he said to me: 'do not cry mom I will be fine'. I left the country without them... I do not know if they are dead or still alive... but with the grace of God I hope they are still alive. I always hear voices and my younger son's last words (crying)'' (Elizabeth, 25 February 2014).

Women had to protect their sons. Sometimes let their boys wear dresses so that the rebels would not recognize them:

"As rebels were attacking the village and kidnapping boys and men to join them, I had to protect my sons. I had to let them wear dresses so that the rebels would not see them" (Sarah, 26 February 2014).

Young women were also kidnapped by the rebels. The rebels took them to their forest camps and were required to engage in forced labour; they were also subjected to sexual harassment:

"I was born in 1981 in Kiliba (Democratic Republic of Congo). In 1995, we went to stay in Goma. In June 2013 there was the conflict between soldiers and rebels. My parents were selling weapons... the rebels would come to our house and demand weapons. My father decided to stop selling them... they demanded him to continue and he refused... the other day they came... they kidnapped me and my brother so that my father would continue to sell weapons. The time they were taking us... my father was away... he was at Mlinde village... he was notified by the neighbours that the soldiers had taken us. They did not do anything to my brother like physical attack rather they forced him to join the rebels, he did not have a choice and agreed... on the other hand I was forced to cook, wash and sometimes rebels would harass me. The other day my father came and make the deal with them... he promised the rebels that he will continue to sell weapons. We left Goma during that night... we decided to seek refuge in South Africa... if we go back to Democratic Republic of Congo the rebels can kill us because my father made the deal with the devil" (Kareshma, 24 February 2014).

These narratives indicate extensive violation in the form of rape, physical violence, extortion and emotional torture against women. They also highlight injustice against women in their home countries.

iii) Women in Politics

Colonial governments undermined women's participation in politics as well as their rights (Pankhurst, 2002). African politics were male dominated. Women were expected to fulfill gender roles in societies dominated by unequal power relationships. During independence, new governments emphasized sexual equality and allowed women to occupy political office and vote. Women grew in strength and increasingly began to work in government and political parties' structures (Pankhurst, 2002). However, politics remained male dominated and the number of women was low as they received less support from their organizations. One of the women refugees interviewed came to South Africa because of fear of persecution due to her political opinions:

"I left Democratic Republic of Congo because I feared to be persecuted on the basis of my political opinion, the police officers wanted to arrest me because I was the member of Front for the Liberation of the Enclave of Cabinda (FLEC) rebel group which wanted to take over the ruling government. I was mobilising campaigns. One day I was not at home and my uncle told me that the police officers came and took my other family members (brother and father). I had to run away" (Gladness, 24 February 2014).

Most refugee women migrated because they and their families were in danger due to their male family members' involvement in politics. Refugee women who migrated for this reason recounted their experiences:

"I left Burundi because my husband was a member of FNL political party. During the 2010 elections his party lost and the ruling party was looking for him... they wanted him to join their party, National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD-FDD)... he refused and they were threatening him. We decided to leave because his life and our family were not safe and we were scared of losing him" (Susan, 20 February 2014).

“I left Democratic Republic of Congo because there was political instability and there were wars now and then... here in South Africa there is stability. Military officers wanted to kill my husband... they first arrested him. My husband was a politician and he refused to vote out Joseph Kabila... now they wanted to silence him. He did not know that they were planning to kill him... until one soldier notified him. We had to leave the same day and at that time my other son was not at home. We left him behind... and we came with the other one. He survived by the grace of God” (Queen, 20 February 2014).

“There were wars between the Hutus and Tutsis in Rwanda... my husband was an active member of the majority, the Hutus. The Tutsis, the minority group killed the leader of the Hutus (President Juvenal Habyarimana) in 1994 and all his followers were in trouble. They wanted to kill them all... we had to run for the sake of my husband’s life. We needed him alive” (Judith, 19 February 2014).

Refugee women were likely to be attacked because their persecutors thought they held the same views as their husbands and family members. The life stories of female refugees reveal human rights violations, atrocities and torture in their home countries, which forced them to seek refuge in South Africa.

4.2.1 Choosing the Host Country

Before female refugees came to South Africa, they assessed possible host countries. As noted earlier, the female refugees interviewed were from Burundi, Democratic Republic of Congo and Rwanda. These countries are part of Central and West Africa. Some female refugees had passed through more than three countries on their journey to South Africa. They could have relocated in neighbouring countries or within their own countries. For example, female refugees from Democratic Republic of Congo could have gone to other regions, where there is no war such as Kinshasa or Uvira. Female refugees were asked why they did not relocate in their home countries and they provided the following reasons:

“I could not go to Kinshasa because rebels have their spies... who would have told them that I am in Kinshasa and they would have caught me very easily. They cannot get me now since am in South Africa because its far away... also I did not have relatives in Kinshasa who would have helped me” (Jade, 17 February 2014).

“The Hutus and Tutsis in Rwanda were ethnically divided... we were not staying in the same area. I belonged to Tutsis... if Hutus were attacking us we had to run to the other states... the Hutus were attacking the entire area where we were staying, we had no choice but to migrate... if I tried to go and stay with the Hutus, they would have find me and killed me. I came to South Africa at the end of 1994 after the President of Hutus was killed... the Hutus were planning to kill all the Tutsis... I had to run away... far from Rwanda, Democratic Republic of Congo and Burundi” (Roseline, 18 February 2014).

Regional space divisions based on ethnicity in Rwanda constrained female refugees from relocating within the country. In Democratic Republic of Congo, while the conflict affected the eastern region, the rebels had social connections in the whole country, causing refugee women to be afraid to relocate within the country. Rebels had expanded toward Kinshasa, Goma, Bakavu, Mushaki (North West), Kangi (North) and North Kivu in Massi and Rutshuru territory. Refugee women were asked why they chose South Africa, while there were many neighbouring countries that they could have gone to:

“I was born in Uvira, I belonged to Mubembe tribe Democratic Republic of Congo. I have six children... my husband, mother and father in-law were staying in Goma. I had a small shop in Goma. In July 2013 there was a war between M23 rebels and government soldiers. The war started in 03h00am. They killed my husband, raped me and kidnapped my mother and father in-law... I do not know where they are, even today. I went to the police station... they could not assist me. I decided to migrate because I was scared that they will come and kidnap me and my kids... there were other refugees who wanted to go outside Democratic Republic of Congo... we decided to go to Tanzania... arrived at the Mtabila camps... where I was told that they no longer accept refugees. I could not go to Burundi and Rwanda because there is always political instability... in South Africa there is stability and peace. I decided to come here so that I would not be moving to another country anytime soon because of war. In the news on television, they always talk about South Africa and I thought this country would be the best for me and my children” (Sarah, 26 February 2014).

Tanzania had hosted thousands of refugees over the past decade, including those from Democratic Republic of Congo, Rwanda and Burundi (Irin News, 2013a). In December 2012, the Mtabila camp in western Tanzania was closed and refugees were no longer accepted. The Tanzanian government was preparing to repatriate approximately 38 000 Burundians. The Burundians did not require international protection since the country was politically stable. Only 2 700 still needed protection and were taken to Nyarugusu camp. However, not all refugee camps were closed in Tanzania. If Sarah was told that Mtabila camp was closed, she could have gone to Nyarugusu camp.

However, even the Rwandan refugee camps were running out of space and needed to come up with solutions to accommodate Congolese refugees. The Rwandan Minister of Disaster Management and Refugee Affairs, Seraphine Mukantabana argued that “they were relocating the local residents living in the neighboring areas in order to expand refugee camps and some new refugees were accommodated in a Transit camps next to Democratic Republic of Congo” (Irin News, 2013b:1). One refugee woman (Martha) from Democratic Republic of Congo recounted that she went to Rwanda to seek refuge but she was chased away:

“I was born in Bukavu (Berere village) in Democratic Republic of Congo... I got married in 1998... I moved in with my late husband same year in Goma. There was the war in Goma city. We decided to leave the country to Rwanda. We stayed in Bunyamulenge camp and we were chased away... we decided to go back to Democratic Republic of Congo. My husband got sick in 2010. In the village the soldiers came to take the young boys to fight. My husband died after long sickness. My other family members were killed... I left Democratic Republic of Congo on the 24th of September 2012 and arrived in South Africa on the 14th of October 2012” (Martha, 27 February 2014).

Female refugees argued that life in the refugee camps in Tanzania and Uganda was very difficult. Sahara said that they were discriminated against by local people in Tanzania. This resulted to xenophobic attacks on Congolese refugees and the death of their loved ones who were killed by local people:

“After moving from Democratic Republic of Congo we went to stay in Uganda where Congolese refugees were attacked and killed by the local people. However, not all Congolese refugees were killed but only the ones with the connection to ousted regime in Kinshasa. My aunt told me that we should go

to South Africa... she arranged everything and paid the truck which took us to Manguzi” (Queen, 20 February 2014).

“My family and I left Democratic Republic of Congo because of insecurities... we went to Tanzania... we did not know the location of the camps... We asked the UNHCR offices from the local people, they showed us. The UNHCR registered us and we were taken to Tanzania camp (Kigoma) in 2002. Tanzanians were very xenophobic toward refugees. Life in camp was very difficult... because we were so many, the food supplies were very limited... we were not able to move out of camps because local people attacked us” (Sahara, 26 February 2014).

Refugee women said that the living conditions in the refugee camps were very poor. They defined refugee camps as a place where living people cannot be accommodated. According to Martin (2004) it is important that refugees’ diet satisfy minimum vitamin and protein requirements and local nutritional deficiencies should be avoided. The daily diet should consist of cereals, proteins such as beans, and energy rich food like oil. These standards were set by NGOs. The UNHCR also recommended the water source in refugee camps should be located within 200 meters. However, refugee women reported that food distribution was limited in refugee camps. Sometimes they would go to sleep hungry. Female refugees reported that water sources were located far away. Sanitation services were also very poor:

“I had to walk 50 km by bare foot to collect water at watering holes... as water source was far, we had to save water. Food was limited... we were always hungry. We were only dependent on the humanitarian aid food, we could not buy food for ourselves because we were not allowed to go outside and we did not even have money... we used the latrine toilets, where you have to share it with the whole family... they did not care how many you were in one family... we kept the latrine toilet inside our tent because if we kept it outside they were going to steal it... hygiene was very bad. The tent was very small to accommodate us... we were eight living in a small tent... we could not stay there, we had to move... as we were scared of being killed in Democratic Republic of Congo by the rebels” (Sahara, 26 February 2014).

When refugee women migrated to neighboring countries, persecution continued. When Juvenal Habyarimana (Hutu) died in plane crash in 1994, the Hutus, Interahamwe and

Rwandan Armed Force (RAF) were executing the Tutsis. The civil war resulted in 950 000 people being displaced (Hamilton, 1999:20). Most Rwandans went to Tanzania, Democratic Republic of Congo and Uganda to seek refuge. Amongst these refugees were 30 000 to 50 000 former national leaders, Interahamwe members, government military officers and local officials (Hamilton, 1999:20).

Ruby was born in Rwanda and belonged to the Tutsis; she migrated to Democratic Republic of Congo where the Hutus continued to persecute them. In Democratic Republic of Congo, the Rwandans Hutus were helped by the Congolese Government (Joseph-Desire Mobutu). He allowed the Hutus to remain armed (Hamilton, 1999). The Hutus continued to harass the Tutsis. The Hutus supported the Democratic Republic of Congo government (Joseph-Desire Mobutu) during the 1997 elections (Hamilton, 1999). The Tutsis were also harassed by local people:

“After moving from Rwanda, we went to Burundi, the Hutus were there, we went to Democratic Republic of Congo... Hutus continued to harassed us, the Hutus killed my sister in Democratic Republic of Congo... we heard that the Hutus were receiving national support from the Democratic Republic of Congo government that made it easier for Hutus to continue persecute us (Tutsis). Migrating to Burundi, Uganda and Democratic Republic of Congo was like you were still in Rwanda and you could be caught in the conflict again... so we decided to migrate far away where we can live free without fear and conflict” (Ruby, 21 February 2014).

The rebels had links with neighboring countries such as Uganda, Burundi, Rwanda and Democratic Republic of Congo. Interhamwe rebels who were causing political instability in Democratic Republic of Congo had links with Rwanda and Burundi (BCC News, 2011). They were part of the 1994 genocide in Rwanda (BCC News, 2011). Allied Democratic Force, a Ugandan rebel group based in Uganda and Democratic Republic of Congo killed 20 people at Byalos village on 18 October 2014 in Democratic Republic of Congo (News24, 2014):

“If you are running away from the rebels, you need to go as far as possible or else they will catch and kill you. It is not a good idea to go to neighbouring

states... that why I chose South Africa... I wanted to be far away from the rebels who killed my husband and family” (Kareshma, 24 February 2014).

“I come from Democratic Republic of Congo... our neighbour wanted to extend his land. He put the poles beyond boundaries... my husband realized that and put the poles where they were supposed to be. The neighbour became angry. There was a family quarrel for years. In June 2013, our neighbour joined the Mai Mai rebels. One day the Mai Mai rebels came to our house led by the neighbour. They took us to separate rooms and beat us... they did not kill anyone. The following day we decided to leave the country... reporting the case to the authorities was useless because Mai Mai rebels were part of the government. We decided to come to South Africa where we could be free from the rebels” (Charity, 19 February 2014).

The Mai Mai rebels were also receiving aid from the government and Rwandan military and operating in Rwanda and Democratic Republic of Congo. South Africa has a positive international image which attracted the female refugees. Most of the female refugees interviewed for this study came to South Africa because they pictured it as a place where their dreams could come true and their human rights would be protected:

“I left Democratic Republic of Congo in 1985 to Tanzania because of war. I stayed for eight years and life was very difficult... it was like a prison... we were not allowed to work or go outside camp everything, was performed inside camp. We did not have freedom at all... we were isolated like we were aliens from outer space... we did not have life as we have in South Africa... we have the same rights as South Africans and we are not separated as in other countries. In Tanzania, there are refugee camps which often separate refugees from the entire society, you will feel like you not welcomed and you are in prison. South Africa allows refugees to live the life we used too without space restrictions... I am working, I have my own money and I can do whatever like” (Jade, 17 February 2014).

4.2.2 The Rigorous Journey

During the journey to South Africa, refugee women faced different problems and were not safe. Female refugees were often separated from their male counterparts during the journey. They did not bring their belongings. Their journey was often long and took many months because they did not have proper transportation. Female refugees passed through more than two countries on their journey to South Africa. Some refugee women did not know where the driver was heading. Others did not have the money to cover their travel expenses:

“I came to South Africa with a truck from Burundi... it took me twelve days to arrive in South Africa. The truck was carrying female refugees only, except driver and two conductors... males used their own truck and we were not able to bring our belongings (clothes and appliances) because there was no space in the truck” (Joyce, 18 February 2014).

“We did not have proper transport... no one was willing to help us in Democratic Republic of Congo and we were scared of the rebels. We travelled at night, along the river because if we were walking along the land or road, rebels would have caught us and killed us. We walked on forest near the river and used small boats to cross... after we managed to escape the country, we used any vehicles that were willing to help us until we arrived in South Africa” (Maria, 18 February 2014).

“I had so many stops in different countries... I passed Tanzania and Mozambique... from Democratic Republic of Congo to Tanzania I used a boat and a bus from Tanzania to Mozambique and a bus from Mozambique to South Africa. Money that I had was able to cover travelling expenses from Democratic Republic of Congo to Tanzania. I ran out of cash and people from the street helped me with money to travel... it took me three months to arrive in South Africa” (Sarah, 26 February 2014).

During the journey, women were subjected to sexual attacks. When some female refugees were asked about their journey to South Africa, they cried, as they had experienced sexual attacks or seen other women being raped. Forced sexual attacks was one of the biggest problem experienced by women during their journey to South Africa. Sadly, these attacks were perpetrated not only by armed gangs but also by officials who are supposed to protect female refugees. The perpetrators were often truck drivers, gangs and border officers. They

often targeted unaccompanied young girls and women and those who did not have money to cover their travel expenses:

“I used any available transport... there was a point where I had to walk and used boat to cross the river. As I did not have money to pay for transport some drivers refused to offer me a lift... another driver sexually harassed me in his car... I was lucky because I managed to escape before he raped me” (Anna, 18 February 2014).

“I did not know where the truck driver was taking us to... but I was hoping for better life... he was with another two men in the front... during the night he drove us to the dark forest where they wanted to rape us... there were no males at the back of the truck, we were all women. I heard some women screaming... seeking for help. I ran away and did not know where I was heading... I continued my journey the following day” (Rehena, 27 February 2014).

“The border officer sexually harassed me at the border gate of Tanzania... he was touching me all over and I told him to stop but he did not want to listen. He told me that I should fall in love with him so he can provide protection and financial assistance for me and my babies” (Sarah, 26 February 2014).

Other refugee women reported being raped by gangs on their journey to South Africa. Some were subjected to multiple rapes, without the use of condom and were exposed to HIV/AIDS:

“As we did not have the money we used trucks and sometimes we would walk and cross the river. The gang helped me to cross the river... as I did not have the money to pay them, they raped me several times... the time they were raping me they told me that ‘we are raping you because you do not have the money to pay us and we need our payment and it’s amazing how we can get our payment from women’. They let me go later... I was traumatised and I was admitted at hospital in Musina, where I was diagnosed HIV positive” (Dorah, 03 March 2014).

These narratives show that the journey to the destination country is a continuation of the difficult life and trauma the women experienced in their home countries. The migration of

female refugees is often more difficult than that of male refugees, and their safety is not guaranteed.

4.3 South African Refugee Policies and Asylum Applications

Upon arrival in South Africa asylum seekers apply for refugee status which can be either accepted or rejected. Fifty rejected asylum claimants' files were reviewed to assess whether the RSDOs complied with the South African Refugee Act, No. 130 of 1998 and gender guidelines in considering refugee status. Permission to review the files was granted by LHR on 13 November 2013 (Appendix 3). The South African Refugee Act, No. 130 of 1998 was proclaimed in 2000 with gender-based persecution as a basis for asylum. DHA officials were trained to understand what harm qualifies as gender-based violence (Middleton, 2008). This was confirmed by the RRO manager in Durban: "*RSDO and RAB are trained to be gender sensitive by UNHCR, because they have to prepare themselves for different kind of claims*" (DHA official, 18 July 2014). The life histories of refugee women show that some RSDOs considered gender-based violence as a reason for asylum, while others did not see gender-based violence as a form of persecution. This means that although, gender-based persecution may be regarded as a basis for asylum, the decisions made by RRO are inconsistent and uninformed. A review of the rejected asylum claimants' files suggested that gender guidelines were not included by some RSDOs during the determination process. Neglecting gender guidelines resulted in the RSDOs being gender biased:

File Claimant 1

Claim

A female asylum was born in Goma (Democratic Republic of Congo), Nord Kivu and belonged to the Bembe tribe. She had one daughter and her parents passed away during the war in 2009. She decided to come to South Africa because of insecurities. During the war she was raped by soldiers and rebels continuously. She felt pregnant in 2009 as a result of rape.

Reasons for Rejection

According to RSDO, the claimant did not qualify for refugee status because the event that she had faced in Democratic Republic of Congo was not seriously disturbing the public order.

In this instance, the RSDO did not focus on the individual's persecution. Rape was seen as private, not disturbing public order. Gender-based violence such as rape is usually considered under social grouping as one of the reason for asylum (UNHCR, 2002e). The South African guide to refugee law states that an asylum seeker can qualify for refugee status when subjected to private persecution perpetrated by the authorities (Klaaren, 1999). In this case, the RSDO should have considered that in Democratic Republic of Congo women were not only raped by rebels but also the authorities. The claimant argued that she was raped by a soldier. Rape has been widely reported in the conflict area in the eastern region of Democratic Republic of Congo. In 2011, it was estimated that 48 women were raped per hour and 1 152 women per day (The Guardian, 2011:1). Such large-scale rape led some to describe the conflict as weapons or war against females. The highest rates reported were in Nord Kivu.

File Claimant 9

Claim

A female asylum claimant from Democratic Republic of Congo got married in January 2013, moved in with her husband, who was an electoral commissioner. In March 2013, unknown group of people led by John (soldier) kidnapped the female claimant, husband and the domestic worker. On the fifth day, they separated the husband and female claimant. The commander of soldier (Morgan) slept with the female claimant several times, making her his wife. Female claimant heard Morgan's name as other soldiers were trying to stop him from raping her. The domestic worker tried to stop him and was beaten to death. She escaped, on her way she meet rebels, who tried to rob her.

