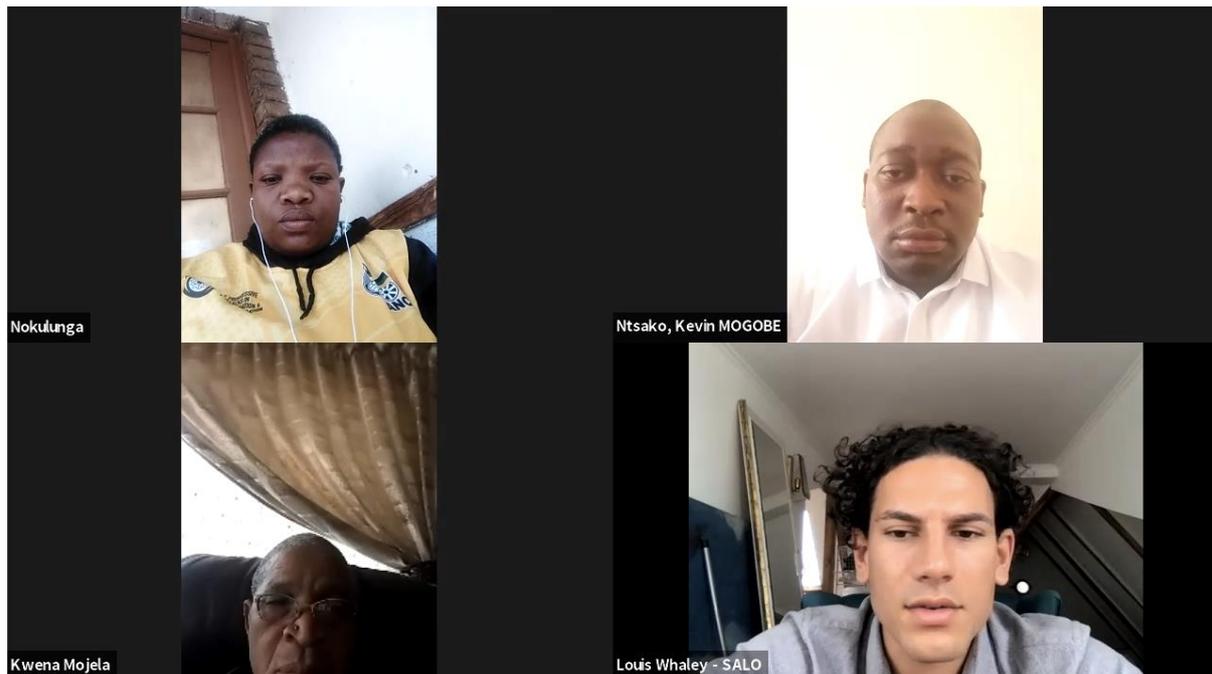


# Access to the COVID-19 Vaccine for Migrants in South Africa

## Zoom Online: Community Dialogue



### Attendees:

Southern African Liaison Office; African National Congress; African National Congress Youth League; United Nations Statistics Division; World Federation of Democratic Youth; City of Tshwane Metropolitan University; Congress of South African Students; National Education, Health and Allied Workers' Union; Commission on Restitution of Land Rights; Interdenominational Theological Centre RSA Pretoria; South African Universities and Community Members

## Executive Summary

The Southern African Liaison Office (SALO) held an online community dialogue in partnership with the Norwegian People's Aid on the 26<sup>th</sup> of March 2021, with the intent of illuminating some of the potential challenges around the equitable access to vaccines for migrants in South Africa, as well as the importance of building consensus at a local community level on the right and necessity to vaccinate all who reside in the country. The meeting was chaired by Ntsako Mogobe, SALO Youth and Community Liaison Officer; with addresses from Johnny Mohlala, Naftal Kambungu and Eulenda Mabusela.

