



ANNEXURE A

BACKGROUND RESEARCH REPORT COMPILED BY THE RESEARCH UNIT FOR THE TASK TEAM OF MEMBERS OF PARLIAMENT PROBING VIOLENCE AND ATTACKS ON FOREIGN NATIONALS

1. UNDERSTANDING THE HISTORIC DEVELOPMENTS AND PERSPECTIVES ON THE MOVEMENT OF PEOPLE TO SOUTH AFRICA IN CONTEXT

Background

South Africa is the major foreign migrant-receiving country in the region. The overall number of foreign migrants to South Africa from other countries in the region rose significantly with the collapse of apartheid, from around 500,000 in 1990s to around estimated 6 million at the present time.¹ Since 1994, there has been a seeming hardening of public attitudes to migrants and immigrants in South Africa, or a rise in xenophobia. These changing attitudes are a reflection of changes in the political dispensation, including a new nation-building project, whereby the majority of South Africans who were excluded now need to be included in the Governments programmes, as well as a reflection of changing migration streams and their perceived threat to citizens' rights and interests.²

Historical patterns of migration in colonial South Africa, internal, international slavery and labour policy

Early trans-national migration in Africa and South Africa in particular took place between the years of European expansionism from the 18th century and the end of colonisation/apartheid in Africa. It can be arrayed chronologically as commencing with trade, followed by slavery, and later on by the migration of Europeans to Africa. These episodes were followed by the shipment of indentured labour from India and other parts of Asia, as well as from central and southern Africa, to South Africa. To an extent, these movements were accompanied by some voluntary indigenous migration from the same source areas which existed before and during the struggles for independence. This period was followed by the establishment of the migrant labour policy initiated largely to feed the needs of large scale mining interests and, to a lesser extent, commercial agriculture.

¹ Migration and Tourism September 2007- February 2008. Statistics South Africa

² Black (et al) 2006 Migration and development in Africa. SAMP

Trans-national migration policy in colonised African countries worked differently for black (native) and white (settler) people. The white population moved freely between countries, and regimes in recipient countries readily gave full citizenship to those who wanted to settle. At the same time, the citizenship of the black population was partial, and movement for them was minimal and heavily regulated to better support colonial control. Control measures notwithstanding, a great deal of illegal migration occurred away from the eye of power. At the same time, most African women were more immediately confined and marginalised by the patriarchal principles of both the state and their own societies, which defined them as minors. There was little inter-regional migration during the days of colonialism in Africa because there was little direct socio-economic relationship between the African regions: communication and transport networks were not readily supportive of mobility. However, some intra-regional migration did take place, often related to trade and to mobile labour.³

In the post-apartheid era there is an overall trend away from labour migration towards commercial migration by entrepreneurs who are self-employed, especially in the informal sector. Post-apartheid South Africa has received an influx of such migrants from various parts of the region that is unlike the older flows of mostly unskilled mineworkers and farm labourers. These post-apartheid immigrants include street vendors and traders – informal-sector entrepreneurs – who employ and train locals, and generally invigorate the informal sector and capitalise on the relative prosperity of the country. As fewer migrants are able to find stable and remunerative work in traditional regional destinations, circulation and repeat migration have expanded to a wide variety of alternative destinations facilitated by improvements in communication, access to information and transportation as well as the rise in awareness of and access to women of their rights.⁴

2. DEFINITION OF XENOPHOBIA

“Xenophobia” is defined as “intense or irrational dislike or fear of people from other countries.”⁵ The word “Xenophobia” is derived from a Greek word “Xeno” meaning stranger or foreigner, and “Phobia” meaning “fear.”

Xenophobia is largely based on unfounded or unverified fears, and the inclination to stereotype foreigners as the cause of social and economic problems in a host country. Along with this, comes a fear or distrust of anything associated with foreigners such as their culture, language and religion.

Stereotyping involves generalized beliefs about a particular group. The inherent danger of stereotyping is that people are not considered as individuals, but rather discriminated against as a group, who think and behave in the same way.

³ Cross, C. et al. 2006. What are Africa's issues in migration? In Views on Migration in Sub-Saharan Africa Pg. 245. Pg. 225. HSRC Press.

⁴ Adepoju, A. 2006. Leading Issues in International Migration in Sub-Saharan Africa. Pg. 25. HSRC Press.