Reasons for Rejection

UNHCR Handbook on Criteria and Procedures (1992:13) argued that a person without a political profile is less likely to be persecuted than the individual who is a political activist. RSDO argued that her husband was not a political activist. He was working for electoral commission. The claim she brought was general known facts about Democratic Republic of Congo.

The RSDO had used the UNHCR Handbook on Criteria and Procedures (1992:13), which is more than 20 years old, to assess an asylum application. This female asylum claimant was

raped by a commander of soldiers. The RSDO did not consider the gender-based persecution experienced by female asylum claimants. Her application was also rejected because she did not have a political profile and was therefore regarded as less likely to be persecuted. The UNHCR and South African gender guidelines state that women may fear persecution on gender grounds or are at risk of being harmed by state or non-state members.

File Claimant 10

Claim

The male asylum claimant left Ethiopia on 05 December 2004, when the country was not at war. He was the journalist for Addis Amas Advertising Private Limited Company (PLC) from 1999 until 2004. He wrote an article which exposed the political situation of Ethiopia and corruption of Ethiopian People's Revolutionary Democratic Front (EPRDF) regime in the Addis Amas newspaper. EPRDF regime intimidated and arrested the asylum claimant at the custody of Federal Criminal Investigating Unit from 09 September 2003 until 29 December 2003. During the course of imprisonment, he was tortured and beaten by officers in charge on several occasions. On December 04, 2004, he was taken to Federal Court after three months of harsh treatments and punishments where he was given a bail of ten thousand Birr. His file was taken to the state persecutor and he was ordered to appear when summoned. He was also an active member of Ethiopian Democratic Party (EDP), one of the major opposition parties, seeking to gain political power. He was engaged in fundraising campaigns, and educating people about their rights.

He could not go to other areas because he was already blacklisted. He fled to South Africa because of injustice and the tyranny of EPRDF regime. He was unable to exercise his freedom of expression as a journalist and freedom of association as political activist under the Ethiopian constitution. He was scared that if he returns to Ethiopia he will suffer from persecution as long as EPRDF regime is in power. He can be killed or incarcerated without a trial.

Reason for Rejection

The RSDO argued that his country was not at war. He could have relocated in other parts of Ethiopia. The RSDO argued that the Ethiopian Constitution

provides freedom of press, association and right to unrestricted political activities.

Ethiopia is geographically divided along ethnic groups. If this applicant had relocated within the country, he would have been handed over to the authorities. He did not mention conflict as a cause of his migration. Rather, he mentioned criticizing and exposing atrocities and egregious policies of the EPRDF regime. The RSDO did not realize that Ethiopia is one of the worst African states in terms of freedom of the press and that journalists are arrested and tortured (Amnesty International, 2013).

Article 31 of the Constitution of the Federal Democratic of Ethiopia states that “everyone has the right to freedom of association for any cause or purpose” (Ethiopia, 1995:18). Furthermore, Ethiopian citizens have the right to engage in unrestricted peaceful political activities. However, these rights were often violated by the government. Members of political opposition parties and journalists were arrested for criticizing the ruling government, engaging in peaceful protests and demanding change (Amnesty International, 2013). The trials often revealed irregularities, including a lack of investigation of allegations of torture, and being restricted or denied access to legal representatives (Amnesty International, 2013). Since 2011, 11 journalists have been sentenced in Ethiopia. Three journalists are still in prison and the other two are on trial (Human Rights Watch, 2013). The judiciary is unable to put an end to such human rights violations.

The asylum claimant had suffered systematic persecution by the EPRDF regime because of his political opinions, membership of the EDP and being a journalist. The asylum claimant had demonstrated that the government has failed to protect him and also gave convincing reasons for going into exile. Refugee status should have been assessed on political opinion grounds.

4.4.1 Other Reasons for Rejections

The RSDOs may acknowledge the persecution faced by individuals, but asylum claimants often fail to show that the state has failed to protect them. *“The RSDOs often asked refugees that ‘did you report to the authorities (police officers)’... most asylum claimant often says ‘I was scared and decided to run away for the sake of my life’. The failure to report to the authorities has resulted to their asylum application being rejected” (LHR official, 07 April 2014).* Although asylum seekers have faced persecution they need to demonstrate how the state failed to protect them (UNHCR, 2002e).

File Claimant 4

Claim

Female asylum claimant came to South Africa because of insecurity problems in Democratic Republic of Congo. During a conflict she was robbed by the rebels called the Mai Mai in Goma city. The Mai Mai rebels also killed her husband and she was beaten. She decided to leave the country as the situation was bad. She was scared that the rebels would come back and kill her and her daughter. The Mai Mai rebels were organized on the basis of ethnicity. They fought together with the government army against the foreign invaders, including the National Congress for the Defense of the People (CNPD) and the Rwandan backed the rebels.

Reasons for Rejection

RSDO argued that the female asylum claimant failed to justify how the state has failed to protect her. If she returns to Democratic Republic of Congo there is no guarantee that she will be persecuted. Therefore, her application was rejected as manifestly unfounded.

In reviewing the rejected asylum claimant applications, the researcher observed that some asylum seekers were scared to talk about the persecution they had faced in their country of origin. This resulted in their asylum application being rejected as their claims proved to be weak and unfounded. According to a DHA official, “*they conduct interviews and do background check to see whether refugees are speaking the truth or are lying... Some people make up stories and are caught*” (DHA official, 18 July 2014).

File Claimant 38

Claim

The female claimant’s father was a government army officer and was killed by Intheramwe rebels because they wanted weapons. They were often after her because she was the eldest daughter. First time the rebels went to her home, she was not at home. She heard from the neighbour that the rebels were looking for her. On the second occasion the rebels found her and took her in their camp for three days. She managed to escape and went to the nearest

church. The church members assisted her to leave the country. She decided to come to South Africa to seek safety. She is scared that if she goes back to Democratic Republic of Congo the rebels would kill her.

Reasons for Rejection

RSDO argued that the female asylum claimant failed to justify how the state has failed to protect her. She also had deviated from her original claim. Her claim was too weak to be seen as persecution.

This female asylum claimant said that she was taken to the rebels' camp, but did not state what happened at the camp. In the Democratic Republic of Congo, the rebels kidnapped young girls, made them bush wives, raped them, and forced them to cook and clean for them and were beaten if they refused (Bunting, 2012). There were different reasons why asylum seekers failed to talk about their personal experiences. The RSDOs were often mean, impatient and not gender sensitive. The UNHCR and South African gender guidelines set out the manner in which the interview should be conducted with asylum claimants who experienced gender-based violence (Valji *et al.*, 2003). However, the RSDOs do not follow these procedures:

“The RSDO shouted at me and wanted me to talk fast... often saying that I am lying and if I do not talk the truth I will be arrested. Talking about rape is a very traumatizing because it's brings up wounds that you want to forget... it is better to talk to people who have experienced what you are talking about, at least they can understand better... sometimes it's hard to talk about sexual violence with male officials” (Sarah, 26 February 2014).

4.4.2 Delays at RRO

The first challenge encountered by female refugees on their arrival in South Africa was a lack of documentation. Refugee status is supposed to be processed within six months (DHA, 2013b). However, the female refugees faced difficulties in accessing their documentation. They had to wait up to ten years for refugee status and were often given temporary asylum seeker permits (Annexure 4) which need to be renewed:

“The truck driver dropped me at Manguzi where I declared myself at the border gate. They gave me a transit permit, which stated that I should report to RRO... I went to RRO where they gave me temporary asylum. I got refugee

status after three years of staying in South Africa... I used to go to the DHA to request refugee status... they often gave me the asylum temporary permit... which needed to be renewed every three months” (Ruby, 21 February 2014).

The respondents argued that delays in obtaining refugee status increased their vulnerability. The DHA failed to process the refugee permits within the prescribed time. The female refugees had to wait many years before they received their permits. While they were waiting, they could not find proper jobs or access social grants:

“I came here in 2008 but I got my refugee status last year... they used to give me an asylum seeker temporary permit. As I did not have refugee status permit, I could not get a job and social grant... no companies were willing to hire me because they wanted refugee status permit and green identity documentation... I could not apply social grant for my children” (Doris, 28 February 2014).

According to the DHA official the delays in processing refugee status were caused by: *“The increasing numbers of refugees with lack of staff on the RAB... most asylum applications were stacked in RAB... before RAB makes a decision it needs to conduct the background information about the country which is time consuming. There is a need to hire more staff in the DHA to deal with the processing of refugee status within a short period” (DHA official, 18 July 2014).*

On the other hand, refugee women argued that the RRO staff worked in contradictory manner. During the status determination process, refugees had the right to bring their own interpreters and if the RRO should provide one if they are unable to do so. However, refugee women were denied access to interpreters and were told to bring their own translators. They had to wait until they find someone to help them with interpretation:

“When I was applying for the refugee status permit in Musina, I was told to bring my own interpreter... if I did not have the interpreter I would have not been attended... It was very sad because I came alone and I did not know anyone in South Africa... my date for interview was always postponed until I made an arrangement to pay. I asked other refugee from the street to translate for me... having no interpreter really caused the delay for my refugee status permit” (Ester, 03 March 2014).

Other female refugees believed that the delays in issuing refugee status permits were caused by corruption in the DHA. They stated that officials requested bribes to process their permits fast and the period for which the permit was valid depended on how much was paid:

“You need to pay R2 500 to 4 500 in order to get refugee status... if you pay R2 500, refugee status permit last for two years... and if you pay R4 500, refugee status permit last for four years... If you do not pay, you get status after five years. You do not go there and say here is the money I want refugee status permit... first you need to know someone from the outside who will take the money to the DHA... you do not talk, you just put the money inside the envelope... here in Durban we give money to other refugee, this refugee pass the money to the interpreter who will then give to the relevant DHA officials. The interpreter is from Democratic Republic of Congo and this makes it easier for the Congolese asylum seekers to get refugee status permits... the interpreter went to United Kingdom” (Gloria, 24 February 2014).

The female refugees that suffered the most were those without a support system who could not afford to pay bribes. The respondents were asked why they did not report such cases to the relevant authorities. They said that they were too scared to do so. Gloria commented:

“If you are an asylum seeker you become scared to report such wrong doing because you might never ever get your refugee status permit... if you report to the managers of DHA, you do not know their objectives... maybe the managers of DHA are also involved or not... you may never know... we often prefer to keep quiet... even after you have received your refugee status permit it becomes so hard” (Gloria, 24 February 2014).

The DHA official said that:

“I always hear some allegations about corruption in this department but I cannot comment too much on the issue of corruption because people are not reporting corrupted DHA officials... I cannot just go and accuse people without having proper evidence. There are also signs in the building stating our services are for free... in the issue of numbers of years given to an individual depends on the situation of the home country. If those years given to an individual has passed and the situation has not improved in the country of

origin, refugee is given another two years... when the situation in the country of origin has improved the refugee status permit is not renewed... people cannot be refugees for the rest of their lives” (DHA official, 18 July 2014).

The RSS official also said that she could not comment on the issue of corruption. She added that: *“Refugees with stronger claims... get the refugee status permits fast and those with weak claims are not given refugee status permits... you need to have a strong claim. Some female refugees may have stronger claims but are often scared to tell other people their stories like the cases of rape... at the RSS office we encourage people to be honest as possible” (RSS official, 18 July 2014).*

Given the women’s responses and allegations of corruption in the media, it can be concluded that unscrupulous behavior does occur at the DHA. Corruption Watch noted in 2012 that the DHA was the government department with the second highest level of corruption and that many officials had been fired due to this scourge (Corruption Watch, 2012). Indeed, high levels of corruption at the RRO led former Minister of DHA, Naledi Pandor to introduce a new system for asylum seeker and refugee status permits (Pandor, 2013). The new permits were issued on paper with a series of watermarks and barcodes. The RRO was also monitored during the processing of asylum applications (Pandor, 2013).

4.4 The Experiences of Refugee Women in the Albert Park Area

The experiences of many women suggested that South Africa has failed to adhere to the principles of the country’s Constitution. This has resulted in female refugees being denied their rights. They were denied access to: refugee status permits; freedom and security; property; employment; education; social grants and health care services. Failure to access these rights has increased the vulnerability of refugee women in the Albert Park area.

4.5.1 Security Concerns

Chapter 2 of the South African Constitution guarantees the right to freedom, safety and security. This includes the right to be free from different types of violence performed by private or public actors and not to be punished or treated in a degrading and inhuman way (Republic of South Africa, 1996c). However, the rights of refugee women were often violated. They were subject to domestic violence at the hands of their husbands and family members. They were also subjected to verbal abuse and harassment perpetrated by local people, police officers and foreigners.

i) Domestic Violence

Domestic violence is defined as the “pattern of coercive and assaultive behaviour that includes: sexual, verbal, and psychological attacks and economic coercion that adults or adolescents use against their intimate partners and families” (Child Welfare, 2013:1). Bancroft and Silverman (2002) identified physical, psychological, emotional and economical forms of violence. Physical violence includes stabbing, grabbing, biting, kicking, arm twisting, hitting with an object, shooting and punching. Psychological violence involves blackmail, harassment, threatening, kidnapping, destruction and menacing. Emotional abuse includes insults and name calling. Economic violence is a process where an individual makes other person dependent by totally controlling financial assets. Female refugees who were victims of domestic violence spoke about their experiences:

“I got married in Democratic Republic of Congo... I have five children [16 years (girl), 11 years (boy), 9 years (girl), 6 years (boy) and a 18 month old. I am not working my husband used to pay everything including rent, food and school fees. The school fee is very expensive. It's R1 200 for 16 year old girl at Overport Secondary school and other kid pay R300 at Clairfull Primary school. My husband left me in February 2013 morning and never came back. Before he left me, in 2009 he was fired because he was always drunk and smoking at work every day. He was not working for seven months. There was no other source of income and we started to depend on child care support social grant support. The social grant was very small so we had to find the cheapest accommodation. I spoke to him to stop drinking... I also went to church to pray for him and ask God bless our marriage... but he did not stop drinking and started beating me. The last job he got was being a waiter in a catering company where he was also fired. He always came home late and demands social grant... if I did not give him social grant money he will start shouting and beat me, but I never gave him... I always knew that when it's pay day... there will be quarrel in the house” (Anna, 18 February 2014).

Most of the women interviewed did not report domestic violence to the police. They were scared to report or talk about it due to stigmatization:

“Female refugees were scared that if they report domestic violence, they will be embarrassed in their families or in the public and everyone will know that

they were abused. Even our clients that were experiencing domestic violence, they would not tell us... you will see woman with a slowdown. When doing house visits their neighbours will tell us that they heard some noise... woman was being beaten by husband. If we tell her to report to the police station, she will refuse and argue that it's a disgrace to the family" (RSS official, 18 July 2014).

It seems that these victims of domestic violence felt misunderstood and stigmatized by the people in their lives, including family members, neighbours, police officers and social workers. The police officers did not attend to such cases. Some women prayed for their husbands to stop abusing them:

"My husband usually threatens and beats me; I opened a case against him nothing was done... only God knows. I always ask Lord to guide him, stop abusing me and assist me to reduce my sufferings. I did not know what to do anymore... he took my children and hid them... he later chased me away. I decided to stay in Musina with my brother... I could not renew my refugee status permit in time... as I was in Musina I did not have money to pay for the transport fee to Durban. I was told to pay a fine of R3 000... I cannot afford to pay this fine" (Rehena, 27 February 2014).

According to De Moss (2001) many women believe that prayer will solve their problems. Female refugees believed that if they pray to God they will not struggle financially any more, their marriages would be salvaged and they will be healthy and happy. Married females were usually given refugee status permits with their husbands as the household head. They were therefore dependant and could not leave their abusive husbands:

"I was born in Burundi... I am married and I have seven kids. My husband used to be a boiler maker in Democratic Republic of Congo. Here in South Africa he could not find a proper job in the factories... he changed and engaged in drugs and consumed lot of alcohol... back home he did not drink, he started this habit in South Africa. When he was drunk he used to beat me. Me and my kids we were registered as his dependants... it was hard to just disappear. It took two years to have separate files... now I am applying for resettlement... I want to go to the United Kingdom, the third country, I am

running away from my husband... currently I am working as a domestic worker to support my kids” (Elizabeth, 25 February 2014).

“I need legal document papers for my son... I am married but separated with from my husband in 2007 because he always shouts at me and beats me. After we broke up I gave birth to another baby from another man. I am not divorced yet. The DHA officials said that they cannot give me refugee status permit for my baby because I am still registered as a dependant, and before the baby gets the legal status permit I need to go to DHA together with my husband... now I want a separate file... my former husband does not want to divorce me or add the child to his file because the baby is not his... and he always insults me and call me with names... he always argue that I was supposed to wait for him. The baby does not have legal refugee status permit and I cannot apply for child care social grant” (Susan, 20 February 2014).

Elizabeth found herself in a situation where she was trapped in an abusive relationship and there was no way out except by getting a separate file with her children. It is possible that husbands were struggling with the challenges of being refugees; this led to substance abuse which resulted in domestic violence. Susan got joint legal status with her husband and was his dependant. She could not tolerate his behaviour and they separated. She could not register her illegitimate baby. Susan’s narrative shows that female refugees have to be patient and cannot simply break up with abusive partners. They need a separate file before they can escape the relationship. Kereshma was also abused by her husband but stayed with him. In the end her husband chased her away:

“I got married in Democratic Republic of Congo under customary law... during the time of marriage my husband was already in South Africa... he paid lobola and everything. His and my family finalized the marriage in Democratic Republic of Congo... I came to South Africa to join my husband... when I arrived in Durban we got married at DHA in 2011. My refugee status permit was linked with my husband’s file. In December my husband started to beat me, wanted to kill me and finally he chased me away. Currently I do not have legal status permit now. I do not know where to go” (Kereshma, 24 February 2014).

Some female refugees came with their families and husbands to South Africa. Most empowerment programmes developed by the RSS office were designed for refugee women. Female refugees got jobs and became heads of households, while men were jobless and spent most of their time at home. The family structure changed. This frustrated men who believed that their authority had been undermined, and led to domestic violence, divorce and abandonment:

“I am from Rwanda... in 2010 I got married to a Congolese... because of the war in 2012 we decided to come to South Africa. When I came to Durban, I went to the RSS office where I was trained to be home based child care taker... we opened our centre with other refugee women... unfortunately my husband did not qualify to get training from the RSS office. It was very difficult for him... he stayed at home the whole day, cooking and cleaning... when I came back home he was always irritated, angry and shouting at me... he took out all his frustration on me. I did not know how long his behaviour will last. The other day I came back from work, he was not at home. He just left me without notice... I tried to look for him and I did not find him... his friend says he went to Cape Town... he even changed his phone number... I do not know what to do” (Stella, 27 February 2014).

“I got married at young age to a Muslim... but managed to study until grade 12. He did not allow me to go to school or pay for my school fees back home... we came to South Africa; the RSS office told me that I can apply for Albert Einstein German Academic Fund scholarship to further my studies... I had good results and they accepted me at the University of KwaZulu-Natal. He got angry and threatened to divorce me... I told myself that I do not care even if he can divorce me as long as I will be educated” (Ruth, 17 February 2014).

In most cases, male refugees abused female refugees. However, there was one case where a female refugee stated that she was abused by another woman, her daughter-in-law. Gladness experienced psychological and emotional abuse and now wants to go back to Democratic Republic of Congo:

“I came to South Africa to join my son... my son has a wife... his wife usually mistreats and abuses me. When my son is at work during the day she harasses me and shouts at me... she will ask me ‘why you came to South Africa; you

want to take money from my husband'. She accused me of bewitching her and causing the death of their first baby. She will not give me food during the day... I used to go to Albert Park ground and beg for food... sometimes I will go to the Park near Christian Centre... and I used to go home late when it was time to sleep. I want to go back to Democratic Republic of Congo to my daughter... she lives in Lubusha” (Gladness, 24 February 2014).