### Summary of Presentations

First Speaker: **Johnny Mohlala**, UN Statistics Division

Mr Mohlala focussed his address on the necessity for all people living in South Africa to have access to healthcare, especially during the COVID-19 pandemic. He opened by highlighting the Freedom Charter as a contributor to the formulation of the Constitution of South Africa, which recognises the need for a healthy society and noted that the provision of healthcare is a constitutional right. In his view, healthcare has become a human rights issue:

*"...the [mature] approach to the discussion today is that, at all given points in time, the decisions that we take as a people should affirm our respect for humanity. We must treat everybody [like] a human being".*

He contextualised a South Africa in which migrants tend to be at the end of the line due to systemic issues. Access to healthcare is already limited for the majority of South Africans and is even more so for the migrant community. Migrants also experience language barriers that often result in poor quality healthcare and discrimination. Additionally, many migrants are undocumented for several reasons that are out of their control. The South African migration policy has become increasingly restrictive over the past two decades due to a notion of South African exceptionalism that has positioned African migrants as undesirable. This is evidenced by:

- Constrictive policies and legislation aimed at deterring migration through the erosion of migrant rights and barriers to access;
- The adoption of a risk-based security approach which contributes to a dangerous xenophobic narrative by assuming that foreign nationals and poor people from Africa have a higher chance of being criminals;
- The rationalisation of xenophobic/afrophobic sentiments (both at the national government and local community level) as simply protecting the interests of South Africans;
- Securitised border management and mass deportations;
- Barriers to obtaining and maintaining legal status for low-skilled migrant workers and asylum-seekers (such as documentation backlogs due to the

- closure of three of the five refugee reception centres to new asylum applicants and the detention of asylum-seekers during processing); and
- The reservation of immigration and citizenship rights to those with high-level skills

As such, migrants fear interacting with the state in any capacity; but more importantly, the lack of documentation systematically excludes them from accessing government services and assistance. He also noted the potential for complications when vaccinating undocumented migrants without having knowledge of their full medical history for the various reasons listed above. It must be noted, however, that according to international guidelines laid out by the WHO Strategic Advisory Group of Experts on Immunization (SAGE), people with high-risk comorbidities are not more likely than those without comorbidities to experience adverse symptoms or death resulting from being vaccinated. These findings are based on limited clinical studies, but the Moderna, Pfizer and AstraZeneca vaccines show similar efficacy and safety in people with and without underlying medical conditions.<sup>1</sup>

Despite the potential roadblocks in the process of vaccinating migrants, Mr Mohlala outlined an opportunity in the vaccination process:

*“...the fact that they are undocumented should actually not be a deterrent, in that vaccinating them will assist you to document them. So, I'm saying let us not see problems where there are solutions, we must see solutions where there are problems. The vaccination of foreign nationals might assist the country in documenting them because when you do a vaccination, you will have to have a file of one sort or the other. As to the accuracy of the information that will [be captured], I'm not particularly sure [about that] and I don't think anyone can actually guarantee that”.*

It is unclear how this process would work, and there are valid concerns around the use of the information gathered for purposes other than vaccination. The current relationship between the state and migrants lends credence to fears that participation in the vaccination process will allow the government, through immigration offices, to locate and expel undocumented migrants.

Mr Mohlala concluded by stressing the need for solidarity with migrants; referring to the many migrants from neighbouring countries who come to South Africa on a temporary basis solely to access much-needed healthcare. He emphasised the importance of ensuring that *“every living [person] is treated fairly and equally; not looking at the background of the person but looking at the vulnerability of a person”*. In the current context of COVID-19, this approach is crucial if South Africa is to survive this pandemic.

- From a **scientific** point of view, the reality is that there are too many undocumented migrants in all communities across South Africa to exclude in the quest for population-wide immunity.

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<sup>1</sup> Choi, W. S., & Cheong, H. J. 2021. COVID-19 Vaccination for People with Comorbidities. *Infection & Chemotherapy*. 53(1), 155–158. Available at: <https://doi.org/10.3947/ic.2021.0302> [7 May 2021]

- From an **economic** point of view, the race against time to save livelihoods by resuming full economic activity coupled with the need to ease the burden on the public health sector means that the government needs to mitigate this health crisis expeditiously.
- From a **constitutional** point of view, as Mr Mohlala put it: “everyone who lives within the boundaries of South Africa is entitled to treatment, and in particular, entitled to vaccination”.