⁵ http://www.askoxford.com/concise_oed/xenophobia?view=uk

Discrimination is unequal treatment of individuals or groups based on categorical attributes, such as racial, ethnic, religious, or social class membership.⁶

Xenophobia is not a new problem in South Africa. As early as 1998, the South African Human Rights Commission (SAHRC) and other stakeholders from Government and the non-governmental sector held a consultative conference (the 'Braamfontein Conference') to discuss the increasing rate of xenophobia as a violation of human rights and constitutional values.

That South Africa is an extremely xenophobic society has been confirmed by a number of research studies using methodologies allowing for international comparison. In a study by the University of the Witwatersrand (2004) 64.8 per cent of the respondents thought it would be a positive thing if most of the African refugees and migrants left the country.⁷ Xenophobia-related sentiment has increasingly taken on more sinister and menacing, but subtle forms, with public servants selectively victimizing refugees, asylum seekers and even those South Africans whom they mistake for foreigners

In addition, while xenophobic tendencies are particularly apparent in South Africa, they are not restricted to it and other migrant-receiving countries in the southern African region display the same negative perceptions toward foreign nationals. In a recent comparative study (2007) based on statistics collected in the Southern African Migrants Project's (SAMP) National Immigration Policy Survey, the following conclusions are made:

- Citizens across the southern African region consistently tend to exaggerate the number of non-citizens in their countries, to view the migration of people within the region as a 'problem', and to scapegoat non-citizens. The harshest sentiments in this regard are expressed by the citizens of South Africa, Namibia and Botswana.
- Negative attitudes are so pervasive and widespread that there is no 'xenophobic profile'. In other words, the poor and the rich, employed and unemployed, male and female, black and white all express similar attitudes.
- Negative attitudes are held even though there is no evidence, as most respondents in the countries surveyed had little personal contact with non-citizens, but still expressed disparaging views.⁸

3. THE RESOLUTIONS OF THE UNITED NATIONS WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION XENOPHOBIA AND RELATED INTOLERANCE

In 2001, the issue of xenophobia was one of the key areas under debate at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and

⁶ Oxford Dictionary. 2004. Oxford University Press.

⁷ Crush, J. (et al) 2005. International Migration and Development: Dynamics and Challenges In South and Southern Africa. United Nations

⁸ Crush and Pendleton (2007) Mapping Hostilities: the Geography of Xenophobia in Southern Africa.

Related Intolerance (held in Durban, South Africa, from 31 August to 8 September 2001).

After nine days of intensive and often difficult deliberations the Conference adopted a Declaration and Programme of Action that committed members to undertaking a wide range of measures to combat racism, racial discrimination and xenophobia at an international, regional and national level.⁹

The Declaration specifically:

- Acknowledges that xenophobia, in its different manifestations, is one of the main contemporary sources and forms of discrimination and conflict, combating which requires urgent attention and prompt action by States, as well as by the international community.
- Recognises that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and those human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.
- Recognises the paramount role of parliaments in the fight against racism, racial discrimination, xenophobia and related intolerance in adopting appropriate legislation, overseeing its implementation and allocating the requisite financial resources.

The Declaration also recognises the positive economic, social and cultural contributions made by migrants and notes with concern their vulnerability, the xenophobia and intolerance experienced by migrants and the stereotypes often applied to them. It reaffirms the responsibility of States to protect the human rights of migrants and to safeguard them against illegal or violent acts. Emphasis is placed on the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves.

In respect of migrants the Declaration urges States:

- to combat manifestations of a rejection of migrants and any acts that generate xenophobic behavior
- to promote and protect the human rights and fundamental freedoms of all migrants in conformity with the Universal Declaration on Human Rights and all obligations under international human rights instruments, regardless of the migrants' immigration status
- to promote education so the public receives accurate information on the positive contribution of migrants and the vulnerability of migrants, particularly those in an irregular situation

⁹ Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, 31 August – 8 September 2001.

- to implement and develop policies and action plans to foster greater harmony and tolerance between migrants and host societies
- to review and revise immigration laws and policies so they are compatible with a States obligations under international human rights instruments
- to ensure migrants, regardless of their immigration status, if detained by public authorities are treated with humanity and in a fair manner and that police and immigration authorities treat migrants in a dignified manner
- to provide adequate social services in areas of health, education and housing
- to establish regional, comprehensive dialogues on the causes and consequences of migration.