These life stories show that refugee women were not safe at home as they were abused by their husbands and family members. Sadly, the women were abused by the only people they knew in South Africa.

ii) *Fear of Urban Public Space*

Tonnelat (2010) defined urban public space as an open space that is accessible to all. Urban public space includes parks, recreation areas, plazas, streets and all publicly managed and owned outdoor spaces (Tonnelat, 2010). Female refugees were scared of using public space because they were subject to physical attacks, verbal abuse and sexual harassment from refugees, local people and taxi drivers and conductors. Doris was attacked by a taxi conductor:

“We took the taxi from South Beach to Albert Park Street... I was with my cousin, we paid transport fee... two people did not pay... taxi conductors said ‘there are people who have not paid’... as we already paid we did not pay attention. As we were not paying attention we heard the taxi conductor saying we need to pay, at that time he was staring at us... we told him that we had already paid... he started shouting at us and stopped the taxi and said we must get out because we refused to pay... as we were getting off the taxi, I was responding to him, he slapped me two times on the face and kicked me” (Doris, 28 February 2014).

Maria was physically attacked and evicted by security officers. This was an uncommon scenario. She paid the rent and deposit and signed the lease agreement. When she moved in with her family the security officers beat her outside the building and refused to let her inside. The security officers are paid to protect people and property (Security Guide, 2012). They ensure that there are no intruders and illegal activities (Security Guide, 2012). However, the security officers at Clifford Court Building were reportedly abusing refugee women:

“The rent was too high I could not afford it as I was not working and a single mother of five children... my family and I planned to find a bigger space where we can stay together. I moved in with my family on February 2013 at Clifford Court Building located in Albert Park Street. The full rent was paid and gave Mr Farouk (land lord) proof of payment. We signed the lease agreement same day. The children went to school and I went out to buy small groceries. When the children came back from school, they were instructed by the security officer (Mthethwa) not to enter the building... they stayed outside the building. When I came back from the shop, I found my children outside the building. I was also told by the security officer that I am not allowed to enter the building. I showed the security officer proof of payment... I phoned Mr Farouk, telling him what is happening... he told the Mthethwa to open. Mthethwa opened the gate and phoned Moses (other security officer). Moses started to beat me in front of the children outside the building... he stripped me naked... the time he was beating me he was saying ‘there too much foreigners in this building’” (Maria, 17 February 2014).

The supervisor of the building should have disciplined the security officers or fired them. Instead, he turned a blind eye.

Some female refugees described the xenophobic attacks of January 2009 and were very angry that the attacks were led by local people, police officers and former ward councillor, Vusi Khoza:

“In 2009 we were attacked by the local people, police officers and ward councillor... the foreign owned shops were vandalised and we were taken out of our flats. Who is supposed to protect us if we are also being attacked by the police officers and ward councillor? My brother was injured, he was attacked on his way home. The following day we went to Pietermaritzburg to escape violence. The attacks reminded me of the sufferings and the attacks we had faced back home and made me realize that we are not safe in South Africa” (Doris, 28 February 2014).

All the refugee women interviewed were subjected to verbal abuse from local people in the form of being called by insulting names. Female refugees were called ‘*amakwerekwere*’. This is a derogatory term used by South Africans to refer to black African foreigners, especially

Nigerians or dark-skinned foreigners (Bostick, 2012). According to Bostick (2012) foreigners who came to South Africa and could not speak any local languages, sounded like *kwirikwiri* to local people (Bostick, 2012).

The term '*kwerekwere*' became popular post-1994 because of an increased number of African foreigners entering the country. Immigration South Africa (ISA) (2014) concurred with Bostick's (2012) definition of '*amakwerekwere*'. The term describes foreigners as undesirable and is derisive because it is based on the etymology that foreign languages sound meaningless like the '*kwirikwiri*' noise to South Africans. Describing other people's languages in this way is discriminatory (ISA, 2014). '*Amakwerekwere*' is xenophobic language which is not acceptable. Name calling often occurs at public spaces, taxis and clinics. Queen was insulted by a taxi conductor, while Charity was offended by a taxi driver:

"Taxi conductor told another passenger: 'tell that 'kwerekwere' to pay a taxi fare' the taxi conductor was referring to me" (Queen, 20 February 2014).

"I used Durban linear taxi... I told taxi driver and conductor where I was going and they dropped me far. I asked them why? They told me they did not hear me and next time I should try to speak better and stop mumbling (Ukukwirikwiriza)" (Charity, 19 February 2014).

Some refugee women were called '*amakwerekwere*' by other patients at public clinics:

"I was in the queue, the other local people said I must move, she came first and it's her spot and she won't be played by a 'kwerekwere'... even if we do not speak it's easy for them to identify foreign women because we like wearing our traditional attires" (Sarah, 26 February 2014).

Refugee women were easily identified on the street through their traditional attire and accent (Figure 4.1). This exposed female refugees to violence and exploitation more than males. According to Sigsworth *et al.* (2008) foreign women preserve their culture and identity through traditional clothing and language in order to maintain spiritual and psychological links with their home countries.

Figure 4. 1: Female Refugees in Traditional Attire



Refugee women regarded the term ‘*amakwerekwere*’ as an insult that differentiates them from the rest of society:

“They always call us ‘amakwerekwere’... putting a spot light on us... It’s like we are different from them. It’s sad because we are here to stay... we do not have anything left behind... even today our countries are not politically stable... we are scared of going back to our countries” (Queen, 20 February 2014).

Female refugees were also subjected to sexual harassment by local men. Sexual assaults resulted in women being scared to walk in public spaces or isolated areas at night:

“I was walking along Victoria Embankment at night, coming from my friend’s place... I came across a man, who stopped me and asked for my phone and money... I gave him phone and told I did not have money. He heard my accent and started to touch me all over and told me that foreign man like to take local woman, now it’s his turn... as he was putting the phone in his pocket I ran away” (Sarah, 26 February 2014).

Refugee women avoid walking at night alone:

“We avoid walking at night alone... if we had to walk at night we need a male to accompany us... we are scared... it is not safe for the women to walk alone at night... during the night there are few people it will be easy for them to sexually attack us” (Sarah, 26 February 2014).

“I was invited to the church gathering at 21h00... I ended up not going because it was late and I could not find someone to go with me”(Roseline, 18 February 2014).

Female refugees were not only threatened by the local people but were also harassed by other refugees. Gloria was harassed by another Congolese in the taxi home from work:

“I was confronted by unknown guy from Democratic Republic of Congo in the taxi... he threatened me... he told me that I managed to escape in Democratic Republic of Congo but I will not be able escape again in South Africa. I went to report to the police station and I was told that I needed to have the address of Congolese harassing me... I also applied for a protection order. I do not know where these people live and I am sure they know my house. I am scared that these people can attack me at any time” (Gloria, 24 February 2014).

Some female refugees responded to their fear of urban violence by staying inside their home all day:

“I only go out if I really need to go... other than that I prefer to stay at home all day” (Rehena, 27 February 2014).

The violence experienced by refugee women in the Albert Park area, has caused fear, trauma and frustration. The women said that they were scared of being physically attacked, sexually harassed and verbally abused. They feared using public spaces, clinics and transportation. This has resulted in some female refugees wanting to return to their home countries and limiting their social interaction with local people. The fear of urban violence compounds the trauma that most female refugees experienced in their home countries. Women were also frustrated by the tension between local people and foreigners and the knowledge that police protection was limited.

iii) Police Protection

Police officers protect individuals' property and lives; preserve peace, safety and security; prevent crime and maintain law and order in the public interest; and respect the rights of individuals (Police Recruit, 2014). In South Africa everyone is entitled to police protection, at least in theory. However, national television has shown police officers attacking foreigners and arresting them. Palmary (2004a) argued that police officers stigmatized refugees as

criminals and harassed them. In the Albert Park area, female refugees were not receiving protection or assistance from the police:

“People robbed my shop... they took all my money and some of my goods. I went to report to the police station and the police officer told me he was going to call me and give me the case number... up until today I have not received any feedback. It is useless to report to the police station because they do not assist us and fail to protect us... we are confused as to who is responsible for protecting us” (Roseline, 18 February 2014).

Police officers discriminated against foreigners and were not gender sensitive. Cases of violence against women were not taken seriously:

“My husband was cheating and used to beat me and I went to police station for protection... I spoke to a male police officer who did not pay attention to me... my husband followed me to the police station... as I was seeking for their protection... I thought the police officers would not allow him to come next to me... he talked to them. After few minutes he forced me to go with him and the police officers did not do anything” (Queen, 20 February 2014).

Police stations need to ensure that there are female police officers on every shift to attend to women, especially those who experience gender-based violence. The female refugees did not feel welcome or safe in South Africa, as they were denied police protection. Attacks on refugees and limited police protection make them to live in fear:

“After I was beaten to death by the security officer of Cliford Court Building (Mthethwa), who disliked foreigners, I reported to the police officer and opened the case on 15 March 2013 at Broad police station. Nothing happened to prosecute him. The foreigners, who were there when I was beaten by the security officer, phoned Durban Central police station to report that police officers of Broad street police station were not assisting me. The Durban Central police officers came and the case was opened. However, the security officer still refused to open the gate for me... now I am staying in Church (Tabora). I cannot get child care social grant because all my cards are inside the flat... I did not get money and rent deposit back. Mr Farouk (supervisor of

Cliford Court Building) is aware but not saying anything” (Maria, 17 February 2014).

It is clear that the security officers, police officers and the supervisor had xenophobic tendencies. This narrative also illustrates the failure on the part of the police to protect refugees. Refugee women identified police station as areas where they experienced xenophobia:

“I went to Broad Police station to report that I was robbed... I was told to report in my own country” (Jade, 17 February 2014).

4.5.2 Access to Housing

According to the South African Constitution, “everyone has the right to have access to adequate housing” (Republic of South Africa, 1996c:1253). However, there are no refugee camps in the Albert Park area and refugee women have to find their own accommodation. Newly-arrived female refugees often look for the cheapest place in the city as they cannot afford expensive accommodation.

i) High Rent

Most cheap flats were degraded and poorly serviced (Figure 4.2). Judith could not afford to rent a bigger place; she and her family of 11 were forced to stay in a small degraded flat:

“When I arrived in Albert Park area, I stayed at my friend’s place for free... I had to move out and needed to find the place that I would manage to pay rent. Most beautiful places were often expensive... they cost R1 600 and above which was equivalent to what I earn monthly. If I used all the money for rent, I would not be able to cover my other expenses... I have a family of 11, I managed to find the cheap two rooms... me and the girls we sleep in the kitchen and father and the boys sleep in other room... we do not have a choice... as adults we do not have privacy” (Judith, 19 February 2014).

Figure 4. 2: Flats for Refugees



Some female refugees end up staying in a small complex, where they also run small businesses to avoid paying separate rent for the shop and accommodation. The room may be a hazard for a baby and parent (Figure 4.3). Figure 4.3 shows fire, gas, boiling oil and a child:

“I run my tuck shop in a small place... I sell fried fish, chips and fat cookies... I do not have other options. The bigger places are very expensive... here I pay only R800 monthly for this place... I have a grand-child that I have to take care... her mother is studying... next year the kid is going to the crèche... there is one room upstairs which we use as the bedroom” (Maria, 17 February 2014).

Figure 4. 3: Hazardous Environment



The picture (Figure 4.3) was taken before an interview. Maria was cooking fat cookies; the room was small and there was boiling cooking oil. If the child had fallen against the stove, there could have been a fire. Malouf and Wimberly (2001) argued that gas appliances, particularly gas stoves, can cause respiratory illness, impaired lung function and asthma in children and young women. Thus, Maria and her granddaughter were living in a health and fire hazard zone.

Newly-arrived female refugees who have no relatives, money or social networks, may face difficulties in finding accommodation. Some female refugees had requested housing from the local councillor but were rejected. The RSS office gave newly-arrived female refugees money for rent:

“I came with six kids... my husband was killed during war in Democratic Republic of Congo. I had nothing as I was not working... my late husband used be a breadwinner in this family. I went to the local councillor of Albert Park area to request assistance with housing and I was referred to the Department of Housing... they argued that they do not deal with housing issues. I decided to go to the RSS office. When I arrived at the office I explained my whole situation... they were very helpful and assisted me with the money to pay rent and food stuff” (Sarah, 26 February 2014).

Due to urban decay in the Albert Park area, rents are affordable to low income people (Matuma, 2010). However, some refugees could not afford to pay rent due to the following reasons: they had used all their money to cover travelling expenses, were not working, or were self-employed or earning below minimum wages as they were exploited by their employers. Some female refugees were forced to stay in a church:

“I was taken by the truck from Democratic Republic of Congo which dropped me in Manguzi, in the border gate I was taken by the bus to Durban... I did not know anyone... I used all of money to pay travelling expense and I was not working. I saw a church (Emmanuel Cathedral) and with the grace of God they did not chase me away, rather they welcomed me with warm hands and directed me to their office where they deal with refugees... The following day I rushed to RRO” (Rose, 18 February 2014).

There was only one case where a newly-arrived female refugee lived on the street:

“I arrived in the middle of the week... I did not have place to stay... I slept outside the verandas. I started life that I have never dreamt off... I was like a street kid... during the day I would beg for food with my kids. One day I saw many female refugees going to Diakonia... I followed them. My life changed as the RSS office assisted me with money to open my salon so I could have money to pay rent for myself” (Stella, 27 February 2014).

ii) Evictions

“No one may be evicted from their home without a notice or order from the court” (Republic of South Africa, 1996c:1253). However, refugees were being evicted from their homes without notices or court orders. There were different reasons for evictions. Sahara was evicted by her landlord because the flat owner found a tenant who was willing to pay higher rent:

“The flat was vacant, I asked the landlord if he could allow us to rent the flat... he agreed and told me that he will move us out if he finds people willing to pay a higher amount... after three months we were told to move out. We did not have a choice because we could not afford the amount of money he wanted us to pay... we were evicted without being given notice... it was very sad... but I cannot blame him because I had an arrangement with him” (Sahara, 26 February 2014).

Ruth was evicted by her landlord because she could not afford to pay the rent:

“I made the verbal lease agreement with the landlord and agreed that am going to pay R1 500 per month... I went to Pretoria to meet with International Organization on Migration (IOM)... when I came back from Pretoria, I could not enter into my apartment. The landlord had already changed the locks... he told me to leave the house. I could not afford to pay for another flat as I had used all the money to pay for the bus ticket. The LHR referred me to Rental Tribunal... I am still waiting for their response” (Ruth, 17 February 2014).

Ester was indirectly evicted without realizing it. The landlord told her that the flat was being renovated:

“I used to stay at Gables flats... I was evicted. The owner of the flat told me that he wanted to renovate the place because it was degraded. He told me that

after renovations I can come back... I did not have a problem with that... I stayed with my friends. When the renovations were finished... I went to him... he told me that he is no longer renting a flat to foreigners because they are untidy and always degrade the flats... he also told me that if I still want to move in I needed to pay for the cost of renovations because I was staying in the flat... he told me if I did not pay, he would not allow me to rent the flat again. He knew that I could not afford to pay the cost for the renovations... he wanted to find something against me... but its fine now I managed to find place. I stay in New York Building now” (Ester, 03 March 2014).

Other refugee women were evicted without reason or being given notice, and their belongings were dumped outside their flat:

“I was evicted without a notice. The sheriff came and took my belongings outside the flat... when I came back from work my clothes were already outside and I did not know what to do. I asked my neighbours to keep the clothes while I was looking for the place to sleep... it was very hard... but I managed to get the new flat” (Ruby, 21 February 2014).

Female refugees and their families were commonly evicted by their landlords and supervisors. Some were evicted without the proper procedures being followed. The Rental Housing Act, No. 50 of 1999 governs rental; agreements. A landlord cannot evict a tenant without valid reasons or notice (Republic of South Africa, 1999f). If a tenant fails to pay rent, the lease contract is breached and the landlord can terminate the contract. If the tenant has breached the contract, the landlord needs to serve notice stating the breach of contract as stipulated by the lease agreement. If nothing is done, the landlord can terminate the contract and engage in a legal process. Eviction must be authorised by the court, which usually takes up to three months. The court judgement is given to the sheriff for collection. If the tenant cannot afford to pay, their belongings are attached for resale to cover the bill. Although landlords may be angry, they are not allowed to evict refugees without notice or a court order; enter their flats; and remove their goods without permission.

4.5.3 Access to Health Care Services

Chapter 2, Section 27 of South African Constitution states that “everyone has the right to have access to health care services, including reproductive health care services and no one may be refused emergency medical treatment” (Republic of South Africa, 1996c: 1225). Female refugees reported difficulties in accessing health care services.

i) Discrimination and Negligence

Refugee women were discriminated against and neglected by officials working in public clinics and hospitals:

“I was the first one in the queue and I was not attended first... they took cards for the local people first... my card was taken at the end. I felt bad... it is better to go to a private doctor or hospital. Officials working in Addington Hospital differentiate us from the rest of the population... the hospital administrators may address us in Zulu while knowing that we do not know it... we are still struggling to even understand English. If we told them that we do not understand they will just ignore us... we will see people moving in different directions and we do not know where to go... they will just leave us unattended” (Ruth, 17 February 2014).

“I come from Rwanda... I was pregnant last year. I went to King Edward Hospital to give birth... I lost my baby because of the negligence of the staff. I was in labour pains... there was a long queue and I was sitting on the chairs... I told them that I had labour pains... they told me that I cannot teach them what they must do... they will attend me when my time has come... they only started to focus on me after the water broke and I was also bleeding. I collapsed and after I woke up I was told that my baby did not make it... I want compensation from the hospital because they killed my baby. If they had attended me at the beginning my baby was going to make it” (Hope, 21 February 2014).

Negligence at public hospitals has resulted in female refugees losing their loved ones.

ii) Denied Access

Some refugee women reported being denied access to health care services because they were not permanent citizens. Jade narrated her experience:

“I come from Democratic Republic of Congo. There was other time where I was really sick... I went to Inkosi Albert Luthuli Central Hospital... they said I needed the chronic renal programme. However, the Department of Nephology at Inkosi Albert Luthuli Central Hospital said they cannot offer me the chronic renal programme because I am not the permanent residence of South Africa... only the South Africans can have access to it. I survive by the grace of God. I keep on going to the clinics where I often get pain killers” (Jade, 17 February 2014).

The right to health applies to all living in South Africa, regardless of citizenship. Inkosi Albert Luthuli Central Hospital was supposed to follow the guidelines for chronic renal dialysis. The chronic renal programme assists patients who are suffering from chronic renal disease and need treatment and lifesaving care. The patient is treated until an organ donor is found (Department of Health, 2013). However, the programme is limited to a certain number of patients. Each public hospital has about 20 dialysis machines. Some machines are poorly maintained (Department of Health, 2013). Renal dialysis takes about four hours. It takes another two hours to clean the machines. Jade’s narrative shows that hospitals discriminate against patients on the basis of nationality.

Judith was denied access to health care because her company refused to give the hospital their registration number when she was injured on duty:

“I was working at a clothing factory... I was injured while I was on duty. The company called the ambulance for me... I was admitted and I had plaster of paris. When I went to the hospital to remove plaster of paris, they refused... they argued that they cannot help me because the company that I was working for refused to give them the registration number... my health was at risk... I went to the company and asked them why did they refuse to give the hospital their registration number? They told me I should go back to hospital and tell them that I have the right to access health care services. I went back to the hospital but they did not listen to me, the administrator just refused. The

company did not give me injury on duty form... I would not be able to claim the compensation fund” (Judith, 19 February 2014).

If a worker is injured on duty, the company pays the bill whether they are admitted to a public or private hospital. When the patient is admitted, the company and the hospital complete an injured on duty form. The hospital requires the company’s contact details and registration number in order to ensure that the bill is paid. The patient also uses this form to apply for compensation (Republic of South Africa, 1993a). Judith was denied access to health care because the company failed to provide the registration number. The company did not complete the form and was not willing to pay her medical bills and compensation.

Pregnant refugee women reported being denied access to ambulance services. Dorah was told that ambulance was not for pregnant woman and that she should arrange her own transport:

“The nurse wrote at the left corner of my maternity card with pen that when I am in labour I should hire a private car... ambulance was for emergency not pregnant women. They argued that as a woman I should be able to sense when I am due. It was very sad because hiring a cab is very expensive and it is impossible to predict the date and time of labour pains” (Dorah, 03 March 2014).

There is no law or policy that states that pregnant women or refugees should not have access to ambulance services. Indeed, the Department of Health has adopted policies to reduce mortality rates among pregnant women. These include obstetric ambulances reserved for pregnant women, whether they are South Africans or foreigners (UNIFPA, 2012). However, pregnant female refugees were denied access to an ambulance.

iii) Poor Communication

Since there are no interpreters at hospitals, it is difficult for female refugees to communicate with medical staff. This leads to mistreatment. The failure of the Department of Health to provide interpreters at hospitals and clinics has resulted in refugee women facing difficulties in accessing basic health care services:

“I was sick and I did not know English but my husband knew how to speak English at that time... he was at work... so I had to see the doctor... I did not have the money to pay for a private doctor. I went to Addington Hospital where no one was willing to assist me and claimed they could not understand

me... tried to explain what was wrong... other nurse just said: 'she does not have time for kids who are learning to speak'. I had to go without being assisted. My husband had to take a day off in order to accompany me to the hospital” (Charity, 19 February 2014).