Second Speaker: **Naftal Kambungu**, Vice President of WFDY Africa Region

Mr Kambungu gave a brief address aimed at emphasising the importance of solidarity amongst Africans, citing the history of unity between all the former liberation movements in the SADC region in their respective struggles. In his words:

*“I must appreciate what President Cyril Ramaphosa [has declared] - that all those that live within the borders of the Republic of South Africa, let them be allowed to be vaccinated. That acknowledgement is very important for us, not only because comrade Cyril Ramaphosa is the President of the ANC which is a former liberation movement and a sister party to SWAPO, FRELIMO, MPLA and so on, but [because] what he is directing is a humanitarian [endeavour].”*

In his view, South Africa is a “big brother” to the region and the continent, and its role in the SADC region especially is paramount for migrants seeking employment and other “empowerment opportunities”, noting that these opportunities do not exist in other countries in the region. Therefore, he urged that President Cyril Ramaphosa should be supported in his decision to vaccinate migrants. As with Mr Mohlala, Mr Kambungu highlighted the irrelevance of prioritising citizens, residents, and documented people in the face of a pandemic. He also noted that not vaccinating migrants poses a risk to neighbouring countries as migrants move across borders. He shared the sentiments of Mr Mohlala that the most important objective is to curb the spread of the virus as effectively as possible.

The crux of Mr Kambungu’s address was the need for SADC states to work together to overcome the COVID-19 pandemic, to support each other and to be inclusive of all people in the region when dealing with issues of health in general, and vaccinations specifically. He also called on South Africa to continue in its leadership during the pandemic.

*“We cannot deviate from the solidarity, whether its health or economic opportunities and so on. Comrades, I will emphasise that we believe, as the young people of Africa, that South Africa is a big brother, not only in SADC but in the whole of Africa, so we believe that South Africa must lead. If there are vaccines that South Africa has ordered, [they must be used to] vaccinate everybody that is in South Africa ... The role that [South Africa] has been playing is well applauded. Continue that way”.*

Third Speaker: **Eulenda Mabusela**, PR Councillor for the City of Tshwane and Former MMC of Health

Ms Mabusela focused her address on healthcare in South Africa as it pertains to citizens and non-citizens. Speaking as a nurse, she tried to set the record straight on issues regarding healthcare and the vaccination process. She began by noting her concurrence with the previous speakers on the importance of achieving population-wide immunity to curb the spread of COVID-19 as well as supporting President Ramaphosa in his call to vaccinate everyone including migrants.

*“I think it's important that we should know that South Africans that are being vaccinated are also being asked to register so that it is known how many people [have been vaccinated] and how much should be put aside for such a noble cause. It's very important that everybody should be documented, everybody should be known. I think Mr Mohlala [was correct] to say [that] when everybody is being registered, it assists with lots of other things, not only vaccination, like [how] South Africa [can] plan for its future”.*

The issue with the registration process is that there are millions of undocumented people (migrants and citizens) who have remained excluded from getting the vaccine. Since the President declared that all who live in South Africa will have access to the vaccine, there has not been any clarity on how the electronic vaccination data system (EVDS) will support the registration of undocumented people. Furthermore, Ms Mabusela reminded the meeting that access to healthcare in general for both South Africans and international citizens remains a challenge that has been exacerbated by the pandemic.

*“I think what I must also communicate is that before I touch on the migrants and the undocumented, it is important to [underscore] that even South Africans currently have a huge challenge of primary healthcare accessibility”.*

However, she referred to the National Health Insurance which is designed to pool funds to provide access to quality affordable personal health services for all South Africans based on their health needs, regardless of their socioeconomic status.<sup>2</sup> Speaking as a nurse in a public clinic, Ms Mabusela made it clear that she treats both South Africans and migrants, and that healthcare professionals are instructed to assist anyone in need of medical assistance.