In respect of refugees the Declaration urges States:

- to comply with obligations under international human rights, refugee and humanitarian law in relation to asylum seekers, refugees and displaced persons
- to provide protection and assistance and to ensure such persons have access to the necessary documentation
- to strengthen the human rights training and awareness raising activities designed for immigration officials, border police, local authorities, other civil servants and teachers

Broad recommendations were also made in respect of national plans and programmes, for better treatment of victims of violence, for tougher anti-discrimination legislation, for the implementation of measures to protect migrants, for the development of strategies to address discrimination against refugees, for the strengthening of relationships with NGO's, for the development of cultural and educational programmes aimed at countering xenophobia and promoting respect for the values of diversity, integration and inclusiveness. The State, the private sector and the media were encouraged to avoid stereotyping and to promote tolerance and understanding through public-awareness campaigns.

In 2004, in a follow-up resolution to the Durban Declaration, the Office of the UN High Commissioner for Human Rights urged States to mainstream a gender perspective in the design and development of prevention, education, promotion and protection measures aimed at the eradication of racial discrimination and xenophobia to ensure they effectively target the distinct situations of women and men.¹⁰

Xenophobia is largely based on unfounded or unverified fears, and the inclination to stereotype foreigners as the cause of social and economic problems in a host country. Along with this, comes a fear or distrust of anything associated with foreigners such as their culture, language and religion.

¹⁰ Commission on Human Rights Resolution: 2004/88 http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2004-88.doc

Stereotyping involves generalised beliefs about a particular group. The inherent danger of stereotyping is that people are not considered as individuals, but rather discriminated against as a group, who think and behave in the same way.

Discrimination is unequal treatment of individuals or groups based on categorical attributes, such as racial, ethnic, religious, or social class membership.¹¹

4. SOUTH AFRICAN INITIATIVES TO COMBAT XENOPHOBIA

The Consultative Conference held in May 1998 in Braamfontein (the 'Braamfontein Conference') adopted the following Programme of Action:

- There should be a co-ordinated approach between various Government Departments to address xenophobia and the manifestations thereof.
- Migration and refugee policies should be clear, coherent, and implementable and reflect South Africa's constitutional and international obligations.
- South Africa should take steps to sign the International Convention on the Protection of All Migrant Workers and Members of their Families and other relevant treaties. This should be done in order to signal South Africa's commitment to abide by international standards in her treatment of resident non-nationals.
- Factors that encourage the manifestation of xenophobia such as poverty, unemployment, crime, corruption in the immigration and police services and ignorance about the role and significance of non-nationals in our country should be addressed. The rights and responsibilities of non-nationals should also be taken into account.
- As part of the Southern African Development Community (SADC) region, South Africa should play her part in the development of the economic policies in the region in order to enhance peace and prosperity in the neighbouring states and ensure opportunities for betterment of life for its citizens.
- A nation-wide public awareness and information campaign on racism and xenophobia and its effects should be organised.
- Public service officials should undergo training on racism and xenophobia, on the theory and practice of migration and refugee policies and on the understanding of international human rights and humanitarian instruments, as well as develop an awareness of the social and political situation in the countries responsible for the influx of migrants to South Africa.
- South Africans are urged to practice African cultural values like *ubuntu* ("hospitality and solidarity") in their relations with others in their midst.
- The South African Human Rights Commission, assisted by a steering group drawn from the Departments of Home Affairs, Justice and provincial Safety and Security, are mandated to monitor the implementation of these proposals.¹²

¹¹ Oxford Dictionary. 2004. Oxford University Press.

¹² South African Human Rights Commission, 15 October 1998.

Later in 1998, the National Plans of Action for the Promotion and Protection of Human Rights in South Africa was developed as result of a process of consultation between Government and civil society on the issue of human rights in general. As part of the general human rights recommendations contained in this Plan, it declared that ‘there is a need to address the rights of immigrants especially in view of international human rights provisions, while at the same time protecting the interests and rights of South African citizens. There is increasing xenophobia, especially against other Africans. We need to create greater public awareness among service providers and law enforcement officers on the rights of aliens and undocumented immigrants/migrants and the eradication of corruption and fraud groups’.