Charity’s narrative shows that there is a greater need for government hospitals and clinics to have interpreters.

iv) The Impact of Limited Access to Health Care Services

Female refugees’ lack of access to health care services negatively impacts their lives. Some are on chronic medication and if they do not receive it their lives could be in danger:

“I was sexually attacked by the rebels in Democratic Republic of Congo... I was diagnosed HIV positive. I started to take medication because my immune system was below 350... I went to a clinic to fetch medication... the nurses did not attend me and I did not even get the medication that day, and my pills were already finished. I had to go back to clinic the following day... I did not have medication for the whole day... that did not affect me health wise at that moment but I know in a long run it will affect me” (Sarah, 26 February 2014).

Women were affected by the same health conditions as men, but females experienced them differently (UN, 1995b). Women refugees experienced physical and sexual violence, discrimination, limited power to control their reproductive health and limited power in decision making. Female refugees were often depressed, traumatized and felt inferior; they critically needed health care facilities.

4.5.4 Access to Education

In South Africa “everyone has the right to basic education, including adult basic education and the state must make reasonable measures to ensure education is accessible and available” (Republic of South Africa, 1996c:1257). According to the South African Schools Act, No. 84 of 1996, “no learner may be refused to public school on the ground that his or her parent is unable to pay the school fees” (Republic of South Africa, 1996b: 12-13).

i) Access to Basic Education

Female refugees were responsible for taking care of their children. They needed to ensure that children have access to basic education. Refugee women from the Albert Park area faced

difficulties in getting their children admitted to schools, especially when they were unable to pay school fees:

“If you are not working... it becomes hard to pay school fees... the school fee is about R800 in Addington Primary School for one kid... can you imagine how much it will cost for three kids? I am still waiting for child care support social grant. If the child care support social grant is approved they will be able to go to school next year... with the social grant I will manage to buy uniforms, pay school fees and rent... for now my kids cannot go to school because I cannot afford it” (Charity, 19 February 2014).

The RSS office encourages female refugees to apply for exemption from school fees. Exemption should be granted when a parent cannot afford to pay the fees (Department of Education, 2013). It’s a parent’s responsibility to ensure that their children have access to education. The parent needs to ensure that exemption is applied for each year:

“When you apply for exemption, it’s not guaranteed that you would not pay at all... you explain at school why you would not be able to pay... you tell them how much you get every month... sometimes they will require a female refugee to pay a contribution. If an individual believes that she cannot afford to pay school fees the following year... she must go to the school and explain” (RSS official, 11 March 2014).

However, not all schools accept students that cannot pay school fees (Department of Education, 2013). The Department has designated no fees schools and a list of such schools is published (Department of Education, 2013). However, the female refugees said that such schools were not located in the Durban city centre, where their children would have easy access. No fee schools were located in the townships. Some refugees’ children did not go to school because their parents could not afford to pay for transport:

“I could not afford to pay the school fees for my kids... I went to the Department of Education to inquire about schools which did not require school fees... I got the names, these schools were not located within the Durban city centre and I needed money to pay for transport fee of which I could not afford. My kids are not studying they stay at home the whole day” (Ester, 03 March 2014).

“Not all schools accept refugee kids to study free... they want us to pay. Some primary schools turned me down and told me they will get back to me... even today I have not received any call from them. Allerton primary school at Pietermaritzburg accepted my daughter; she stays with my cousin... now I am worried that as she finishes primary school where she would study in 2015. I could not find a school that would allow my kid to study in the Durban city centre, where I would not have to pay for transport fees... I so wish she can get school here in Durban so I would be able to raise her myself” (Susan, 20 February 2014).

Most no fees schools in Durban were dominated by Zulu-speaking pupils, which made it difficult for refugee children to be accepted and integrated. The majority of refugees’ children could not speak English and Zulu, the dominant languages in Durban:

“My kid was not accepted at Isisusa Secondary School located in Umlazi... the School administrator said the teacher would not be able to communicate with my kid... it would be better if she understood one of the languages, which are English and Zulu” (Dorah, 03 March 2014).

Other children were not admitted due to prejudice and discrimination. Faith argued that her daughter was denied admission because she was a foreigner and was not fluent in English:

“I applied for my daughter at one of the schools located at Glenmore, last year. I did not get a response. This year I went to school, they told me that her application was unsuccessful because she was not fluent in English as she is not South African. I wanted my kid to get the best education but she was rejected” (Faith, 19 February 2014).

Some children could not access education because they came to South Africa after the academic year had commenced:

“We came in South Africa at the beginning of the year, all schools were already full... they told me that in order to get the space for my kids next year I need to place the request before the end of this year... dark or light (swearing) my kids are going to school next year” (Judith, 19 February 2014).

Children needed to be registered the year before, between August and November in order to commence school in January the following year (Department of Education, 2013).

ii) Access to Tertiary Education

University fees constrained refugees from accessing tertiary education. The RSS office encourages female refugees to apply to the Albert Einstein German Academic Fund. However, refugees often face difficulties in applying due to delays in processing refugee status permits. This scholarship is only available to refugees and asylum seekers do not qualify. Refugees must be below the age of 28 years and must be accepted at a government tertiary institution. Most newly-arrived female refugees had to wait for refugee status permits before applying to tertiary institutions. Asylum seekers needed to work while studying in order to be able to pay tuition fees:

“I studied as an asylum seeker for one year... it was very difficult because the university did not grant me financial aid... financial aid is given to those with refugee status permits... even the Albert Einstein German Academic Fund scholarship is only available to people with refugee status permits... I had to wait for long time in order to get Albert Einstein German Academic Fund scholarship... I had to work part time so I can manage to pay school fees... I only got Albert Einstein German Academic Fund scholarship in second year” (Ruth, 17 February 2014).

“I waited for three years before I went to study at the tertiary institution because of refugee status permit delays. The tertiary institution accepted me but I did not get Albert Einstein German Academic Fund scholarship because I was 30 years old and passed the limiting age of Albert Einstein German Academic Fund scholarship... I had to apply for financial aid... during my first year I did not get it... but the university paid my school fees because I passed with flying colour” (Kareshma, 24 February 2014).

Martha and Kareshma were affected by the age restriction. Kareshma managed to continue while Martha could not:

“I always wanted to further my education at the university but I could not continue... I waited for refugee status permit for long time and I could not get Albert Einstein German Academic Fund scholarship to pay for tuition fees. I

waited for many years to get refugee status permit... at that time my boy was already grown up and I thought he was supposed to go to study first... I am 29 years old and Albert Einstein German Academic Fund only accept people less than 28 years old. My son is studying now, when he finishes I will be able to go back to school because he will pay my fees” (Martha, 27 February 2014).

iii) Access to Adult Basic Education and Training

Few of the refugee women interviewed were educated. Most had dropped out of school at the early grades and some had not gone to school at all:

“I dropped school at early grade... at Berere village (Democratic Republic of Congo) when you can read and write you were forced to stop studying and get married if you are a woman. When I was doing grade 4, my parents made arrangement with my husband’s family. They wanted me to get married... I married my husband in 2005” (Ester, 03 March 2014).

“I did not go to school at all... I was staying with my parents... my mother was working as a domestic worker... I grow up staying with her in a farm. During the day I would work with her... her boss hired me to water the garden... when I was 15 years old, her boss hired me to be a domestic worker to assist my mother” (Dorah, 03 March 2014).

The respondents had no information about adult basic education and training:

“I dropped school because my parents forced me... if I could get the chance to go back to school I would take it. I heard that there is adult basic education and training but I do not know where the class are being held and where to register... I need to study so I would be able to help my kids with homework and be able to reads letters for my bills” (Ester, 03 March 2014).

4.5.5 Access to Social Grants

Chapter 2, Section 27 (c) of the South African Constitution states that social grants must be provided to those who cannot afford to support themselves (Republic of South Africa, 1996c). Refugee women have the right to child care support, disability and old age grants. However, some were facing difficulties in accessing social grants:

“I had to wait for long time to get disability social grant... they first said I must come after certain period... when I came back they told me that I did not qualify... I asked them why? They did not answer me. I went to the RSS office to explain to them what happened because they were the ones who suggested that I should apply for a disability social grant. The RSS office really helped me to get the disability social grant... RSS office phoned SASSA and everything was sorted” (Sahara, 26 February 2014).

The disability grant is given to an individual with a mental or physical disability, who is unfit to work for more than six months (Republic of South Africa, 1996c). Fortunately, the RSS office assisted Sahara to receive a disability grant. Charity experienced difficulties in accessing a child care support grant:

“When I went to apply for child care support social grant... the staff working there used to ask me are these all my kids? Local people have this tendency of saying we give birth to lot number of babies so we can get higher amount of money. They never believed that all were my kids. The social workers did home visits and interviewed me... I was very sad because they had the xenophobic attitude towards me. It took me a long period to get social grant” (Charity, 19 February 2014).

The child care support social grant is a monthly payment made to adults that care for children under the age of 18 (Republic of South Africa, 1996c). It is currently pegged at R320 per child per month. According to eNCA News (2014) it is commonly alleged that refugees in South Africa have many babies in order to access the child care support grant. However, there is no evidence to support this assertion. The RSS official noted that since social grants were extended to refugees in 2004, refugee women often reported that their applications were rejected. SASSA would argue that refugee women did not qualify. Sometimes the problem was individual xenophobic behaviour:

“The RSS office always refers refugee women with kids to SASSA to apply for child care support social grant. Female refugees always come back to report that they were denied... we will phone SASSA and ask them why they did not grant them? We had a long battle with SASA through UNHRC... they started giving refugees social grant after 2012 while it was approved in 2004... refugees still face problems but we are keeping close eye on them” (RSS official, 18 July 2014).

The RSS office was only able to speak for refugee women that they have contact with:

“The offices do not know the information of the female refugees whom we do not have contact with... but our clients do get social grant. The RSS office do whatever they can if they believe that this refugee deserves to get social grant” (RSS official, 18 July 2014).

4.5.6 Access to Food and Clothing

Newly-arrived female refugees in South Africa often had limited access to food and clothing. They did not have the chance to plan their departure and pack clothing. They were also afraid to pack clothing as they would be seen by the rebels:

“I only brought one bag of clothes for my kids... there was no time to pack clothes. I had to bring few clothes so that rebels would not see us that we were escaping... if rebels saw us carrying clothes they could have stopped us. Now my kids do not have clothes to wear when they go to church and I do not have the money to buy new clothes” (Joyce, 17 February 2014).

Others could not bring their clothes because there was no space on the trucks used to travel to South Africa:

“The truck was full of refugees... there were no spaces for big luggage. I brought few clothes which I can be able to carry with my hands while on the journey” (Maria, 18 February 2014).

Newly-arrived female refugees did not have proper jobs and money to buy food. All the money they had was spent during their journey. They were dependent on social networks and church members for food and clothes:

“I used all the money I had to pay for transport... When I arrived in Durban, I could not find a job fast... as I was not working and did not have money to buy food, I always ask for donations at church for food parcels and clothes. Church members were so caring and they often give me tinned food and clothes that they no longer use. Some will give me money so I can buy whatever I want... if it was not for the church members I would have died because of hunger” (Dorah, 03 March 2014).

Refugee women without social networks had to beg for food from anyone speaking a similar language or local people on the street. Stella did not have money to buy food and used to beg on the street. She was advised by other Congolese to go to the RSS office:

“I used all money I had to pay for the truck... when I arrived in South Africa, I did not have anything. Life was very hard at that time... I even learned to eat from the garbage... I wished to go back to Democratic Republic of Congo but I was scared... I was always hungry but I managed to survive. The other Congolese that used to give me food advised me to go to the RSS office. I went to the RSS office for assistance and I was given food voucher and money for rent” (Stella, 27 February 2014).

4.5.7 Access to Employment

There was a high rate of unemployment amongst female refugees. Few refugee women interviewed were educated but could not find a proper job. Companies and government departments often discriminated against female refugees because of their nationality:

“The companies do not hire refugees, they only hire South Africans and want the green identity barcode... I cannot find proper job now... I am selling fruit and vegetables for survival... (Angry and sad)” (Rose, 18 February 2014).

Others could not find jobs due to language barriers:

“In my country we speak French and Swahili... now I cannot speak English properly. I try but it’s hard. The companies want people who are fluent in English. Even the RSS office cannot hire me... for survival I depend on my husband... currently I am attending the English classes at the RSS office” (Joyce, 18 February 2014).

Other refugee women could not get the jobs due to delays at the South African Qualification Authority (SAQA). Female refugees who have foreign qualifications, apply to SAQA for their certificates to be evaluated (SAQA, 2013). The purpose is to determine the level at which the qualification should be recognized in South Africa and ensure the authenticity of the qualification. It is assumed that some foreign qualifications are misrepresented or forged (SAQA, 2013).

According to SAQA (2013) an application for evaluation should not take more than 30 days. Urgent applications take 20 working days, while priority applications take 10 working days, and special applications 40 working days. Gloria sent her certificate to SAQA to be evaluated. She had waited seven months for a response:

“I come from Democratic Republic of Congo... I am a qualified financial accountant. I cannot get the job here in South Africa because I am still waiting for the feedback from SAQA. I phoned SAQA office on 04 April 2013 and I was told that they will send me my certificate... since then I have been waiting. I am not working now but my boyfriend is working and supports me” (Gloria, 24 February 2014).

Delays at SAQA prevented women from getting a job and being self-reliant. They were forced to depend on their male counterparts.

i) Unfair Dismissals and Labour Rights Violations

Some refugee women managed to find a job but failed to keep it. Ruby was fired after five weeks. Her employer did not comply with labour law. Workers in South Africa are protected by the Basic Conditions of Employment Act, No. 130 of 1997. According to the Act, everyone has the right to be paid the agreed wage on the agreed date and not be unfairly dismissed (Republic of South Africa, 1997d). Ruby explained how she was unfairly dismissed:

“I was fired after working for five weeks... I was working for small computer shop. They fired me immediately after they found out that I was a refugee. They gave me money for three weeks and told me that they were closing the shop... I thought they were serious about closing the shop... I took the money and went to look for another job... I went to workshop the other day, after one month of my retrenchment the shop was opened again. I asked my other

colleague working in workshop who told me that store was always open. I went to shop and asked to have my job back... they refused and told me that they already found my replacement” (Ruby, 21 February 2014).

Ruby was unfairly dismissed and discriminated against based on her nationality. In terms of Section 37 of the Basic Conditions of Employment Act, No. 75 of 1997, an employer cannot dismiss an employee without notice. The employment contract “may be terminated on notice of not less than: one week, if employee has been employed for six weeks or less; two weeks, if the employee has been employed for more than six months but not more than one year; and four weeks, if the employee has been employed for year or more, if a domestic worker has been employed for more than six months” (Republic of South Africa, 1997d: 34). Rosaline was also unfairly dismissed:

“I worked for Zama Traffic Signal as a traffic sign technician... the other employee stole cables at work... I caught him and I took the pictures of him taking the cables... I gave supervisor the pictures... things got bad. The supervisor also accused me of stealing the cables and we were both suspended. The following day the supervisor called me in his office and told me to sign the dismissal letter... I refused to sign... then he started threatening me and told me that he would not give me the money until I signed. I went to the Lawyers for Human Rights for legal advice... the matter was taken to Commission for Conciliation, Mediation and Arbitration (CCMA). I am still waiting for the response from CCMA” (Rosaline, 18 February 2014).

The supervisor should not have fired Rosaline without reason or notice. Queen was also exploited and unfairly dismissed. She should have ensured that there was a signed contract. In the absence of a contract, the employer can deny her allegations even if the matter is taken to court:

“I was employed in July 2011, no contract was signed... I was the only black African in the company. In December all workers got bonuses and yearly increase... I did not get anything. I was hired as the clerk. I ended up working as book keeper but my salary remained the same... on 16 January 2013 I was told not to report to work till further notice” (Queen, 20 February 2014).

Elizabeth was exploited by her employer who made her work long hours and paid low wages. She worked as a domestic worker from 06h00 to 20h00 and was sometimes woken while she was sleeping or had to wait until all family members went to bed. In terms of the Basic Conditions of Employment Act, No. 75 of 1997 (Chapter 2, Section 1) an employee should work nine hours a day if working five or less days a week and eight hours if the individual works more than five days a week. If the employee is working more than the required hours a day, this is overtime (Republic of South Africa, 1997d). However, the overtime should not exceed three hours a day or ten hours a week. Elizabeth was working more overtime than permitted:

“I worked for the whole month as domestic worker and I was not paid at the end of the month. My boss told me that she will pay me on the 15th ... she also told me that I did not need much money because she provided me with accommodation and food. At the end of the month she gave me half of what we agreed on... she was supposed to give me R1 000... she end up giving me R500. I could not manage to pay the school fees for my children and my brother paid for me. I continued staying and did not say anything hoping she was still going to give me the balance. I was working almost 20 hours a day... I started at 06h00 till 20h00” (Elizabeth, 25 February 2014).

The basic minimum wage for domestic workers is R1 618.37 a month (Wage Indicator Foundation, 2014). Exploitation led to Elizabeth being unable to fulfil her needs and having to depend on her family for support. Anna was also exploited and unfairly dismissed:

“I had the problem with my employer and he fired me and confiscated my refugee status permit... he caught me in town during the day... I was supposed to be inside his house cleaning... I had emergency call that required me to be in town, I did not report to my boss because I was going to come back early and he did not allow me to go out... If I was working for a company I would have gone to town during lunch time... now that I was domestic worker I did not have lunch time where I could go to town and do my things. He caught me... forced me to his car... he fired me and told me to pack my things and go” (Anna, 18 February 2014).

Anna was not given a lunch break which she was entitled too, under Section 14 of the Basic Conditions of Employment Act, No. 75 of 1997. This states that an employee who works

more than five hours is entitled to a one-hour break. It is evident that, refugee women were unfairly dismissed and exploited by their employers and that their labour rights were violated.

ii) Informal Trading

Due to their inability to obtain and retain employment in the formal sector, refugee women seek jobs in the informal sector or open small businesses. Most female refugees worked in hair dressing salons, street vending, internet cafés, restaurants and crèches. However, they faced difficulties in registering their small businesses. Many were trained to be home based child care workers by the RSS office in order to become self-reliant. After completing the course, they faced difficulties in registering home based child care centres. The eThekweni municipality did not allow them to open childcare centres due to inadequate space:

“The municipality refused to register my home based child care centre... they argued that I did not have enough open space where the children can play... how can the government expect me to have big open space while I stay in a small flat? How can the municipality expect me to have money to rent a place with big space because it does not fund me?” (Stella, 27 February 2014).

This resulted in refugee women opening their centres at churches:

“Municipality refused to register my home based child care centre... now I am running home based child care centre under the church... at the end of the day I need money to support my family. The municipality is supposed to allow us to open home based child care centre in our small spaces as we are working we will have the money to rent a bigger space” (Martha, 27 February 2014).

A home based child care centre is required to provide space where the children can play. Female refugees could not afford to rent sufficient space. The RSS office was aware of these difficulties:

“Refugee women are trained to be home based child care helpers but they failed to register their centres... there is nothing much we can do... rules are rules. We often encourage refugee women to open their centres as groups... whatever they have; they combined it so they will be able to get a bigger space” (RSS official, 18 July 2014).

Some refugee women were engaged in informal trading. However, both formal and informal trading require a trading permit and a site. Refugee women applied for permits and sites but were less successful than local people:

“I do not have the trading licence... I applied long time ago but I still do not have it... I do not know what is holding the eThekweni municipality approving my application. I sell on the street while I am still waiting for my trading permit... but it is hard because every time I see the police officers I hide my things. Sometimes they will come and take my things... some would just want to take goods for free” (Rehena, 27 February 2014).

Police officers harass female refugees that do not have trading permits:

“Am selling sweets and chips on the street... metro police officers would come and take my goods... and I have to start again and buy new things to sell. If they did not take them they would want to take some goods for free” (Rehena, 27 February 2014).