*According to Eulenda, “it's a rule in South Africa and it's [well-known] in [the health sector] that no one must be denied healthcare. Currently, that agreement is there and is being practised. Anyone who turns a patient [away] without giving proper healthcare will appear [before a] disciplinary committee. The [nurses] that are practising currently have that well-recorded in their minds that you treat and refer. You refer in terms of where a patient resides [and the closest] primary healthcare facility to that particular patient, irrespective of where [they were] born”.*

The councillor also sought to qualify the comments made by the Minister of Health, Zweli Mkhize (currently on special leave). In her words: *“the President as a statesman will give a political statement [that points to] where we want to [get] to as a country*

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<sup>2</sup> <https://www.gov.za/about-government/government-programmes/national-health-insurance-0>

*because he knows that there's a department led by Minister Zweli Mkhize that [is responsible for] ... how we arrive to where we want to be. ... There's a special committee that also advises our Minister that also indicated that it will be wrong ... and it will not bear any fruit for us as South Africa to ... only focus on South Africans [and neglect] migrants and the undocumented foreign nationals that are in the country”.*

In summing up, Ms Mabusela acknowledged that everyone in South Africa has the right to healthcare per the Constitution and she urged for migrants to be included in the vaccination programme and noted that COVID-19 is a global problem that requires everyone to work together. As an employee in the public health sector, her aim is that *“everyone should be vaccinated, but let's also keep it in the back of our minds that our protocols, legislation, and policies must inform all these [processes]”.*

### **Questions and Contributions from Participants**

*“For me, before we can even talk about the vaccine, I think let's talk about the advocacy of healthcare. Let's continue to educate the people so that they understand COVID-19 and how to manage it because as it is, if you have heard the news, [some] people will be vaccinated maybe [only] next year. So, between now and next year, what is it that you're going to do? We [should] educate the people [on] how to manage the disease, like we have in the past, managed other diseases.”*

– Dorothy Mabiletsa

*“I think, Mr. Mohlala, I partly agree with him, especially when he spoke about the point of water and sanitation, that it's something that we also need to critically [address] so that when we speak to the Department of Health, at least we know that in terms of water and sanitation, we have better progress because it really does contribute massively to the health of our people in the country. ... Firstly, we must be honest [with] ourselves that the healthcare standards of this country to begin with cannot even accommodate people of this country, generally. As much as we would want to stand in solidarity with our foreign nationals, with our immigrants, we must also put our house in order [first] because it's a challenge not only in terms of health. ... Secondly, documented immigrants should be the ones that are prioritised, because we have a lot of foreign nationals that are in the country that are undocumented ... These are people that you cannot trace, these are people that you do not know, and I think it's fair to say that it's impacting our economy [negatively]. ... I think COVID-19 must be a wakeup call to [everyone] in the country, to the government that is led by the mighty African National Congress, to say that as much as we appreciate these people, as much as we love them, and want to be with them, can they come in the country legally? Those that are here illegally, as soon as we [can] trace them, they must go back, and they must apply properly. Not that we do not want them, we want to be a responsible country. We need to take accountability”.*

– Koketso Mogashoa

*“I would like to submit here that the issue of migrants is unavoidable. ... Therefore, the vaccination [of migrants] is unavoidable, we just cannot avoid it. It is fortunate that the South African Constitution and other laws favour [migrants]. So, my submission will be*

*[that] we need to prioritise them because they are with us daily, they stay with us [and] we work with them. ... Even if we prioritise South Africans and put [migrants] at the end or whatever, it's not going to assist us with anything ... It's just going to make matters worse".*