The Roll Back Xenophobia Campaign was launched in December 1998 in response to the rising levels of xenophobia particularly targeted at African migrants and refugees in South Africa. The campaign is a partnership between the South African Human Rights Commission, the National Consortium on Refugee Affairs and the United Nations High Commissioner for Refugees. Part of the campaign was working with the media in an attempt to facilitate accurate, factual and truthful coverage of refugees, asylum seekers and migrants.

In 2004, the SAHRC presented a report on the *Open hearings on Xenophobia and problems related to it*, hosted by the Parliamentary Portfolio Committee on Foreign Affairs. The report included recommendations for a host of role-players including Government, the Department of Home Affairs, the Lindela Repatriation Centre, the South African Human Rights Commission, civil society and the private sector.

From the above, it is clear that a range of recommendations have been made with regard to combating xenophobia in South Africa. A systematic review of the extent to which these recommendations have been implemented is necessary.

5. DIMENSIONS THAT CHARACTERIZE SOUTH AFRICAN SOCIETY AND THE CHALLENGES EXPERIENCED

Integration: Research suggests that foreign nationals have achieved some degree of integration into South African society, but such integration has been slow.¹³ Foreign nationals living in poor communities such as informal settlements live side by side with South Africans and make use of the same resources such as communal water taps, schools and primary health care clinics. They participate in the both the economic and public life of the community. However, it is due to living in such close proximity that migrants are viewed as competing with locals for scarce resources. This gives rise to xenophobic perceptions where foreign nationals are viewed as the “other” and are often excluded or prevented from accessing resources they may be entitled to by law. Further, foreign nationals are not a constituency represented within the political sphere and are often excluded from policy considerations.

¹³ Centre for Policy Studies. The Paradox of Democratic Legitimacy and Service Delivery Discontent in South Africa, pg 3

Class Conflict: Both the victims and the alleged perpetrators of the attacks were mainly poor individuals living in economically depressed areas characterized by wide spread unemployment, poor service delivery and poverty. Economic and or highly skilled migrants were not directly affected by the attacks although they may have to contend with the general xenophobic perceptions against them.¹⁴

Race Conflict: The overwhelming majority of the victims were poor black Africans. It has been commented that rather than labeling the attacks xenophobia it should more accurately be termed 'anti-black racism'.¹⁵ This is the legacy of apartheid and colonialism that dehumanised black people and promoted white superiority. There have been no reports of attacks on white foreigners although there have been incidents of attacks against Asians.

Ethnic Conflict: Concern has been expressed that xenophobia could give rise to tribalism/ethnic conflict. Many of the South African victims were attacked due to their ethnicity.¹⁶

Globalisation: The migrant situation in South Africa is a reflection of global phenomena where people are attracted to countries that will afford them a better quality of life. This includes better employment prospects, health care, education, stability, peace and security.¹⁷

It is clear from the above that integration needs to address all variables including integration into political, social and cultural life. The effects of globalization means that all countries have to learn to embrace and adapt to diversity and diverse cultural groupings within them. This objective can be achieved in different ways, but there needs to be recognition given to the opportunities (rather than the threats) which accompany this reality.

6. COMPLIANCE WITH SOUTH AFRICAN LAW AND INTERNATIONAL CONVENTIONS

Research shows that the understanding of 'protection' amongst South Africans is that it does not extend to the granting of basic rights, and, in fact, 70% of South Africans believe that refugees should not have the right to freedom of speech and movement, while only 3% believe that these rights are inalienable'.¹⁸

We have to deal with the type of perceptions and stereo-type mindset if we are to change the dangerous attitudes that have plunged our country into violence. This can be achieved as indicated through massive public awareness, education and positive messages by leaders, organisations and people as a whole.

¹⁴ Centre for Policy Studies. The Paradox of Democratic Legitimacy and Service Delivery Discontent in South Africa, pg 5

¹⁵ "Minds of South Africans need to be decolonised." City Press. 17 May 2008.

¹⁶ "Ethnic bloodshed might be next – Phosa" www.thetimes.co.za, 26 May 2008.

