

URGENT ACTION

SHOP RAIDS JEOPARDISE SAFETY OF REFUGEES

Hundreds of asylum-seekers and refugees in South Africa's Limpopo province are being pushed into destitution because police are forcibly and without notice closing their shops and seizing their goods. Traumatized by this harassment, many victims may be coerced into returning to the countries from which they originally fled. The shop closures began from late June and have continued regularly since then across the province. Fears are growing that this coordinated campaign could spread to other provinces.

At least 600 small businesses run by asylum-seekers and refugees have been forcibly closed across the province since the police operation, known as Hard Stick, began. The police raids are taking place without warning and involve seizing trading stock and forcibly closing the premises. Some asylum-seekers and refugees have also been subjected to xenophobic verbal abuse, detention in police cells, and charged or fined for running their business.

The apparent justification for these actions is that the businesses are unlicensed or run by asylum-seekers. Police appear to have acted on information given to them from the government Department of Home Affairs (DHA) that an asylum-seeker's right to work does not include the right to run a business. However police are acting harshly and indiscriminately, with recognized refugees also being swept up in the wave of forced closures.

Victims of these raids report that the police ignored the license or refugee documents which they showed them, sometimes allegedly saying that they had no right, as "foreigners", to work and should go back to their country. In most cases all of the shop goods were removed by police, with no receipts provided. One visibly distressed refugee said that two months after the forced closure of his shop he had no income, was unable to pay his creditor and support his family, all of whom would be made homeless imminently. In September, 30 displaced Ethiopians were forced to flee a house in which they were sheltering after it was petrol-bombed.

Please write immediately in English or your own language:

- Expressing concern that the large-scale forcible closures by police in Limpopo province of businesses run by asylum-seekers and refugees is being conducted in an arbitrary manner, causing destitution and putting the victims at risk of coerced return to the countries from which they originally fled persecution;
- Appealing to the authorities to suspend the campaign of closures and seizure of goods pending a full, open and transparent assessment of the right to work for asylum-seekers and the current regulatory regime;
- Urging the authorities to uphold South Africa's obligations at all levels of government to protect the rights of refugees and asylum-seekers.

PLEASE SEND APPEALS BEFORE 12 NOVEMBER 2012 TO:

Minister of Home Affairs
Ms Naledi Pandor
Ministry of Home Affairs
Private Bag X741, Pretoria 0001
South Africa
Email: csc@dha.gov.za
Salutation: Dear Minister

Provincial Commissioner of Police
Lt General Thabethe Mpembe
44 Schoeman Street
Polokwane, Limpopo 0700
South Africa
Fax: +27 15 290 6162 (keep trying)
Email: lim.provcom@saps.org.za
Salutation: Dear Commissioner

Also send copies to diplomatic representatives accredited to your country

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The police operation to close the trading businesses run by asylum-seekers is occurring in an increasingly hostile environment for them and recognized refugees in South Africa over the last two years. Far-reaching changes to the asylum system were initiated by the South African government in 2011 and have gathered pace this year. The changes are having the effect of curtailing and even impeding access to asylum determination procedures and other critical services for asylum-seekers and recognized refugees. Consequently they are having a profoundly detrimental effect on the ability of applicants seeking international protection to pursue their claims effectively.

The above developments are also taking place against a background in which refugees and asylum-seekers remain under pressure from targeted violence and discriminatory practices which limit their access to protection, effective remedies and sources of livelihood. Incidents of violence, displacement, forcible closures of businesses and property destruction against refugees and migrants have happened with increased frequency in numerous areas of the country during the past two years.

The current police operation in Limpopo is a more systematic manifestation of some of these trends. It also relies on an ambiguity in the interpretation of current domestic law on what is permissible under the right to work for asylum-seekers. The regulatory system for registering small businesses is also unclear.

Local business forums appear to be the drivers behind many of the attacks on small businesses run by refugees and asylum-seekers in townships and informal housing settlements. The vast majority of asylum-seekers, as well as many recognized refugees, rely on small businesses and street trading to earn their livelihood and support their families. Employers in the formal economic sector are reluctant to hire asylum-seekers and even recognized refugees. At the same time the majority of poor South Africans also rely on the 'informal' trading and small business sector for their living.

The resulting actual or perceived competition for survival between local and non-South African traders has acquired an intense political resonance this year. The ruling African National Congress (ANC) party is holding leadership elections in December. Resolutions on policies will also be adopted by the thousands of delegates attending the ANC National Conference. A draft policy document on refugee and migration issues places these issues in a security not rights framework and calls for an end to trading in townships and informal settlements by refugees and asylum-seekers.

The coercive consequences of these developments in the past two years are creating a situation of "constructive refoulement", where refugees and asylum-seekers cannot survive and feel they have no option but to return to the countries from which they originally fled.

Name: Refugees and asylum-seekers owning around 600 small businesses in Limpopo Province, South Africa
Gender m/f: Both