All municipalities have adopted an informal trading registration policy to ensure that informal traders are registered and pay rent (City of Cape Town, 2004). Registration offers permission to operate and access to services and support systems. It also enables municipalities to determine where traders are located, the type of sector, and whether or not rentals are up to date and to enforce health regulations (City of Cape Town, 2004). Some refugee women had applied for registration, but were still waiting for authorization. In the meantime, they were harassed by metro police officers:

“In my shop, police officers always come to check my documentations to see whether my tuck-shop is registered or not... they always force me to close it or sometimes take my goods with the truck... I do not have documentation... I am still waiting for the documentation papers... If I close this tuck shop I would not be able to feed my family... I always need to bribe them or let them take whatever they want” (Jade, 17 February 2014).

Others stated that their trading permits had been cancelled without reason:

“My trading permit was cancelled without a reason... I do not know what to do anymore... now I am selling goods illegally because they gave me no

choice. It would have been better if I knew why they cancelled my trading permit... I went to the Lawyer of Human Right for help... they are currently assisting me and addressing this issue with the relevant government departments” (Joyce, 18 February 2014).

It is possible that the refugees were deliberately prevented from running their business and were discriminated against by law enforcement officers. The lack of formal trading permits led to female refugees being unable to sustain their livelihoods.

4.5 The Role of NGOs and Local Government

This section analyses the role of government and NGOs in responding to the challenges facing refugee women in the Albert Park area. The first part critically reflects of the role of the government, while the second part shows how NGOs have attempted to address the vulnerability of refugee women.

4.6.1 Local Government

According to the South African Local Government Association (SALGA) (2011) local government is the sphere of government that is closest to the people. Local government is made up of municipal institutions. Municipalities comprise political and administrative structures and the community. Executive and legislative powers are vested in municipal councillors (SALGA, 2011). Councillors are locally elected and understand the needs of their community better. They decide what services the municipality should offer, how the council is run and how revenue is spent. The responsibilities of local government are as follows (SALGA, 2011):

- Infrastructure and basic services such as sanitation and water, gas reticulation and electricity, storm water management, refuse removal, street lighting, municipal roads and municipal transportation.
- Social and welfare services, including health care services, child care facilities and public parks. Health and welfare services are also the responsibility of provincial government
- Administration and public order including building regulations, fire-fighting services, control of nuisance, noise and air pollution, parking and trafficking. Metro police officers often assist with enforcement in this area.
- Managing and directing infrastructure provision and land use, either provided by municipality directly or by the province. For instance, the housing programme is

implemented by provincial government, but effective implementation is the responsibility of the municipality.

With the exception of the right to vote, refugees are entitled to the rights enshrined in Chapter 2 of the South African Constitution (Palmary, 2008b). Therefore, refugees are entitled to the services offered at municipal level. In this case, eThekweni municipality should have provided refugees with houses, health care services and security and policing services.

The local councillor for the Albert Park area's response to the needs of refugee women was often limited. Female refugees felt that the local councillor was ignoring their needs. The city's development plans excluded female refugees. Although they had made contact with the local councillor, some refugee women did not have place to stay, while others were evicted. Some asked the local councillor to build camps, but were refused:

"I used to stay in the Clifford Building and I was told that I should move out. I went to local councillor of Albert Park area to request shelter... I did not get it and I had to stay with my friend. We met with other refugees and we went to the local councillor to build camps for us because we always faced evictions in the flats, the local councillor said he cannot help us because there is no budget allocated for us" (Maria, 17 February 2014).

Female refugees faced difficulties in accessing social services. The researcher has resided in the Albert Park area for four years and has observed that the local councillor assisted refugees by integrating them into society. Refugee women came to the Albert Park area knowing no-one and felt isolated. In 2009 the local councillor implemented a programme to promote social cohesion and integration between refugees and local citizens driven by the KwaZulu-Natal Department of Art and Culture. Some female refugees knew about this programme:

"The local councillor has come up with different programmes to help us to integrate with the society. One of the programmes includes celebrating Africa day. The tournament often takes place in the Albert Park grounds... lot of people participate in the tournament" (Happy, 04 March 2014).

The local councillor encouraged refugees to participate in this programme. It was held on Africa Day, May 25 to celebrate African unity. A soccer tournament was held at the Albert

Park ground. However, most refugee women did not attend. Maria provided following justification:

“How can the local councillor of Albert Park area expects us to play while we are hungry (angry and raising voice)? The money that is wasted from celebrating Africa Day is supposed to be invested on our children’s education? I do not even attend Africa Day celebration... only my husband used to go to that tournament... I cannot even play. There are many things to worry about than celebrating Africa Day. I worry about what we will eat today and would I manage to get rent to pay for accommodation?”(Maria, 17 February 2014).

Refugees were also denied access to health care services due to their nationality. As noted earlier, Jade was denied access to the renal dialysis programme at Inkosi Albert Luthuli Central Hospital because she was a foreigner. Refugees running small businesses reported being harassed by metro police officers. These police officers are supposed to maintain public order and protect refugees from xenophobic attacks. However, during the xenophobic attack of January 2009, refugees were evicted and harassed by metro police officers.

EThekweni municipal departments have encountered problems in implementing the Refugee Act, No. 130 of 1998 (Amisi, 2005a). There is a lack of understanding of female refugees’ needs. Refugee women received little support from the municipality and specifically the Albert Park local councillor with regard to housing, health care services and safety. When women refugees were asked how they adapted and adjusted to life in the Albert Park area, it was clear that they relied heavily on NGOs operating in the area.

4.6.2 NGOs

Most female refugees received assistance from the RSS and LHR offices in the Albert Park area. These NGOs were considered to be playing a positive role in assisting vulnerable refugee women:

“The local councillor does not respond to my needs. I largely depend on RSS office. When I first arrived in Durban I stayed with my relatives for two week. I went the RSS office and explained my situation and they offered me rent for

three months and assisted me to be a hair stylist... now I can afford everything I need” (Dorah, 25 February 2014).

“When my refugee status permit was rejected I went to LHR office to ask for assistance. They were with me until I got my refugee status permit... now I have my refugee status permit with the help of LHR” (Stella, 03 March 2014).

The researcher also observed that there were gender disparities at the LHR and RSS offices. Male refugees often seek help at the LHR office while refugee women and children went to the RSS office. This was related to the type of assistance these organizations provides. Most of projects at the RSS office were designed for women and took the form of social assistance, while, the LHR office focused on legal issues.

i) Refugee Social Services

The RSS provides social assistance to refugees and was registered as an NGO in June 2008 (RSS, 2013). Previously, the RSS was known as a project of the Mennonite Central Committee (MCC). The RSS is the social services implementing partner of the UNHCR in South Africa (Chesang, 2002). It only assists refugees and asylum seekers that have legal documentation, and provides emergency social assistance that includes accommodation and food for newly-arrived vulnerable refugees (RSS, 2013). They focus on the most vulnerable groups such as children, unaccompanied children, minors and orphans; newcomers; single parents; people who are ill; the youth; and disabled and old people. The RSS promotes self-reliance and independence; helps to access primary and secondary schools; provides educational support through English and French classes for refugees; and offers professional counselling as well as referrals to specific service providers (Amisi and Ballard, 2005; RSS, 2013). The vision of the RSS is to be a global leader in providing a quality, innovative and holistic service that will develop refugees’ capacity to achieve independence and integration. The mission of the RSS is to provide programmes that promote socio-economic and psychological independence; work in partnership with stakeholders and refugees through advocacy and lobbying and engage in research to inform policy and programmes (RSS, 2013). The RSS office provides the following services: protection services for children; self-reliance programmes that promote independence; help with voluntary repatriation and durable solutions; and professional counselling as well as referrals to specific service providers (Amisi and Ballard, 2005).

The RSS office also advocates and lobbies for the rights of refugees. Some government departments deny services to female refugees and the RSS office intervenes.

“We ensure that government departments are accountable to refugee. They often come to our office and report that they were denied access to childcare social grant... the office will call the DSD and SASSA or write letter to ask why she was refused... and sometimes we will do follow ups, at the end the refugees are granted social grant” (RSS official, 18 July 2014).

Refugee women were also receiving training at the RSS office. Self-reliance projects and material assistance were designed for refugee women. Self-reliance projects include: learn to speak English; employment workshops and vocational training; peer educators and health assistance; employment opportunities; home child base care; community wellness programme; sewing projects and paradise projects.

a) Learn to Speak English

Female refugees were encouraged to register for English classes:

“We started English classes in 2008 aimed at training refugee women to learn English for three months. We only help refugee women because we believe that they are the most vulnerable group, who came to South Africa without knowing English. Males are often on the street and they can learn English fast. Some male refugees were given chance to study in their home countries while women were denied. We try to reduce their vulnerability in South Africa. We want refugee women to learn how to speak English so they will be able to communicate with the local people and be able to get the jobs easily” (RSS official, 11 March 2014).

“RSS office helped me to learn English, I can now communicate with the local people. I have also applied for a job and I am confident that they will hire me now, last time they turned me down because I could not speak English” (Joyce, 18 February 2014).

Figure 4. 4: Learn to Speak English



There is also young learners’ programme that prepares newly-arrived refugee children for school the following year. The children are taught to speak English. It is mainly designed for children who came to South Africa in the middle of the year:

“We open this programme because most children were left alone at home and other women refugee could not go to work because they had to look after their kids. Some children did not know English and faced difficulties at schools... the RSS office decided to open this programme” (RSS official, 11 March 2014).

“I came from Democratic Republic of Congo... my first language is French... my kid could not go to school because they could not speak English... they needed to know English first. Young learners programme from the RSS office really helped my kids. I know that next year my kids will be ready to go to school as they will know one of the official languages. Their English has now improved” (Sarah, 26 February 2014).

b) Peer Educators and Health Assistance

Women were trained to be peer educators in order to teach refugees about HIV/AIDS, cancer and STDs. They visit different location such as hair salons, the RRO and home based centres. The RSS office also runs health care awareness campaigns where professional doctors teach refugee women about diseases (Figure 4.5):

“Most refugee women are uneducated, they do not know about HIV/AIDS, cancer and STIs. Teaching female refugees about these diseases can help them

to protect themselves. Women are said to be the most vulnerable group in getting these diseases. We believe that this programme will reduce death amongst female refugees. Refugee women are also made aware about their rights to health care service” (RSS official, 11 March 2014).

Figure 4. 5: Health Education



c) Interpreter Training

Most female refugees came from countries (such as Burundi, Democratic Republic of Congo and Rwanda) where English was not their first language. Communication between female refugees and the RSS officials was difficult. The RSS office hires refugees who can speak three different languages and are paid (Figure 4.6):

“Interpreters go to training where they are taught about confidentiality, how to treat clients and how to conduct themselves when they are interpreting. The interpreters are male dominated, there is a shortage of women interpreters... this shows that there is a need to teach women to speak English” (RSS official, 11 March 2014).

“I came to South Africa with nothing... I was unable to get a job then. I went to the RSS office and I was told about the interpreter position and I was interested. They took my name down and I was hired. The money that I get as an interpreter is enough to support me and my family” (Queen, 20 February 2014).

Figure 4. 6: Interpreter in Action



d) Vocational Training and Workshops

The RSS office also provides employment workshops for refugees every Wednesday at 14h00 pm. This prepares female refugees for the work environment. Most female refugees had never worked before and did not know how to apply:

“We train female refugees to do curriculum vitae and to prepare them for interviews. Employment workshops help female refugees on how to interact with their future employers. We train female refugees on how to react during an interview” (RSS official, 11 March 2014).

“I have never worked or applied before, I used to be house wife. My father died during the war in Democratic Republic of Congo... I came to South Africa in 2010, because I did not have someone to support me, I was forced to look for a job. It was very hard but the RSS office taught me how to do curriculum vitae and motivational letter... I applied for job in the internet café using my curriculum vitae... now I am working now” (Hope, 21 February 2014).

The RSS office also offers vocational training to refugees. This includes plumbing, bricklaying, plastering, welding, civil construction and pipe laying. The RSS office teamed up with Training Force, an accredited training provider that specializes in these fields:

“Refugees were receiving vocational training. In order to be trained you need to ensure that you know how to read and write. There is a test done to ensure that people can read and write” (RSS official, 11 March 2014).

e) Home Child Based Care Training

The home based child care training teaches women how to take care of children and open their home based child care centres. To qualify for this training, refugee woman must be able to speak English and have enough space to accommodate at least six children, and the home child based care centre should be located in the safe place:

“Once an individual qualifies to open the home based child care centre, the RSS office provides the start-up kit of R4 000. This money is used to buy toys, bed mattresses and other materials needed to open the home based child care centre” (RSS official, 11 March 2014).

“We decided to open home based child care as a group of women. We have about 60 children who we look after. We have hired other refugee women to help us. We have not found the place to open a bigger home based child care. We running home based child care at church... the RSS office has helped us a lot” (Stella, 27 February 2014).

Figure 4. 7: Home Child Based Care Centre



f) Sewing and Paradise Projects

The RSS office also has sewing and paradise projects. They take refugee women who have sewing skills (Figure 4.8) and those who do not know how to sew and want to learn are referred to the Save the Children organization:

“We take female refugees with the sewing skills or those who wants to sew but they do not know how to do it. Save Children organization trains female refugees on how to sew clothes. After they have completed their course if there is a certain factory that wants people with the sewing skills, the RSS refers

that factory to refugees with sewing skills. Other female refugees sew clothes for their own survival. The RSS office offers refugee women with the money to buy materials or provides them with materials” (RSS official, 11 March 2014).

Save the Children is an international NGO that promotes children’s rights and provides support and relief to children in developing countries (Save the Children, 2014). It has a craftwork and training programme for all parents including non-nationals (Save the Children, 2014). This enables female refugees to produce goods and offer services that can be used to generate additional income. The RSS office also gives female refugees materials or money to buy materials:

“I always knew how to sew but I did not have money to buy the materials... I can do bed and couch covers... I also use papers and plastics to create earrings (Figure 4.7). The RSS office offered me money to buy materials... I am able to feed my family with the money derived from sewing” (Sarah, 26 February 2014).

Sarah was very grateful for the assistance she received from RSS office. She is now able to support her family.

Figure 4. 8: Sewing Project



The paradise project trains refugee women to use recycled materials to create objects such as wall hangings (Figure 4.9). They use fabric, plastic and paper. The women sell the hangings to cover their basic needs.

Figure 4. 9: Objects Derived from Recycled Materials



g) Small Businesses

The RSS office offers female refugees project training that enables them to start their own businesses or find employment. Some talented and business-minded female refugees start their own small businesses. If the RSS office sees potential in the proposed small business, the female refugee is given assistance and a start-up kit:

“The RSS office provides the R4 000 start-up kit to open business. This money is used to buy materials and pay rent... for example refugee women who are talented to do hair we often help them to open their salons. Refugee women who are business minded and have husbands around, they open small tuck shops and are also given start-up kit” (RSS official, 11 March 2014).

“I knew how to do hair but I did not have the money to open my hair dressing salon (Figure 4.10). The RSS office gave me money to buy few materials... I used R800 to rent a place to run a salon, bought materials with R2 000 and two chairs and one big table with R1 200. I hired other people to help me... now the business is doing well” (Martha, 25 February 2014).

“The RSS office gave me money to open small shop (Figure 4.10). I used money to buy microwave, stove, warming machine and a fridge. I sell fast food

such as fat cookies, fish, chips and drinks. The tuck shop is very busy since it is located to a very busy street” (Roseline).

Figure 4. 10: Small Businesses



h) Material Assistance

The RSS office also offers material assistance. This is limited to the most vulnerable and newly-arrived refugees. The office contributes to household rents, school fees and provides food and cosmetic vouchers. Material assistance is temporary and short term:

“The office contributes to household rent, school fees and transport fees, food vouchers and cosmetics. It depends on the situation of the family but there are situations where we contribute in full... not everyone qualifies for material assistance” (RSS official, 11 March 2014).

“I arrived at the beginning of the year, I came with nothing, I have six kids without a husband... the RSS office is the reason I am still alive. They helped me with everything. They provided me with shelter, school fees for my older son and food vouchers. I have the sewing skills... they give me money to buy materials” (Sarah, 26 February 2014).

ii) Lawyers for Human Rights

LHR is an independent human rights organization in South Africa. It was established in 1979 in response to the human rights abuses of the apartheid regime (LHR, 2013). The LHR provided support for communities facing forced removals, and political prisoners and campaigned against the death penalty (LHR, 2013). During the transition years, it exposed apartheid government hit squads and contributed to the truth and reconciliation process and the drafting of the new South African constitution. Today, LHR uses the law as a tool to deepen democracy in South Africa (LHR, 2013). It provides free legal services to marginalized and vulnerable communities and individuals whose constitutional rights have been violated. The LHR has a number of special programmes such as land reform and housing; farmworkers; environmental rights; a strategic litigation unit; and a refugee and migrant programme (LHR, 2013).

In August 1996, the LHR acted on a request from church organizations that were accommodating asylum seekers and refugees (LHR, 2013). These organizations wanted to understand the legal status of refugees and asylum seekers. The LHR established the Refugee and Migrant Programme (RMP) in May 1997 (LHR, 2013). It specializes in strengthening, enforcing and advocating the rights of migrants, refugees, and asylum seekers in South Africa. The RMP team consists of a social worker, eight lawyers, two administrators and two paralegals that operate in Durban, Port Elizabeth, Pretoria and Johannesburg (LHR, 2013). It offers free legal services to vulnerable migrants, refugees and asylum seekers. The RMP uses litigation as a tool to advance clients' rights (LHR, 2013). LHR undertakes vigorous detention observations and documents human rights violations experienced by foreigners during deportation and detention, as well as advocating for policy reform. LHR also provides legal assistance to foreigners at risk of deportation and those facing unlawful arrest. The RMP is funded by the UNHCR, Foundation for Human Rights, Sigrid Rausing Trust, Atlantic Philanthropies and the European Union (LHR, 2013).

The LHR office implements protection programmes for refugees like voluntary repatriation, resettlement, local integration and court appeals if they have been denied refugee status (Amisi and Ballard, 2005). Voluntary repatriation is a process where a refugee freely decides to go back to their country of origin. A refugee is repatriated when the conditions have changed in the country of origin and it is safe to do so. He/she completes the form available at the LHR office and identifies the place of intended return. A legal counsellor conducts an

in-depth interview with the applicant to establish whether the issues raised are accurate and comprehensive and reflect what happened. The legal counsellor will then send the application form with recommendations to the UNHCR. The decision on voluntary repatriation is made by the UNHCR.

Resettlement is a process where refugees go to a third country. Resettlement is guaranteed to individuals whose protection is not guaranteed in the host country. It takes more than two years to process a resettlement application. A lack of employment opportunities and xenophobia do not meet the requirements for resettlement. The UNHCR first establishes a durable solution for the refugee before considering resettlement. The LHR office assists refugees to fill the application form for resettlement and submits it to the UNHCR that makes the decision.

The LHR office also assists refugees with court appeals if they have been denied refugee status permits:

“If refugees are denied access to refugee status permits they are given 30 days to appeal, refugees often come to the LHR office and we assist them in court appeals... if refugees decide to stay and do not appeal till the 30 days are over, they are regarded as illegal migrants” (LHR official, 02 April 2014).

The LHR office also provides advice to refugees on their human rights in South Africa:

“We offer advice to women refugee having the following issues: rent contract, cannot get school for their children; cannot access health service; unfairly dismissed and faced gender-based violence” (LHR official, 02 April 2014).

Refugee women often requested protection against gender-based violence and assistance in finding schools for their children. However, cases of gender-based violence are rarely heard due to stigmatization and cultural factors:

“The LHR will transfer refugee women to RSS office for counselling and encourage them to report their cases. The female refugees often drop gender-based-violence charges. If female refugees fail to find the school for their children, the office advises them to go to RSS office... where they are assisted to find the school for their children” (LHR official, 02 April 2014).

4.6.3 Critical Reflection on NGOs

Some refugee women that were interviewed seemed happy with the services they received from the RSS office, while, others were not. Some criticized the office for being selective and only assisting a small number of people. The RSS office is strongly linked to the mandate of the UNHCR, to focus on the most vulnerable refugees. Refugee women received minimal support from the RSS office. They also said that if they were married, they were not considered vulnerable:

“It is better to say that you do not have a husband because if you say you have one, you get the minimal support and they will assume that your husband will assist you financially while they also face difficulties like us. My husband is working but he cannot cover all financial costs we need... my cousin’s husband died during war in Democratic Republic of Congo... she was given everything by RSS office” (Dorah, 03 March 2014).