¹⁷ African Peer Review Mechanism. Country Review Report No. 5. Republic of South Africa. September 2007. pg 77

¹⁸ Ndinda. (2006). Housing Experiences of Refugees: Policy implications for South Africa.

Distinction between categories of foreign nationals

The following categories of migrants have been identified¹⁹:

- Temporary migrants are tourists, foreign students or business people who would qualify for the relevant legal temporary migrant permit.
- Permanent residents are people given permission to live in South Africa on a permanent basis.
- Asylum seekers are people who have fled their country of origin to escape persecution or conflict in their home country and whose asylum claim has not yet been processed by the Department of Home Affairs.
- Refugees are people recognised by the Government as fleeing from persecution, human rights violations or armed conflict in their country of origin. They are given special status to remain in the country until it is safe for them to return home.
- Economic migrants are people who have left their country of origin in search of better economic opportunities in another country. Increasingly these movements are the result of failing economies and extreme poverty. Economic migrants do not fit the definition of a refugee and therefore do not enjoy the same protection as those fleeing persecution. Economic migrants may enter the country with or without documents.
- Undocumented/ unauthorised migrants are people without the necessary authorisation to be in the country. They are a particularly vulnerable group with limited recourse should their rights be violated.

The rights applicable to each category of persons are determined by both the Constitution and legislation. Foreign nationals are also protected by the guarantees of the rights to human dignity²⁰, life²¹ and freedom and security of the person²². Further the various socio-economic rights including the right to housing²³, health care, food, water²⁴ and social security and children²⁵ are also applicable to foreign nationals. Other rights include the right to education²⁶ and the rights of arrested, detained and accused persons.²⁷

The extent to which non South African citizens are protected by these rights has not been decided by our courts and is unsettled law.²⁸ However statutes dealing with certain rights have limited the access of the rights to citizens and permanent residents.

Legislation

¹⁹ South African Human Rights Commission. Open Hearings on Xenophobia and problems related to it. (2004)

²⁰ Section 10

²¹ Section 11

²² Section 12

²³ Section 26

²⁴ Section 27

²⁵ Section 28

²⁶ Section 29

²⁷ Section 33

²⁸ Human Rights Watch. "Keep Your Head Down" Unprotected Migrants in South Africa. 2007

The following legislation deals specifically with migrants:

- Immigration Act (Act 13 of 2002 as amended 2004)
- Refugees Act (Act 130 of 1998).

The **Immigration Act** aims, in its preamble to: provide for the regulation of, admission of foreigners to, their residence in, and their departure from the Republic and for matters connected therewith. The Immigration Act aims at setting in place a new system of immigration control which provides amongst others that:

- security considerations are fully satisfied;
- interdepartmental coordination and public consultation occurs;
- economic growth is promoted;
- the role of the Republic in the continent and the region is recognised;
- the contribution of foreigners in the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African workers;
- economic growth is promoted through the employment of needed foreign labour, and
- tourism is promoted
- xenophobia is prevented and countered; and
- a human rights-based culture of enforcement is promoted.

The **Refugee Act** is specifically orientated to give effect within the Republic of South Africa to the relevant international legal instruments, principles and standards relating to refugees; to provide for the reception into South Africa of asylum seekers; to regulate applications for and recognition of refugee status; to provide for the rights and obligations flowing from such status; and to provide for matters connected therewith.

The Refugee Amendment Bill [B11-2008] is in the process of being finalised in an attempt to improve the processing of applications for asylum and thereby to eliminate the build-up of backlogs in asylum applications. Of particular importance is the right of asylum seekers to not be sent back to their home countries, until such time as it has been decided that their lives are not in danger in that country.

The main objectives of the Bill is to:

- Provide for the establishment of the Refugee Appeals Authority which combines the roles of the former Appeals Board and Standing Committee on Refugee Affairs, in the hopes of improving the decisions on appeals against refusal of refugee status.
- Provide for the establishment of new Refugee Reception Offices by the Director-General.
- Provide for clearer obligations and rights of asylum seekers in addition to the rights currently stated for recognised refugees.
- Provide for further delegation of powers for the Director-General These delegations are broadened to exclude only the obligation to designate administrative officials of the Refugee Appeals Authority.

