

Hardship inspires a new perspective

By Neda Monshat

By the end of my five week internship with Lawyers for Human Rights in Durban my interest in human rights law, and refugee law specifically, had definitely been reaffirmed and reinforced. As one of the busiest legal clinics I have ever seen, it is a wonder how the few dedicated and passionate lawyers working out of a small office in Durban keep the wheels turning so fast and so efficiently. Working within an immigration system which at times felt more motivated to keep asylum seekers out than anything else, it was also very inspiring to see these young, devoted lawyers remaining motivated and enthused.

I was thrown straight into the deep end on the first morning in the office. Preparing notices of appeal for upwards of 20 clients that first day, I didn't know how I would get through the next month. I was more than relieved after lunch when the doors were closed to clients to allow the lawyers to catch up on casework and for us to do some country research. In my short time at LHR, I was able to hear stories from all over Africa and engage with asylum seekers and refugees who were in varying stages of the refugee process. It was a fantastic opportunity to be able to compare South African refugee law with that of Australia and saddening to see the same problems we have in Australia magnified in the much busier African context. Driving past the Department of Home Affairs before work every morning, you would see scores of people sleeping at the doors, hoping to be seen that day. Sometimes clients had been in South Africa illegally for weeks, unable to be served by any officials because of administrative deficiencies at the Department.

Another important consideration in South Africa was the ever-present tensions between racial, socio-economic and tribal groups. The internship began just after a spate of xenophobic attacks mainly aimed at asylum seekers and refugees in Johannesburg and Durban. Many clients were considering starting civil action against police who they claimed had failed to protect them, and criminal

actions against perpetrators. It was extremely hard to see clients go back to the same areas where the perpetrators of attacks were still residing, due to their lack of options. These circumstances, coupled with the already extremely high crime and unemployment rate meant that many clients remained desperate and scared. While social welfare services do exist, they are limited and under resourced, and clients often had to fend for themselves.

In addition to casework, LHR was starting to lobby the South African government to grant asylum to the many Zimbabweans who were fleeing economic hardship, rather than persecution. Economic hardship is not a legally-recognised reason for granting refugee status, and those asylum seekers are being forced to return to Zimbabwe. Although any progress in convincing the government to change its stance on economic hardship as a grounds for refugee status may take a long time, it is a hopeful avenue for the many Zimbabweans fleeing to South Africa on a daily basis.

In addition to the inspiring and challenging work environment we were exposed to everyday, there was also much fun to be had in and around Durban. Living with a range of Monash interns from varying faculties made the internship not only an intellectually rich experience but a socially rich one too. While Durban doesn't boast an extremely exciting night life, the surrounding country is breath taking. Weekends were spent visiting the beautiful northern beaches or hiking through the Drakensberg mountains while arguing about South African politics with the passionate locals.

Overall, the Castan Centre and the Monash staff in South Africa were incredibly supportive throughout the internship and provided me with an opportunity that I will never forget. I am also left in awe of the upward battle being fought by the lawyers at LHR, and am thankful for their trust and confidence in me during my short time there.



Neda Monshat interviews a client at LHR

Photo: Matthew Willman/Oxfam Australia