Some refugee women went to the RSS office for assistance but were told that they did not qualify:

“When I arrived in South Africa I did not know anyone and had nothing... I usually did piece jobs. I went to RSS office to request for material assistance but I was told that I do not qualify... I did not have anything and I did not know how they identify vulnerable people” (Ruth, 17 February 2014).

The RSS office assisted the most vulnerable refugees due to limited funding:

“We cannot assist all refugees... we try by all means to assist the most vulnerable refugees because we do not have financial capacity to assist all of them... other refugees may not qualify” (RSS official, 11 March 2014).

Although the RSS office provides various services to female refugees, some respondents seemed dissatisfied with the way in which the office operated. The LHR office was also criticized by some female refugees. Most refugee women were not happy with the assistance they received from LHR office. The LHR was assisting female refugees with legal advice but lacked capacity:

“There is no adequate staff at the LHR office (Durban), now they do not assist us as they should be... they end up providing us with letters to take it to

various institutions rather than accompany us to solve problems. This is not how we should be assisted by lawyers as far as I am concerned” (Dorah, 03 March 2014).

All the female refugees that wanted to go to a third country were not happy with the assistance they were receiving from the LHR office. The LHR official argued that female refugees do not understand the procedures of resettlement:

“It is not that refugee women are denied access to resettlement, there are procedures that need to be followed and LHR office does not make the decision on resettlement... it’s the UNHCR which makes the decision. I always try to explain to refugees but they do not want to listen” (LHR official, 02 April 2014).

A refugee may be resettled when their life is threatened by the host government; when the asylum application has been rejected; when the psychological and medical services in the host country do not meet the needs of a refugee; and if the protection plan fails to protect women, unaccompanied children and the elderly who are considered most vulnerable. The UNHCR conducts an investigation in order to make an informed decision. If the application is rejected the applicant is provided with reasons in writing. If the UNHCR decides to resettle a refugee, the application is submitted to the third country for review. If the application is approved by the third country, they will arrange a visa. The IOM may prepare travelling documents for a refugee to be resettled. The process of resettlement takes one to two years.

Some female refugees also complained about the LHR office’s failure to assist them with criminal issues:

“If we request lawyers to help us on criminal issues, the LHR office will say they do not deal with the criminal cases... my husband was arrested, he was a car guard... he was suspected to be responsible for car robbery. I went to the LHR office and they did not assist me at all, it was very sad because we could not afford the lawyers... the LHR office should help us in all court cases” (Sophie, 17 February 2014).

The LHR official argued that criminal cases are not part of their mandate: *“We do not assist refugees on criminal charges... refugees often come wanting assistance on criminal cases but unfortunately we cannot help them” (LHR official, 02 April 2014).*

Some refugee women did not have contact with the LHR office. They had not faced any legal issues that required their assistance. Few female refugees were happy with the service they received from the LHR office:

“My asylum seeker application was rejected by DHA, I went to the LHR office and they assisted me. I have my refugee status permit and I am able to enjoy my rights in South Africa... I am very happy with how LHR office operates”
(Rosaline, 18 February 2014).

The researcher observed that refugee women did not have problems with the assistance they received from these NGOs, but they did have problems with their mandate.

4.6 Conclusion

The narratives of refugee women revealed the causes of forced migration and their experiences during conflict, the journey and in South Africa. The cause of forced migration was mainly conflict, during which women were sexually and physically attacked and most lost their loved ones. Female refugees chose South Africa as a host country because they thought their human rights would be respected and protected. During the journey to South Africa, female refugees were not safe as they were sexually violated by gangs, border officers and truck drivers. Some did not have the money to cover travel costs.

The difficulties experienced by female refugees in South Africa were outlined. During the asylum application process, some RSDO did not comply with the South African Refugee Act, No. 130 of 1998 and gender guidelines. This was evident in the rejected asylum claimant files. In the Albert Park area, female refugees did not have access to food, clothing, education, health care services, housing, and employment opportunities and were not safe.

South Africa has a human rights-based Constitution and is one of the signatories to the 1951 UN Convention, 1967 Protocol and the 1969 African Unity Convention. In terms of these instruments, the rights of refugees are as important as those of South Africans. EThekweni municipality has done little to assist refugee women in the Albert Park area. Refugee women relied heavily on humanitarian organizations such as the RSS and LHR. The LHR office assisted female refugees in appealing asylum applications; advised them on their human rights; and helped them to apply for resettlement and repatriation. Female refugees received training and material assistance.

The findings of the study revealed that refugee women's safety is not guaranteed in their home or destination countries, during and after the journey. The South African Constitution guarantees socio-economic, political and environmental rights to all living in the country except to non-nationals. Current South African refugee policies have failed to address the needs of African female refugees. The government needs to create policies that effectively accommodate African refugees. These policies should acknowledge the needs and rights of African female refugees and ensure that they are granted refugee status and have access to jobs, business opportunities and social services.

CHAPTER FIVE: EVALUATION, RECOMMENDATIONS AND CONCLUSION

5.1 Introduction

Conflict was the most common cause of refugee flow. Having left their home countries, female refugees were disadvantaged and were not in a position to claim their human rights in the Albert Park area. The aim of this study was to investigate the vulnerabilities experienced by African female refugees in South Africa, using a case study of the Albert Park area, Durban. Despite policies designed to protect refugees, women were still vulnerable. It is evident that the experiences of refugee women in this area were very traumatic. Their vulnerabilities started in their home countries and continued after arrival in South Africa. Refugees are protected by the Refugee Act, No. 130 of 1998 which grants them rights to refugee status permits and they are also entitled to the rights enshrined in Chapter 2 of the South African Constitution, with the exception of the right to vote. However, there were high levels of xenophobia and the rights of female refugees were often violated. Female refugees experienced social exclusion, prejudice and discrimination. This study has shown that South African policies and basic human rights exclude refugee women. Maharaj (2001b) asserted that South Africa has moved from its vision implemented in 1994, which was based on human rights for all people living in the country.

This chapter presents an overall evaluation, recommendations and the conclusion of this study. It identifies the vulnerabilities experienced by female refugees in their home countries, during their journey and in the Albert Park area. Structuration and feminist theories were used to conceptualize this study. The structural factors that prevented refugee women from advancing are discussed. This chapter also analyses female refugees' efforts to build alternative strategies to overcome structural marginality.

5.2 Evaluation

The objectives of this study were to:

- Understand the life histories of refugee women in the Albert Park area;
- Evaluate South African refugee policies since 1994;
- Explore the vulnerabilities of refugee women in the Albert Park area; and

- Evaluate government and non-governmental organizations' responses to the vulnerabilities of refugee women in the Albert Park area.

5.2.1 Life Histories of Refugee Women in the Albert Park Area

Most of the study participants migrated due to conflict in their home countries. This in line with the findings of other scholars (Hamilton, 1999; Harris, 2002; Iqbal, 2007). The respondents stated that they were raped and physically attacked during the conflict and many lost their loved ones. Violence against women during conflict is a major challenge (Hynes, 2004; Martin 2004; Boyd and Pikkov, 2005; Hajdukowski-Ahmed *et al.*, 2008). The female refugees were persecuted because of their ethnicity, gender or family members' involvement in politics. However, one female refugee migrated because of her direct involvement in politics. Pankhurst (2002) had contended that women were less likely to be persecuted because of their direct involvement in politics.

All the participants in this study passed more than three countries on their journey to South Africa. Most travelled on trucks, while others used buses. Female refugees were not safe during their journey. They were subjected to sexual attacks and harassment by truck drivers, gangs and border officers. Some were exposed to HIV/AIDS virus.

This study identified three factors considered by the female refugees in choosing a destination country: economic opportunities and social services; safety; and social networks. Firstly, female refugees assessed the economic opportunities in the possible destination country. South Africa is one of Africa's leading economies. Some female refugees did not want to go to neighbouring countries because they were accommodated in camps and not allowed to engage in economic activities. Female refugees also looked at potential opportunities, including education and employment.

Secondly, safety was a key factor. The female refugees chose a destination country where they would feel safe. Refugee women chose South Africa because their neighbouring countries were politically unstable and rebels had links to adjacent states, which could have led to the continuation of their persecution. Most female refugees viewed South Africa as a safe heaven with green pastures, where their dreams would be realised.

The third factor was existing social networks in the destination country. Social networks assisted newly-arrived female refugees with accommodation and financial support. The findings of this study revealed that the female refugees' journeys were planned as they first

considered the above aspects. This contrasts with the findings of Healey (2006) who argued that the migration of a refugee was not planned. This study has shown that migration of a refugee is both forced and planned.

5.2.2 South African Refugee Policies since 1994

The South African Refugee Act, No. 130 of 1998 and gender guidelines were promulgated to conform to UNHCR and OAU Conventions and to protect refugees (Crush, 2000). However, the findings of this study have shown that the South African government is not really committed to the principles of the Act and that refugees were not able to exercise their rights. Refugee women could not exercise their right to refugee status permits, which adversely affected their access to education, health care services, social grants, safety and security, employment and housing. Several scholars have argued that the South African Refugee Act, No. 130 of 1998 has been poorly implemented and resulted in violation of refugees' rights (Crush, 2000; Harris, 2001; Sterken, 2003; Valji *et al.*, 2003; Amisi and Ballard, 2005; Segale, 2004; Amisi, 2005a; Landau, 2004b; Davids *et al.*, 2005; Amisi, 2006b; Middleton and Palmary, 2008; Maharaj, 2009c; Desai, 2010).

This study also revealed that the South African Refugee Act, No. 130 of 1998 was poorly implemented by government departments, including public hospitals and clinics, public schools, police stations, and the DHA, DSD and SASSA. Female refugees had rights to these public facilities which were denied by corrupt and xenophobic government officials. Some RSDOs did not comply with the Refugee Act, No. 130 of 1998 during the asylum application process. The rejected claimant files revealed that some RSDOs focused on the OAU definition rather than that of the UNHCR. In like vein, Valji *et al.* (2003:4) found that:

“RSDOs reject applications where the asylum seeker does not come from what the DHA believes is a refugee producing country... (and is more concerned with the) political stability of a country as opposed to its ability or willingness to protect the most vulnerable elements of its population”.

Refugees who had migrated from countries which were not at war or embroiled in conflict were denied legal status permits. Some RSDOs also did not consider South African gender guidelines in assessing refugee applications. This resulted to women being denied refugee status permits (Middleton and Palmary, 2008). Crawley (2000) argued that females could not access refugee status permits because of confusion about the meaning of gender-based persecution. Some RSDO's reasons for rejecting applications showed a failure to understand

gender-based persecution and the relevant grounds on which refugee status permits should be granted. This derived from the social construction of gender-based violence by officials (Barsky, 1994; Spijkerboer, 2000a; Rajaram, 2002). In this study some RSDOs interpreted gender-based violence (rape) as not seriously disturbing the public order. Rather, it was seen as private and personal issue. Most gender-based violence cases are assigned to the private rather than the public sphere (Macklin, 1995; Crawley, 2000; Spijkerboer, 2000a; Freedman, 2007). It is possible that the Refugee Act, No. 130 of 1998 and gender guidelines were aimed at internationalizing the South African Constitution rather than protecting refugees in the country.

5.2.3 Vulnerabilities of Refugee Women in the Albert Park Area

This study revealed that refugee women in the Albert Park area were denied refugee status permits, and access to health care services, education, police protection and social grants. They also faced difficulties in finding or keeping proper accommodation and employment and could not access clothing and food items.

The first challenge encountered by female migrants was refugee status permits. Refugee women were denied legal status which exposed them to vulnerabilities as they were unable to exercise their rights (Crawley, 2000; Martin, 2004; Amisi, 2005a; Boyd and Pikkov, 2005). Consequently, they could not claim social grants and get proper jobs. Some women complained that they could not get refugee status permits because they refused to pay bribes to RRO officials. If they did not pay they had to wait more than two years before they received permits. Segale (2004) also argued that female refugees could not get refugee status permits in time because of corruption at the DHA. Other refugee women could not get permits because they failed to explain the nature of the persecution they feared (Crawley, 2000). The failure of some RSDOs to consider gender-based violence also prevented female refugees from obtaining legal status. While most countries' refugee laws incorporate gender perspectives, there has been inconsistent and slow progress in creating gender-sensitive asylum measures (UN, 2005c).

The second challenge experienced by female refugees was access to protection. Female refugees experienced domestic violence at the hands of their husbands and family members. The chances of domestic violence increased in the destination country (CoRMSA, 2009b). This was caused by changing gender roles and alcohol and drug abuse. Refugee women were also afraid to use public spaces because they were physically attacked, verbally abused and

sexually harassed. Refugee women felt uncomfortable and scared of walking alone in public areas at night. Koskela's (1997) study in Finland, found that threatening situations and violence in public areas caused fear among migrant women. This restricted their mobility, undermined their confidence, restricted their activities and limited their access to public spaces (Koskela, 1997). In Kenya, refugee women from Somalia at the Dadaab camps were often sexually and physically attacked by bandits if they moved out of the camps to collect wood (Kagwaja, 2000; Martin, 2004). This shows that violence against migrant women in public spaces is common worldwide. This study also revealed that female refugees were not only attacked by local people but also by other refugees in public areas. This contrasts with Harris (2001) and Sigsworth *et al.*'s (2008) findings that female refugees were only attacked by local people.

Refugees had limited access to police protection. Indeed, police officers also harassed them. Palmary (2004a) and Sigsworth *et al.* (2008) defined South African police stations as an area where refugees experienced the worst xenophobic behaviour. Refugee women were not taken seriously when reporting domestic violence cases. Limited police protection caused female refugees to keep quiet about domestic violence. Police officers also harassed female refugees engaged in small businesses. Palmary (2004a) argued that police officers stigmatized refugees as criminals.

Access to housing was the third challenge faced by female refugees. There were no camps in the Albert Park area and refugees had to find accommodation for themselves. They had no choice but to settle for low cost homes in degraded areas. Refugee women were likely to be evicted due to discrimination and the failure to pay rent. They were frequently evicted without being given notice (Amisi, 2005a; Maharaj, 2009c). Women were at risk of being sexually exploited by landlords as they could not afford rent (Gururaja, 2000). The findings of this study are similar to those of Amisi (2005a) and Maharaj (2009c), but different from Gururaja (2000). In this study no refugee woman reported being asked for sexual favours in exchange for rent. Some were forced to depend on social networks and the RSS office for accommodation.

The fourth challenge experienced by female refugees was getting and keeping jobs due to language barriers, low levels of education, discrimination and delays at SAQA. Studies of refugees in Durban confirmed these findings (Amisi, 2005a; Maharaj, 2009c). Female refugees were forced to depend on the informal sector for employment or start their own

small businesses. Similarly, in Nairobi, Somalians entered the informal economy in order to survive (Sommers, 1999). Refugees were likely to be exploited, exposed to poor working conditions and unable to feed their families (Sommers, 1999; Landau and Jacobsen, 2004; Campbell, 2005; Grabska, 2006; Kobia and Crabfield, 2009). In this study female refugees reported working long hours, low wages, and being unfairly dismissed and exploited. When they started their own small businesses they faced difficulties in registering them.

The fifth challenge encountered by female refugees in the Albert Park area was limited access to health care services. Female refugees were discriminated against and neglected by corrupt officials at public hospitals and clinics. They were sometimes denied services due to their nationality. This resulted in female refugees losing their loved ones and putting their own lives in danger. These findings concur with studies conducted by Amisi (2005a), Sigsworth *et al.* (2008) and CoRMSA (2009b). In Hong Kong refugee camps “leaders asked for bribes or sexual favours” in exchange for health care services (Martin, 2004:70). Sometimes clinics were located in dangerous areas which were far from refugee communities in Hong Kong. The impediments to accessing health care services in the Albert Park area were different from those identified in Hong Kong.

Access to education was the sixth challenge experienced by refugee women. Female refugees could often not afford school fees. No fee schools were located outside the Durban city centre, but vulnerable female refugees struggled to pay for transport costs. According to Martin (2004) high school fees in developing countries prohibited displaced female refugees from accessing education for their children. Some of the no fee schools denied refugees’ children access because they could not understand Zulu or English. Similarly, language barriers impeded refugee women’s access to social services and education in the United Kingdom (Healey, 2006). Other refugees’ children were discriminated against at school by administrators and other pupils in this study.

Most of the female refugees interviewed did not have secondary education, and did not know anything about adult schools in the Albert Park area. Few had access to tertiary education because of the lack of funding and age restrictions that constrained them from applying for the Albert Einstein German Academic Fund scholarship as it was only available to those under the age of 28. Education was mostly enjoyed by female refugees capable of paying their own fees. According to Amisi (2005a) large numbers of female refugees were unable to access the education that was necessary to improve their living conditions.

A major challenge experienced by refugee women was access to food and clothing. Many could not afford food and clothing as they were not working. Some relied on the RSS for food vouchers, while others had to beg for food on the streets. This is different from the experiences of refugees in camps. In refugee camps food was supplied by humanitarian organizations, although there was gender discrimination during food distribution. According to Martin (2004) female refugees found it difficult to access food in camps because it was distributed by male camp leaders, often without the participation of women. Men were given food first and when food supplies were limited, women and children did not get it.

A critical hurdle encountered by female refugees was accessing social grants. While they were entitled to grants, they experienced difficulties in accessing them. This was exacerbated by corrupt, xenophobic individuals at SASSA (CoRMSA, 2011c).

5.2.4 Local Government and NGOs' Responses to the Vulnerabilities of Refugee Women in the Albert Park Area

This study found that the RSS and LHR were the main organizations assisting female refugees in the Albert Park area. The LHR offered legal assistance, while the RSS provided material support for rent, food and self-reliance projects, including learn to speak English; employment workshops and vocational training; peer educators and health assistance; employment opportunities; home-based child care training; community wellness programmes; and sewing and paradise projects. These findings are similar to those of other studies (Turner, 2006; Hajdukowski-Ahmed *et al.*, 2008). NGOs played an important role in addressing the difficulties faced by refugee women (Turner, 2006; Hajdukowski-Ahmed *et al.*, 2008). Respondents identified the RSS as the main NGO they received assistance from in terms of livelihood strategies. However, there were some criticisms that the LHR and RSS lacked financial and human resources and assisted only the most vulnerable refugees.

Government social services that refugees are entitled to included housing, health care services and policing services are provided by local government (Palmary, 2008b). In the Albert Park area there are no RDP houses, rather there are government rental houses for people earning between R1 500 and R7 500 per month (SALGA, 2011). These houses are very affordable, starting from medium to high rentals. Newly-arrived female refugees could not get accommodation and those who managed to get houses, were evicted as they could not afford the high rentals. They had asked the councillor and municipality to intervene by providing camps or rented houses. Nothing was done to assist them. Refugees were then

forced to depend on church organizations, rent from the RSS and social networks for accommodation. Similarly, the Cape Town municipality has failed to deliver houses to refugees (Palmary, 2008b). Refugees did not receive RDP houses because there was no land for available and municipal officials felt that migrants should be serviced by national government (Palmary, 2008b).

Municipalities were also responsible for public order and policing services (Palmary, 2008b). In the Albert Park area, metro police officers' interaction with refugees was negative, as they harassed migrants engaged in small businesses and confiscated their goods. Metro police officers failed to protect refugees from xenophobic attacks. During the xenophobic attacks of 2009, metro police officers harassed refugee women and evicted them from the Albert Park grounds (Desai, 2010). Some female refugees were also denied access to health care services by xenophobic hospital officials. Amisi (2006b) and Maharaj (2009c) noted that eThekweni municipality's social services had not been extended to female refugees in the Albert Park area. The municipality's response to the needs of refugees was often limited and sometimes they did not respond at all. Metro police officers, hospital officials and public housing officials have acted as gatekeepers in ensuring that refugees do not have access to basic local government social services.

5.3 Conceptual Reflections

While two different theories were used, structuration theory was very influential in this study. Forced migration is largely caused by structural factors, and adaptation to the host society is mainly dependent on individual agency and structures.

5.3.1 Structuration Theory

Structuration theory is based on the analysis of structures of a society and human agency. Giddens (1984) defined structure as a factor which constrained individuals' actions and ability to act. In this study, conflict was seen as structural factor which caused human rights violations and forced displacement from home countries. In the Albert Park area, female refugees encountered difficulties in accessing their rights because of structural factors such as the lack of a refugee status permit, language, discrimination, education, employment opportunities and policies.