- Provide for the alignment of certain wording of the Refugees Act, 1998 (Act No. 130 of 1998), with the wording in the 1969 OAU Convention and the 1951 UN Convention. Specifically one of the reasons for exclusion from refugee status is modified to be on the basis of *serious* non-political crime and not just any petty crime.
- Provide for clarification and revision of procedures relating to refugee status determination, including the removal of the former 'refugee reception officers', in a bid to improve efficiency in the application process.
- Align the provisions of the Act with the provisions of the Children's Act, 2005 (Act No. 38 of 2005) in that it provides that any unaccompanied child who is found under circumstances indicating that they are an asylum seeker must be issued with an asylum seeker permit and brought before the Children's Court for the district in which they are found, to be dealt with in terms of the Children's Act.
- Provide for any person with a mental disability who is found under circumstances that clearly indicates that he or she is an asylum seeker to be dealt with in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002).

International Obligations

South Africa has signed or ratified several international Conventions relating to the rights of non-nationals. These include:

- The Universal Bill of Rights which is comprised of the Universal Declaration of Human Rights and its two principal Conventions:
 - The 1966 International Convention on Civil and Political Rights. Ratified: 10 December 1998.
 - International Convention on Economic, Social and Cultural Rights. Signed: 3 October 1994.
- The 1951 UN Convention Relating to the Status of Refugees. Acceded: 12 January 1996.
- The 1967 Protocol Relating to the Status of Refugees. Acceded: 12 January 1996
- The 1969 OAU (now African Union) Convention Governing the Specific Aspects of Refugee Problems in Africa. Acceded: 15 December 1995.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979. Acceded: 22 November 1995.
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) 1984. Ratified: 10 December 1998 among others.²⁹

In April 2007, the United Nations Special Rapporteur on Human Rights and Counter Terrorism, conducted a ten day visit to South Africa. The Special Rapporteur findings were:

- Current immigration detention practices might raise issues concerning the right to

²⁹ http://www.dfa.gov.za/docs/2005pq/pq2_455.htm (a copy of all these and other related protocols is available at <http://www.iom.org.za/IntMigrationLawInstruments.html>)

personal liberty under Article 9 of the ICCPR.

- He recommended detention reform to allow mandatory judicial review of detention decisions, access to legal counsel, and the establishment of an independent body for oversight of immigration detention.
- With regards to the violence against Somali nationals, particularly in Cape Town, he encouraged South Africa to formulate clear policy objectives and concrete programmes for the eradication of xenophobia and inter-ethnic violence.³⁰

South Africa has not ratified:

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (ICRMW) (not signed or ratified)
- The Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). (signed on 20 September 2006 but not ratified)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (signed on 4 October 1994 but not ratified)

On 28 March 2008 the SA Human Rights Commission reiterated its concern about the scourge of xenophobic violent attacks and brutal murders of foreign nationals. The SAHRC noted that “undocumented workers are often relegated to menial jobs in hazardous conditions where they are increasingly vulnerable to abuse and exploitation due to an inability to seek recourse from the authorities because of their immigration status.”³¹ It recommended that South Africa should ratify the ICRMW.

Under this Convention migrant workers are entitled to enjoy their human rights regardless of their legal status. The Convention reflects an up-to-date understanding of migratory trends as seen from the point of view of both States of origin and host States of migrant workers and their families.

The Report of African Peer Review Mechanism³² made the following findings with respect to immigration and xenophobia in South Africa:

- Due to South Africa’s status as the leading economy in Africa and with its stable democracy, the country attracts many migrants seeking to improve their lives. However with the socio-economic inequalities and inadequacies in service delivery, many view immigrants as competing with them for limited resources. This gives rise to xenophobia especially against African migrants.
- The African Peer Review Panel (APR) recommended that steps be taken to counter the rising incidents of xenophobia including:
 - Strengthening anti-xenophobic institutions.

³⁰ South African Human Rights Commission. Human Rights Development Report. pg 2.

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³² African Peer Review Mechanism. Country Review Report No. 5. Republic of South Africa. September 2007.

- Capacitating institutions mandated to protect vulnerable groups, and raising public awareness of the rights of vulnerable groups through education and sensitisation campaigns.
- Mitigating against the “push factors” that attract migrants from neighbouring countries.
- Addressing the issues of excessive use of violence and corruption by the security forces in handling refugees.