– Kgoagelo Nkosi

*"I think, generally, we agree that both the ANC and the government have made strides, not only constitutionally and policy-wise, but also legislatively, to cater for everyone who is in South Africa ... on health issues particularly, to say there is no one who should be turned [away based on] their nationality, whether documented or not. I think that was a great stride. As comrade [Mohlala so eloquently put it], it is anchored on a humanitarian solidarity point of view, which also is amongst the pillars of the ANC. ... What is important is that, from my point of view, the pandemic is an issue in South Africa. I think we must start there. When we speak of South Africa, we are speaking about [everyone], whether they are contributing positively [or negatively]. By virtue of them being here, that on its own creates a crisis. So, the argument [about who must be prioritised], for me, honestly does not suffice, because by virtue of being on this land, we are affected economically, all of us. So, whether we're going to vaccinate [some before others based on nationality], I honestly don't see any scientific argument that anyone can raise [to justify that]".*

– Onkgopotse Peete

*"...how are we going to get all the undocumented migrants vaccinated? We don't have [proper records of who is in the country]? So, how is that going to be tackled?"*

– Zweli Mngomezulu

## Responses from the Panel

### Johnny Mohlala

The underlying theme of Mr Mohlala's response was around fighting COVID-19. He cautioned the community not to lose sight of the fact that the pandemic is the enemy that must be defeated. As such, strategies need to be developed to combat the enemy. Considering the concerns that were raised about undocumented migrants and suggestions by some that they are documented before getting vaccinated, this was a necessary reminder. It must be noted that the panellist shares the belief with the rest of the participants that South Africans should be first in line:

*"It must be first the citizens of South Africa and we should not apologise, but by so doing it does not mean we don't intend to provide for everybody that is within the borders of the country".*

However, he recognised the fractious relationship between local communities and migrants due to various reasons, including the notion that undocumented migrants contribute negatively to the economy, but explained that the focus should be on getting through the pandemic as effectively as possible.

*“If we do not treat it inside the country, if we do not treat it with all migrants, documented and undocumented, we run the risk of being infected by those migrants ourselves”.*

Regarding the input on the state of South Africa’s public hospitals and the healthcare system in general, Mr Mohlala urged against a “defeatist mentality”. He believes that it’s important to make the best of what we have and our capabilities.

### **Naftal Kambungu**

Mr Kambungu agreed with Mr Mohlala that South Africans and documented people should be prioritised as long as everyone residing in the country would eventually have the opportunity to be vaccinated. In his view, African countries in the SADC region and beyond have “*put a burden on South Africa through undocumented migrants*”, thus they should be encouraged to acquire documentation.

*“When you are a migrant in South Africa and you want assistance in terms of health from the South African government, it is your duty to follow the basic laws [and] be documented. We must condemn illegal immigrants. We must condemn those that come to South Africa with bad intentions”.*

### **Conclusion**

SALO convenes dialogues in the community to provide platforms for ordinary citizens to have their voices heard. Conjunctly, these dialogues serve to address misinformation and build consensus on issues such as access to vaccines for all. However, it is prudent to note that this dialogue is primarily made up of participants from low-income and impoverished communities. Based on the contributions from the participants, it is quite clear that the perception of migrants in South Africa is unsurprisingly not progressive as it pertains to their role in and contribution to society. There is an understanding of the need to vaccinate migrants to achieve population-wide immunity, but some of the participants remained concerned with their personal circumstances. This is a societal attitude, most South Africans are barely making ends meet which leaves little room for the inclusion of migrants, especially those that are ultimately viewed as ‘illegal’. As one participant put it, the country is falling apart and there are barely enough resources available to South Africans. Therefore, while they acknowledge the need to be inclusive, most simply cannot look beyond their own needs. It is through this lens that South Africans are forced to view things, and unfortunately, the vaccination process is no different. The increased uncertainty around the future of the country coupled with the pervasive attitudes of xenophobia and animosity towards migrants is the reason people cannot fully commit to the project of solidarity. It is therefore the duty of the government to make life better for all, and one way to start is to secure as many vaccines as possible for everyone residing in South Africa.

*The analysis and recommendations included in this report do not necessarily reflect the view of SALO or any of the donors or participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this event.*

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**S A L** 

International liaison, dialogue and research

The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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