The structural factor that caused forced migration amongst female refugees from Burundi, Democratic Republic of Congo and Rwanda was conflict. Conflict caused the breakdown of social structures, the imposition of political power and control over other communities, ethnic

differentiation and socio-economic exclusion and discrimination. Conflict resulted in human rights violations and forced migration. During conflict, women were raped, physically attacked, and kidnapped and many lost their loved ones. Refugee women decided to seek refuge in South Africa to escape human rights violations.

Healey (2006) and Wolfel (2013) regarded language barriers as a structural force in destination countries. The Albert Park area is dominated by Zulu speaking people. Most refugees did not understand Zulu when they arrived in the area. This meant that they could not communicate with local people. Language barriers frustrated female refugees as they could not access social services and employment. Moritz (2012) argued that failure to communicate with local people reduced the chances of accessing basic social services, integrating into the society, finding employment and building social networks. Refugees were easily differentiated from the local people and identified for xenophobic attacks because of their foreign accents. Language barriers posed problems in the construction of refugees' new social identities.

Delays in processing refugee status permits impacted the experiences of refugees in destination countries (Healey, 2006). Female refugees reported being given refugee status permits after two years. They were given asylum temporary permits with limited rights and these had to be renewed. Due to these delays, female refugees could not find proper employment, access social grants or apply for the Albert Einstein German Academic Fund scholarship.

Education was one of the factors which prevented women from getting proper employment (Healey, 2006). Some female refugees could not get jobs because of their low levels of education. Most female refugees did not have the required skills and qualifications to obtain employment. Some with foreign qualifications could not find jobs because of delays in SAQA verifying their certificates.

The lack of employment opportunities resulted in male refugees using alcohol and drugs, which led to domestic violence against their female partners. Some female refugees suffered from domestic violence because their husbands were jealous that they were working, while they were unemployed. Jealousy was caused by gender subordination: the norm of male ownership of a woman; male power to control wealth and decision making and a notion of masculinity tied to male honour or dominance, and female subordination and obedience. Refugees experienced discrimination when looking for work and were not hired.

Unemployment resulted in them being unable to pay rents and school and transport costs for their children, as well as being unable to feed themselves and their families. Female refugees who were able to get jobs were also discriminated against at the workplace.

Menjivar and Salcido (2002) argued that the poor implementation of refugee policies in host countries adds to the vulnerabilities of refugees; this was a major problem in South Africa. Female refugees could not access their rights enshrined in the South African Constitution because many government officials did not know or care about the rights of refugees. Some RSDOs failed to comply with the South African Refugee Act, No. 130 of 1998 and gender guidelines when processing refugee status permits. Limited police protection and lawlessness also contributed to increased vulnerabilities of female refugees, which resulted in:

- An increase in violence and discrimination against refugee women;
- Lack of protection of female refugees' rights;
- Female refugees' loss of trust in law enforcement authorities;
- Reliance on traditional practices and laws which impose gender discrimination; and
- Under-reporting of crime.

Limited police protection and lawlessness caused women to live in fear and impacted the integration experiences of female refugees in society. According to White (2001:83) "integration is seen as an important issue... because it reflects a certain fear and mistrust of difference and an inability on the part of society to countenance some of the implications of fragmentation and the loss of apparent unity". Lack of integration results in refugees being defined as the 'other' which creates fear and mistrust.

Moritz (2012:8) defined agency as a "temporally constructed engagement by actors [in] different structural environments... [responding]... through habit, imagination, and judgement... to the problems posed by changing historical situations... [,] the interplay [of which] both reproduces and transforms those structures". Refugees have more agency despite limited room to manoeuvre (Giddens, 1984). Female refugees in the Albert Park area responded to vulnerabilities through two approaches: helping themselves and being assisted by NGOs and church based organizations.

In the Albert Park area, churches, and the RSS and LHR helped refugees to overcome their challenges. The RSS office provided training projects which enabled female refugees to obtain jobs and earn money to cover their expenses. Some female refugees were also given material assistance such as food and cosmetics vouchers and money to pay rent and school fees. Local churches provided female refugees with accommodation, food and spiritual advice. LHR offered legal assistance to female refugees.

Female refugees believed that language barriers led to difficulties in finding jobs and schools for their children as well as accessing government social services. In order to overcome these barriers, they had to learn the local languages (English and Zulu) so that they could be integrated into the society. Refugee women registered for English classes at the RSS office. Most female refugees did not have required skills to obtain employment. They also registered for project training at the RSS office. After the training female refugees were able to get employment or start small businesses. Some received assistance from the RSS to start their businesses.

Female refugees had little agency to control discrimination. They avoided physical attacks and sexual violence by not walking alone or be accompanied by males if they had to walk at night. Reporting to the police station did not make any difference. Female refugees also did not have any agency over delays in the processing of refugee status permits and poor implementation of policies.

5.3.2 Feminist Theory

Feminism was used to analyse gender roles and relations, during and after conflict as well as in the Albert Park area. During conflict some women were raped to humiliate their fathers or husbands, to create fear and degrade communities. Rape during conflict was not understood as a sexual act. Sexual violence has been used as a tool to punish males or a whole community (Bunch, 1990; Mustaine and Tewksbury, 2002). Sexual attacks resulted in unwanted pregnancies and exposed women to health risks such as HIV/AIDS. Some men were killed during conflict, leaving women to take on the role of family provider. Female refugees who were unable to support their families depended on the RSS for material assistance until they received project training so they could be self-reliant.

Gender relations were also implicated during the refugee status determination process. This study revealed the gendered nature of this process as well as gender bias and insensitivity. In most societies, gender stratifications and roles assigned men to public sphere, and women

were relegated to the private, domestic arena (McDowel, 1999b; Mitchel, 2000; Domosh and Seager, 2001). The findings of this study also revealed that the public/private notion was applied during refugee status determination. Some RSDOs considered women's experiences like rapes as private and not disturbing public order, and hence, not worthy of complaint or investigation. Similarly, Spijkerboer (2000a) and Freedman (2007) argued that sexual violence against women was understood as a private matter and was less likely to be seen as grounds for persecution. In South Africa, some RSDOs agents failed to protect women and denied them their human rights.

In some cases, female refugees experienced physical and emotional abuse at home in the Albert Park area. After conflict, women were likely to experience domestic violence (Hynes, 2004). Female refugees then defined their domestic space in multiple ways. They constructed their households as a space of anxiety, hard work, abuse and unhappiness (McDowel, 1999b; Mitchel, 2000; Domosh and Seager, 2001; Mohanty, 2003).

Feminist geographers argued that private and public sphere had been engendered. Private space had been associated with women and public space was assigned to men (McDowel, 1999b; Mitchel, 2000; Domosh and Seager, 2001). Men would work in public space to support their families, while women stayed at home and performed domestic work (Domosh and Seager, 2001). After forced migration, gender roles were reversed as female refugees became heads of households, while men became home makers (Indra, 1999; Parrenas, 2001; Hajdukowski-Ahmed *et al.*, 2008). These trends were also evident in the Albert Park area as gender roles set by patriarchal society were reversed.

The responses from female refugees challenged the notion of a private/public space, home and work divide. Some female refugees were forced to play the role of both mother and father as their husbands had died during conflict. The public/private ideology continues to shape societies; gender roles have been reversed but not fully. Female refugees were bread winners and single parents but some still performed the duties of home makers. They reproduced the notion that a women's place is the private sphere and constructed new gender roles and relations.

Female refugees reported being scared of using public spaces alone. Their movement was restricted by physical attacks, verbal abuse and sexual harassment. This meant that the idea that a woman's place is in the home was still enforced. Women were constrained from using public spaces by male through violence (Mustaine and Tewksbury, 2002).

5.4 Recommendations

Government, NGOs and refugees needs to come up with strategies to ensure that female refugees can access their human rights. The following recommendations should be considered to address the vulnerabilities of African refugee women in the Albert Park area as well as other parts of South Africa.

5.4.1 South African Government Policies

South Africa's progressive refugee laws are being deliberately side-lined in terms of addressing the needs of African female refugees. The South African government needs to create policies which will effectively accommodate African refugees. These policies must acknowledge the needs and rights of African female refugees and ensure that jobs, educational opportunities and government social services are accessible to them. Municipalities need to be familiar with these policies and the rights of refugees.

5.4.2 Translators

Language is a critical issue and is important for integration into society (Sigsworth *et al.*, 2008). Female refugees were less likely to be familiar with the languages of destination countries. Refugees may be denied access to government social services because of language barriers. All government departments should employ translators who know other African languages.

5.4.3 RROs

Refugee women argued that getting a refugee status permit was a very long process that took two years or longer. Without a permit, their vulnerabilities increased. Government should open more RROs, where newly-arrived female refugees can apply for refugee status permits. The number of staff should be increased. RSDOs need to be gender sensitive.

5.4.4 Safety and Security

Employment opportunities for male refugees should be increased. This could decrease men's frustration and reduce domestic violence. Project designed by the RSS office should accommodate more males in order for them to be able to find jobs. Police stations should have female police officers to attend to women, especially those who experience gender-based violence. All police officers need to be trained to be gender sensitive and to stop discriminating against foreigners.

Female refugees reported being abused by taxi drivers and conductors. Taxi drivers and conductors must be responsible and be held accountable for violence. Taxi associations need to create name tags for taxi drivers and conductors. This would ensure that refugees are able to identify those that abuse them. Female refugees abused by taxi drivers and conductors must ensure that they know their names and the taxi's number plate. They can then report such matters to the taxi associations and the police stations. Female refugees should also use alternative transportation such as buses.

5.4.5 Health Care Services

The South African government should ensure that female asylum seekers and refugees have access to health care facilities regardless of whether or not they have permits. They must receive the same treatment as South African citizens. There should be free access to ART (CoRMSA, 2009b). The Department of Health needs to work with NGOs and civil society groups to distribute posters regarding the rights of female asylum seekers and refugees to health care services. All refugee organizations should run campaigns and promote voluntary counselling and testing, encourage the use of ART and prevent mother to child HIV/AIDS transmission. All public hospitals and clinics should have translators and private auditors to ensure that refugees have access to health care services and that no one has been denied such because of language barriers, discrimination and national identity.

5.4.6 Education

According to NCRA (2006) all government schools should understand the South African Refugee Act, No. 130 of 1998 in order to avoid the exclusion of refugee children from education. Public schools should admit all children regardless of whether or not they are South Africans. All schools should be trained to accept and be sensitive to the needs of refugee children.

5.4.7 Social Grants

The SASSA should create policies that ensure that refugees have access to the "Social Relief of Distress grant to ensure consistent access around the country" (CoRMSA, 2009b: 22). The SASSA should work with NGOs and civil society groups to make refugee women aware of the social relief of distress grant as well as child, disability and old age grants. The files of female refugees denied access to social grants must be double checked by private auditors to ensure that they were not denied for xenophobic reasons.

5.4.8 Accommodation and Employment

The problems relating to access to housing by refugee women should be addressed (Amisi, 2005a). Government must intervene in the private rental accommodation sector by creating policies that prevent landlords from exploiting refugees. The laws and policies designed to protect the rights of all refugees in South Africa must be refined. The CCMA should run campaigns informing employers and refugee workers about their rights (CoRMSA, 2011c). South African labour unions must monitor the abuse of refugee workers in the same manner that they do with South African citizens. SAQA should speed up the process of approving foreign qualifications. Female refugees with foreign qualifications must be hired like South African citizens. Government departments should ensure that when they advertise jobs, they also cater for refugees. Police officers should ensure that they monitor the informal sector, where most refugees are employed and fully investigate attacks on foreign-owned informal businesses.

5.4.9 Church Support

Churches can be very useful in assisting refugees. According to Bollaert (2008) churches have network structures which are responsible for supporting the community. Hajdukowski-Ahmed *et al.* (2008) saw church as organizations which can bring about advocacy and moral transformation and can heal those who are spiritually sick. The churches can raise awareness about female refugees' rights. Refugee women in the Albert Park area need to be actively involved with churches. If they distance themselves from the churches it will be harder for churches organizations to help them.

5.5 Conclusion

The effort of female refugees to settle in a hostile society has resulted in their human rights being violated. Safety and security was a major concern amongst female refugees. They experienced domestic violence, sexual harassments, physical attacks and verbal abuse. Female refugees were unable to report such violent incidents, especially those that had occurred in private spaces, like domestic violence. This was caused by stigmatization and women's dependence on their partners as well as the legal system failure to protect them. These violent experiences have left female refugees traumatized, frustrated and scared in the Albert Park area. Female refugees could not access government social services and faced difficulties in finding accommodation and employment. Xenophobic behaviour, cultural obstacles and the negative stereotyping of female refugees by local people and government officials obstructed their access to protection and government social services.

Female refugees are an extremely vulnerable group that needs special attention. South African refugee policies and legal instruments at an international level have failed to protect refugee women. The vulnerabilities and violence experienced by female refugees in the Albert Park area are a reflection of the challenges experienced by refugees in South Africa and globally. There is a need for new strategies to address refugees' problems. A holistic approach is required in order to solve the problems experienced by women. The needs of female refugees must be included in all phases of a refugee's life starting with the refugee determination process. Gender sensitive training on refugee women's rights needs to be provided to local people and refugees. Refugees need to unite and come up with strategies to change South African citizens' attitudes towards them. They should form forums and supports groups where they can discuss their problems and assist one another. The time has come to put an end to the suffering of African female refugees in South Africa and to translate their constitutionally enshrined rights into reality.

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APPENDICES

Appendix 1: Informed Consent

You are invited to participate in the research project conducted by Sinenhlanhla Memela, registration number is 209513301. I am a master's student at the University of KwaZulu Natal. The main aim of the study is to investigate the vulnerabilities of African refugee women, using the case study of Albert Park area in Durban. This study will address the following issues: South African refugee policies since 1994, life histories of refugee women, vulnerabilities experienced by refugee women and government and non-governmental organizations' responses to the vulnerabilities of refugee women in the Albert Park area. This project is for the fulfillment of the master's degree.

If you agree to participate in this study, you are expected to answer the questions from the interview schedule. The data will be tape recorded for the purpose of clarity. If you feel uncomfortable about tape recording you have the right to have your answers written down. The duration of the interview will be 30 minutes. You will be given an opportunity to decide whether you want to be part of it or not. You have a right to withdraw from the interview at any time should you desire. You have the right not to answer questions that are displeasing to you, depressing and traumatizing, you have the right to withdraw or go for counselling. The researcher has made contact with the social worker and always carries her numbers during interviews.

Your involvement in this research would help in ensuring that the difficulties faced by refugee women are well known and suggest policies that would address refugees' difficulties and effectively protect them in South Africa. No compensation would be given for participating in this study.

Your participation in this study is anonymous. The information will be stored locked cupboard in my office. The information obtained from you, will remain confidential and be used strictly for academic purposes. In the analysis pseudonyms will be used when reference is made to your interviews. The data would be destroyed after five years. Cassettes containing the oral recording of the respondents will be incinerated. Questionnaires with the information will be destroyed using shredding machine.

This study adheres to the ethical guidelines of the University of KwaZulu Natal. If you would like to speak with HSSREC Research Office arrange meeting with Ms. P. Ximba, telephone number is 031 260 3587 or email to ximba@ukzn.ac.za.

If you have any questions regarding this research, you may contact: Sinenhlanhla Memela at 0737271414 or Brij Maharaj 031 260 1027.

I (Name and Surname) hereby confirm that I have read the information sheet, I am willing to part of this study, I understand the nature of this study, I understand that I have the right to withdraw anytime and I understand that the researcher will keep information confidential.

Do you give permission for the interview to be tape recorded? Yes/No

Respondent signature: _____ Date: _____

Witness signature : _____ Date: _____

Appendix 2: Ethical Clearance



**UNIVERSITY OF
KWAZULU-NATAL**
INYUVESI
YAKWAZULU-NATALI

13 February 2014

Ms Sinenhlanhla Memela (209513301)
Agriculture, Earth & Environmental Sciences
Westville Campus

Protocol reference number: HSS/1178/013M
Project title: Vulnerabilities of African female refugees in South Africa : A case study of Albert Park area, Durban

Dear Ms Memela,

Full approval notification – Committee reviewed protocol

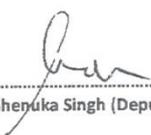
With regards to your response to our letter dated 08 November 2013, this letter serves to notify you that your application in connection with the above study has now been granted full approval.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach/Methods must be reviewed and approved through an amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

This ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for annually.

Best wishes for the successful completion of your research protocol

Yours faithfully



.....
Dr Shenuka Singh (Deputy Chair)

/ms

cc Supervisor: Professor Brij Maharaj
cc School Administrator: Ms Marsha Manjoo

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: simban@ukzn.ac.za / snvmanm@ukzn.ac.za / mohunp@ukzn.ac.za

Website: www.ukzn.ac.za



100 YEARS OF ACADEMIC EXCELLENCE

Founding Campuses: ■ Edgewood ■ Howard College ■ Medical School ■ Pietermaritzburg ■ Westville

Appendix 3: Gate Keeper Permission: LHR



**LAWYERS FOR HUMAN RIGHTS
DURBAN LAW CLINIC**

Room 103, Diakonia Centre, 20 Diakonia Avenue, Durban 40001

Tel: 031 301 0531 Fax 031 301 0538 Email thandeka@lhr.org.za Web www.lhr.org.za

Our ref: T Duma

Date: 13 November 2013

Your ref:

**UKZN
SCHOOL OF AGRICULTURE, EARTH AND SCIENCE
DURBAN
4001**

Dear Sir or Madam;

RE: PERMISSION TO SINENHLANHLA MEMELA

Kindly be advised that permission is granted by Lawyers for Human Rights, Durban Law clinic to Sinenhlanhla Memela to review asylum claimant files in our office and interview one of our employees.

Please contact the writer should you have any queries.

Yours Faithfully,

LAWYERS FOR HUMAN RIGHTS

Per: Thandeka Duma

LAWYERS FOR HUMAN RIGHTS
ROOM S104, DIAKONIA CENTRE
20 DIAKONIA AVENUE
DURBAN, 4001
TEL: 031 301 0531
FAX: 031 301 0538

Thandeka Duma (LLB), UKZN

Appendix 4: Gate Keeper Permission: RSS



N242 Diakonia Centre
20 Diakonia Avenue
Durban
4001
Republic of South Africa

Tel: (031) 310 3578
Fax: (031) 310 3576



REFUGEE
SOCIAL SERVICES
NPC: 062 871

UNIVERSITY OF KWAZULU NATAL
SCHOOL OF AGRICULTURE, EARTH AND SCIENCE
DURBAN
4001

VUNERABILITIES OF AFRICAN FEMALE REFUGEES IN SOUTH AFRICA: A CASE STUDY OF ALBERT PARK AREA.

Re: Permission for Sinenhlanhla Memela to Interview Refugee Social Services Employee

As a social worker manager, I give my permission to the researcher Sinenhlanhla Memela to interview one of our employees about this project.

Please contact me for any further information.

Yours faithfully,



Ayesha Ameen
Social Worker Manager
Contacts: 031 82619155



REFUGEE
SOCIAL SERVICES
NPC: 062 871
N242 Diakonia Centre
20 Diakonia Avenue, Durban, 4001
Tel: 031 310 3578
Fax: 031 310 3576

Appendix 5: Gate Keeper Permission: DHA



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

TO WHOM IT MAY CONCERN

This is to confirm that Ms N. Balgobind, the Centre Manager of the Durban Refugee Centre was requested by the Acting Provincial Manager, Mr Albert Matsaung to be interviewed by Ms Sinenhla Memela for the fulfillment of her degree.

Regards,

N. Balgobind
Centre Manager
Durban Refugee Centre
13 November 2013



UMNYANGO WEZASEKHAYA

Appendix 6: Interview Guide

Vulnerabilities of African Female Refugees in South Africa: A Case study of Albert Park Area, Durban.

Section A: Interview Guide for Refugee Women

1. Life histories of refugee women

- What is your country of origin?
- What are the circumstances that forced you to leave your host country?
- When did you come to South Africa?
- Why did you choose South Africa?
- Who did you come with?
- Which border gate did you use to enter South Africa?
- What experiences did you face during your journey from your country of origin to South Africa?

2. Experiences of refugee women in Albert Park Area

- Do you feel welcomed in Albert Park area?
- What are other forms of vulnerabilities you face in Albert Park area?
- How do you access basic needs?
- Do you feel threatened in Albert Park area?

3. Government and NGOs response to vulnerabilities of refugee women.

- Do you receive assistance from local government or humanitarian organization?
- What kind of assistance?
- How does this impact on your life?
- Do you pay for such services?
- Do you think that services that you are receiving are good enough or insufficient?

Section B: In-Depth Interview for NGOs Officials

- What is the name of your organization?
- How long has this organization been working with refugees?
- What are the different services your organization provides for refugee women?
- How do these services contribute to the livelihood strategies of refugee women?
- What are the important needs of refugee women?

- How do you assist refugee women ensuring that their needs are met?
- What do you think are the reasons that cause refugee women to fail to sustain their livelihood?
- What are refugee women's security concerns?
- How often do women refugees report about gender-based violence?
- Do they tell you the person attacking them?
- What actions do refugee women take when they are victims of gender-based violence?
- What programmes your organization provides for refugee women that have faced gender-based violence?
- As NGO official do you think that there is corruption at DHA?
- Refugees always argue that in order to get refugee status fast, they had to bribes, do you think its true?
- Have you ever heard about such accusation from female refugees?
- What do you think can be done to improve service delivery to refugees?

Section C: In-Depth Interview for DHA Officials

- What is the responsibility of this department?
- How long does it take to process the refugee status permit?
- What are the most common reasons of the forced migration of refugee women?
- Do you consider gender-based violence as form of persecution?
- Women complained that if they used gender-based violence as reasons for asylum, are often rejected?
- What are the reasons that lead to the delay in processing of refugee status permit?
- Do you believe that there are corrupted official who ask for bribes in this department?
- Women believe that this department is responsible for their vulnerabilities because its delays their refugee status, do you agree with them?
- As government branch what do you think can be done in order to improve the situation of refugee women in South Africa?

ANNEXURES

Annexure 1: Application Form for Visa or Transit Visa



BI-84) Form 11

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR VISA OR TRANSIT VISA
[Section 7(1)(g) read with section 10A and 10B; Regulation 8(1)]

Failure to complete this application form in full may result in the visa being delayed or refused.
Please use block letters and black ink only.

PERSONAL PARTICULARS

Surname:											
First names (in full):											
Maiden name:											
Previous surname(s):											
	Y	Y	Y	Y	M	M	D	D			
Date of birth:									City of birth:		
Country of birth:											
Gender:	Male		Female								
Nationality:								If acquired by naturalisation, state original nationality:			
Where and when was present nationality obtained:											
Passport/Travel Document Number:								Issuing authority:			
Type of document: Diplomatic/Official/Ordinary Passport/Travel								Date of expiry:			
Document/other (specify)											

Permanent residential address:											
Period resident at this address:	Telephone number: (.....) (code) (number)										
Country of permanent residence:	Period resident in that country:										
Occupation or profession:											
Name, address and telephone no. of employer, university, organisation, etc. to which you are attached, or that you attend or which you represent:											
If self-employed, state name, address, telephone no. and nature of business:											
Marital status:	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Never married</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">Married</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">Widowed</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">Separated</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">Divorced</td> <td style="width: 12.5%;"></td> </tr> </table>	Never married		Married		Widowed		Separated		Divorced	
Never married		Married		Widowed		Separated		Divorced			
First name(s) of spouse:											
Maiden name:											
Date of birth:	Nationality.....										
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 2.5%;">Y</td><td style="width: 2.5%;">Y</td><td style="width: 2.5%;">Y</td><td style="width: 2.5%;">Y</td><td style="width: 2.5%;">M</td><td style="width: 2.5%;">M</td><td style="width: 2.5%;">D</td><td style="width: 2.5%;">D</td> </tr> </table>	Y	Y	Y	Y	M	M	D	D			
Y	Y	Y	Y	M	M	D	D				
NB: SEPARATE FORMS MUST BE COMPLETED IN RESPECT OF PERSONS OVER THE AGE OF 16 AND CHILDREN UNDER THE AGE OF 16 TRAVELLING ON THEIR OWN PASSPORTS.											
Particulars of children endorsed on your passport accompanying you:											

Surname	First name(s)	Date of birth	Place of birth
(1)			
(2)			
(3)			
(4)			

VISIT TO SOUTH AFRICA

Expected date of arrival in the Republic: Y M D

Place of arrival:.....

Purpose of visit:

Duration of stay (months, weeks or days)

Number of entries required:

Single	
Multiple	
Two	

Proposed residential address (physical) in the Republic, including the full name(s) of your host or hotel:

.....

.....

.....

Names of organisations or persons you will be contacting during your stay in the Republic:

Name	Address	Relationship

Identity document number or permanent residence permit number of South African host:

.....

Indicate by means of an X whichever is applicable

Have you at any time applied for a permit to settle permanently in South Africa?	yes		no	
--	-----	--	----	--

Have you ever been restricted or refused entry into South Africa?	yes		no	
Have you ever been deported from or ordered to leave South Africa?	yes		no	
Have you ever been convicted of any crime in any country?	yes		no	
Is a criminal action pending against you in any country?	yes		no	
Are you an unrehabilitated insolvent?	yes		no	
Are you suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency?	yes		no	
Have you ever been judicially declared incompetent?	yes		no	
Are you a member of, or adherent to an association or organisation advocating the practice of social violence or racial hatred or are you or have you been a member of an organisation or association utilizing crime or terrorism to pursue its ends?	yes		no	
Give particulars if reply to one or more of the questions above is in the affirmative:				
To be completed by applicants applying for visitor's permits exceeding three months:				
In the case of a spouse or dependant minor child of the holder of a permit issued in terms of section 11, 13, 14, 15, 17, 19 or 22, submission of a marriage certificate or an unabridged birth certificate.				
Proof of academic sabbatical, if applicable.				
Proof of non-remunerative voluntary or charitable activities to be undertaken, if applicable.				
Proof of research to be undertaken, if applicable.				
Proof of funds available for subsistence during period of visit.				
To be completed by applicants applying for diplomatic, official or courtesy visas:				
In the case of an official visit, submission of a note verbale.				
In the case of a diplomatic placing in the Republic, proof of such placing.				
To be completed only by passengers in transit to another country:				

Destination after leaving the Republic:

Mode of travel to destination:

Intended date and port of departure from the Republic to that destination:

Do you hold a visa or permit for temporary or permanent residence in the country of your destination? (Proof must be submitted).....

To be completed by persons wishing to work in the Republic: Yes No

If the answer is yes, please provide details:

I SOLEMNLY DECLARE THAT THE ABOVE PARTICULARS PROVIDED BY ME ARE TRUE IN SUBSTANCE AND IN FACT AND THAT I FULLY UNDERSTAND THE MEANING THEREOF. I FURTHER DECLARE THAT I DO NOT CONTEMPLATE CHANGING THE PURPOSE OF MY VISIT WHILST IN THE REPUBLIC.

.....

Signature of applicant **Date**

FOR OFFICIAL USE Approved/not approved by on	Type of visa:	Reasons for decision:

Annexure 2: A Copy of Section 23 Permit (Transit Permit)

 DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

DHA-1719

**PERMIT TO REPORT TO
REFUGEE RECEPTION OFFICE**

SECTION 23 OF ACT NO. 13 OF 2002; REGULATION 32

No. A 0130236

This permit, valid for 14 days from date of admission is hereby issued to
MUGARUKA NGUSHIRWA

solely to enable the holder to report to the Refugee Reception Office at
MUSINA

subject to the following conditions:

1. The holder of this permit shall not qualify for any other permit issued in terms of the Immigration Act, 2002.
- 2.

DEPARTMENT OF HOME AFFAIRS
2011-04-17
BEIT BRIDGE (28)

Note: Anyone who contravenes the purpose and/or conditions of this permit shall be guilty of an offence in terms of section 49(1) of the Immigration Act and liable on conviction to a fine or imprisonment.


Immigration Officer




Appointment number

Government Printing Works (012 254 4500)

Annexure 3: Application Form for Refuge

BI-1590



REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS

ELIGIBILITY DETERMINATION FORM FOR ASYLUM SEEKERS

1. PERSONAL DETAILS

A. SURNAME /FAMILY NAME:

NAME/S:

DATE OF BIRTH:

MALE		PLACE OF BIRTH	COUNTRY OF BIRTH
FEMALE			
CURRENT NATIONALITY		ETHNIC GROUP	PREVIOUS NATIONALITY/IES (IF ANY)
LANGUAGE		OTHER LANGUAGES	RELIGION
RESIDENCY DURING THE LAST TEN YEARS			

B. FAMILY DETAILS

- MARITAL STATUS: UNMARRIED/ MARRIED/ DIVORCED
 (Delete where applicable)

NAME OF SPOUSE:		D.O.B	NATIONALITY	WHEREABOUTS
LIST CHILD/REN	GENDER			
1.				
2.				
3.				
4.				
5.				
NAME OF APPLICANT'S MOTHER				
NAME OF APPLICANT'S FATHER				

C. IDENTITY/TRAVEL DOCUMENTS:

- ARE YOU IN POSSESSION OF YOUR PASSPORT /TRAVEL DOCUMENT /IDENTITY DOCUMENT? (YES/NO)
- IF YES, PLEASE COMPLETE THE FOLLOWING TABLE:

PASSPORT/TRAVEL DOCUMENT/ IDENTITY DOCUMENT	AUTHENTIC	FALSE	ISSUED BY THE UNITED NATIONS
PLACE AND DATE OF ISSUE			
ISSUING AUTHORITY			
DATE OF EXPIRY			
DOCUMENTS DESTROYED/DISPOSED OF	REASON:		

D. PREVIOUS VISITS TO THE RSA

- HAVE YOU VISITED THE RSA PREVIOUSLY? YES/NO
- IF YES, WHEN AND FOR HOW LONG?
.....
- ON WHAT PERMIT DID YOU ENTER THE RSA?
.....
- WHAT WAS THE PURPOSE OF YOUR VISIT?
.....
.....
- HAVE YOU EVER OVERSTAYED OR BEEN ORDERED TO LEAVE THE RSA? YES/NO
- IF YES, WHEN AND WHY?
.....
.....

E. EDUCATION

- HIGHEST QUALIFICATION OBTAINED
.....
- PROFESSION
.....
- PREVIOUS EMPLOYMENT
.....
- DURATION: FROM: TO.....

F. ROUTE TAKEN TO THE RSA

- PLEASE LIST THE COUNTRIES YOU TRANSITED EN ROUTE TO THE RSA AND THE DURATION OF YOUR STAY:

COUNTRY	DURATION
1.	
2.	
3.	
4.	
5.	

- DID YOU APPLY FOR ASYLUM IN THE COUNTRY/IES LISTED ABOVE?
.....
.....
- a IF YES, GIVE DETAILS:
.....
.....
- IF NO, WHY DID YOU NOT APPLY FOR ASYLUM?
.....
.....
- WAS YOUR APPLICATION DECIDED UPON? YES / NO
- IF NOT, STATE REASON/S
.....
.....
- WAS YOUR APPLICATION GRANTED? YES / NO
- IF YES, PLEASE GIVE REASONS FOR YOUR DEPARTURE
.....
.....

G. CRIMINAL CONVICTIONS

- DO YOU HAVE PREVIOUS CRIMINAL CONVICTIONS? (YES/NO)
- IF YES, PLEASE STATE THE DATE AND NATURE OF THE CRIME/ OFFENCE COMMITTED
.....
.....
.....
.....

H. MILITARY SERVICE

- IS MILITARY SERVICE COMPULSORY IN YOUR HOME COUNTRY? YES/NO
- IF YES, HAVE YOU BEEN CALLED UP FOR DUTY? YES/NO
- WHAT WAS THE LENGTH/ DURATION OF SERVICE?
.....
.....

- IF YOU WERE CALLED UP AND DID NOT SERVE, PLEASE STATE REASONS

.....
.....
.....

2. COUNTRY BACKGROUND

- CAPITAL CITY:
- MAJOR CITIES:
- CURRENCY:
- LANGUAGES SPOKEN:
- RELIGION:
- POLITICAL PARTIES AND LEADERS:
- NEIGHBOURING COUNTRIES:
- DESCRIPTION OF NATIONAL FLAG:
- NATIONAL ANTHEM:

3. APPLICANT'S STORY (CHRONOLOGICALLY)

- a. WHEN DID YOU LEAVE YOUR COUNTRY OF ORIGIN?
- b. MODE OF TRAVEL (AIR/LAND/SEA)?
- c. WHEN DID YOU ENTER THE RSA?
- d. WHERE DID YOU ENTER THE RSA?
.....
.....

4. REASONS FOR APPLYING FOR ASYLUM

(FOR THIS SECTION, APPLICANTS SHOULD PROVIDE PROOF/
EVIDENCE, WHERE POSSIBLE)

a. ARE YOU RECOGNISED AS A REFUGEE BY THE UNHCR? YES / NO

IF YES, DATE: _____ UNHCR FIELD OFFICE: _____

b. ARE YOU REGISTERED WITH ANY OTHER INTERNATIONAL OR
NATIONAL AGENCY? YES / NO

IF YES, GIVE DETAILS
.....
.....

c. ARE YOU REGISTERED WITH AN EMBASSY, A CONSULATE OR ANY
OTHER AUTHORITY OF YOUR HOME COUNTRY? YES / NO

IF YES, GIVE DETAILS
.....
.....

d. WERE YOU ACTIVE IN ANY ORGANISATION? YES / NO

IF YES, PLEASE GIVE DETAILS:
NAME:
LEADER.....

ACTIVITIES.....
.....
.....
.....
.....
.....

f. IF YOU WERE ARRESTED PREVIOUSLY, PLEASE ANSWER THE
FOLLOWING QUESTIONS:

d. WHY WERE YOU ARRESTED?
.....
.....
.....

WHICH MEASURES DID YOU TAKE TO SOLVE YOUR PROBLEM?

.....
.....
.....
.....
.....
.....

DO YOU WISH TO RETURN TO YOUR HOME COUNTRY? YES/NO

IF NOT, PLEASE GIVE REASONS:

.....
.....
.....

5. THE APPLICANT HAS BEEN INFORMED (mark with an X):

THAT ALL INFORMATION PROVIDED IS CONFIDENTIAL

THAT ALL FACTS STATED DURING THE INTERVIEW WILL BE USED TO REACH A DECISION

THAT IDENTITY MUST BE CONFIRMED IN OTHER WAYS IF IDENTIFICATION DOCUMENTS ARE NOT AVAILABLE

THAT FALSE OR INCORRECT INFORMATION MAY LEAD TO PROSECUTION OR DISCREDIT THE CLAIMANT

6. DECLARATION BY THE APPLICANT

I,, HAVE SUBMITTED TO THE FACT THAT THE ABOVE INFORMATION IS TO THE BEST OF MY KNOWLEDGE TRUE AND CORRECT

SIGNATURE DATE:

7. INTERPRETER:

- NAME OF INTERPRETER:
- QUALIFICATION/S:
- ADDRESS:
- CONTACT NUMBER:
- INSTITUTE:
- DATE:

8. DECLARATION BY THE APPLICANT IN REGARD TO THE CONTENTS OF THE ENTIRE ELIGIBILITY DETERMINATION FORM

I,, NATIONAL,
OF,
SOLEMNLY DECLARE THAT THE CONTENTS OF THIS FORM ARE
TRUE AND CORRECT

SIGNATURE: DATE:

9. FOR OFFICE USE ONLY

A. PRELIMINARY COMMENTS BY REFUGEE RECEPTION OFFICER:

.....
.....
.....
.....
.....

SIGNATURE DATE:

B. DECISION BY REFUGEE STATUS DETERMINATION

OFFICER:.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

SIGNATURE DATE:

Annexure 4: A Copy of Section 22 Permit (Asylum Seeker Temporary Permit)

REPUBLIC OF SOUTH AFRICA
 DEPARTMENT: HOME AFFAIRS

Section 22 of the Refugees Act No. 130 of 1998





ASYLUM SEEKER TEMPORARY PERMIT
 REFERENCE NO: DBNZWE000300413
 Permission is hereby granted to the following person as holder of this permit to remain in the RSA of part thereof as determined in part B hereof:

A. PERSONAL PARTICULARS OF HOLDER

SURNAME: ~~██████████~~ FIRST NAME(s): ~~██████████~~
 RESIDENTIAL ADDRESS: 18 ~~██████████~~
 MT EDGECOMBE
 KZN

DATE OF BIRTH: 15/09/1988 GENDER: Female
 NATIONALITY: Zimbabwean COUNTRY OF ORIGIN: Zimbabwe
 FILE NUMBER: DBNZWE~~██████████~~ PLACE OF ISSUE: Durban EXPIRY DATE: 23/09/2013
 ALTERNATIVE FILE NUMBER:

B. CONDITIONS

- The holder of the permit may reside temporarily in the Republic of South Africa for the purpose of applying for asylum in terms of the Refugees Act No. 130 of 1998.
- The permit holder shall, without expenses to the state, leave the Republic on before 23/09/2013 or such later date as duly authorised by a Refugee Status Determination Officer if his/her application for asylum has been rejected.
- The permit entitles the holder to: WORK AND STUDY
- Failure to comply with the conditions of this permit will be dealt with in terms of Section 37 (b) and Section 22 (b) of the Refugees Act 1998.
- All permit holder are obliged to respect the laws of South Africa
- This permit will lapse if the permit holder does not appear in person as required at the designated Refugee Reception Office or if he/she departs from the Republic without prior authorisation from the Director-General.
- All other permits issued prior to the issuance of this permit are automatically nullified.
- Other conditions M ZIKALALA- REJECTED AS MANIFESTLY UNFOUNDED, REFERRED TO SCRA
- ~~██████████~~ agree to the above conditions and understand that a breach thereof will result in an offence in terms of Section 37 of the Refugees Act.

PLACE: Durban DATE: 23/08/2013

REFUGEE RECEPTION OFFICIAL	CAPTURED BY	PRINTED BY	FINGER IMPRESSION
NAME: Rose, Allan	Rose, Allan	Rose, Allan James	
APPOINTMENT/FORCE NO: 22072233	22072233	22072233	
DATE: 12/04/2013	12/04/2013	23/08/2013	
PLACE: Durban	Durban	Durban	

ORIGINALLY ISSUED IN: Durban NUMBER OF EXTENSIONS: 4 PERMIT EXPIRY DATE: 23/09/2013

PERMIT HOLDER SIGNATURE:  REFUGEE OFFICIAL SIGNATURE: 2013-08-23
 SIGNATURE: 

 106574476 **ONLY VALID IF BOTH BAR CODES ARE THE SAME**  106574476

ISSUED WITHOUT ANY ALTERATION OR FEASURES

Annexure 4: A Copy of Section 27 Permit (Refugee Status)



REPUBLIC OF SOUTH AFRICA
DEPARTMENT: HOME AFFAIRS
REFUGEES ACT, 1998 (ACT 130 OF 1998)



FORMAL RECOGNITION OF REFUGEE STATUS IN THE RSA
PARTICULARS OF RECOGNISED REFUGEE IN THE RSA

NAME AND SURNAME : ██████████
 GENDER : Male
 DATE OF BIRTH : ██████████
 COUNTRY OF BIRTH : Ethiopia
 NATIONALITY : Ethiopian
 MARITAL STATUS : Single

It is hereby certified that the person whose particulars appear above has, in terms of section 24 (3) (a) of the Refugees Act 1998 (Act 130 of 1998), been recognised as a refugee in the Republic of South Africa (RSA) from 21/10/2011 to 21/10/2011 on condition that this formal recognition shall become null if he/she departs permanently from the Republic. The Refugee shall within 14 days of receipt hereof apply for a Refugee Identity Document in the RSA. The holder of this certificate is entitled to Socio-economic rights as provided for in Chapter 2 of the Constitution including work and study in RSA.


 S.p. DIRECTOR-GENERAL
 DATE: 21/10/2011
 DEPARTMENT OF HOME AFFAIRS

PLACE: Durban DATE: _____
 CAPTURED BY: _____
 REFUGEE RECEPTION OFFICIAL

NAME: Old Data Import, DHA Mvso, Anthony
 APPOINTMENT/FORCE NO: 000000 31050313
 DATE: 01/01/2008 21/10/2011
 PLACE: Durban Durban
 ORIGINALLY ISSUED IN: Durban NUMBER OF EXTENSIONS: 1
 RSDO SIGNATURE: _____ PERMIT HOLDER SIGNATURE: _____

DEPARTMENT OF HOME AFFAIRS
REFUGEE RECEPTION OFFICES
DURBAN

Durban 2011-10-21

ISSUING OFFICE
SIGNATURE: _____
DURBAN RSDO (11)

FINGER IMPRESSION





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