



**South Africa – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 July 2015**

**Treatment (including discrimination/violence) of those perceived not to be South Africans (e.g. persons who hold South African passports but which migrated to South Africa from other parts of Africa); Reports of police extorting money to immigrants, foreigners etc in exchange for ‘protection’.**

Information specifically referring to holders of South African passports who migrated from other African countries was not found among sources available to the Research and Information Unit.

The 2015 Freedom House Report for South Africa states:

“The number of foreign nationals in South Africa is uncertain, with estimates ranging from two to seven million, including between one and three million Zimbabweans. South Africa now receives the third-highest number of asylum applications in the world – overwhelmingly from other African countries. It accepts only about 150 percent of applicants, and in November 2014 it released a draft asylum form to try to deter economic migrants, which make up the vast majority of applicants. Conditions at migrant detention centers are poor, and deportees are subject to physical and sexual abuse by police and immigration officers. Increased immigration, particularly from Zimbabwe, Mozambique, and Somalia, has spurred xenophobic violence by police and vigilantes. Sporadic attacks continued in 2014, often tied to wider service-delivery protests in which immigrants were scapegoated.” (Freedom House (16 March 2015) *Freedom in the World 2015 – South Africa*)

An Immigration and Refugee Board of Canada response to a request for information on the treatment of refugees, in a section titled “Treatment by Authorities”, states:

“In correspondence with the Research Directorate, a representative from the Scalabrini Centre of Cape Town (SCCT), an organization that ‘offers development and welfare programmes to the immigrant and local communities of Cape Town,’ indicated that discrimination against foreigners [including recognized and non-recognized refugees] is ‘institutionalized’ in South Africa and ‘we often receive reports of hate speech or harassment against foreigners by government officials’. In correspondence with the Research Directorate, a representative from the Refugee Ministries Centre (RMC), an organization that ‘promotes fair access to documentation for refugees and asylum seekers in South Africa’ and monitors service delivery at Refugee Reception Offices, also indicated that government officials have ‘been quoted uttering xenophobic statements on refugees and how unwelcome they are in South Africa’. In correspondence with the Research Directorate, a Senior Researcher at the African Centre for Migration & Society at the University of the Witwatersrand in Johannesburg, who is a legal

researcher in the areas of asylum, refugee law, and legal detention, indicated that ‘despite strong laws, refugees and asylum seekers suffer from rights violations by both government and citizens. There are high levels of xenophobia and foreign-owned businesses are often targeted’” (Immigration and Refugee Board of Canada (22 January 2015) *ZAF105045.E – South Africa: Treatment of refugees by authorities and society; including protection available from common criminality and access to social services (2014-January 2015)*)

The 2015 Amnesty International report for South Africa, in a paragraph headed “Refugees and asylum-seekers”, states:

“During the year there were numerous incidents involving threats and violence against refugees, asylum-seekers and migrants, with looting or destruction of hundreds of their small businesses and homes. In the first four months of the year incidents in seven provinces led to the displacement of over 1,600 people. In June, sustained attacks in the Mamelodi area near Pretoria and the slow response of the police led to the looting or destruction of some 76 Somali-owned shops, large-scale displacements, the death of one refugee and injuries to 10 others. There was continuing concern at the failure of the government to protect the life and physical integrity of refugees and others in need of international protection.” (Amnesty International (25 February 2015) *Amnesty International Report 2014/15 – South Africa*)

The 2015 Minority Rights Group International report for South Africa states:

“The physical and social legacy of apartheid urban planning has contributed to ongoing problems of crime, delinquency and unemployment, particularly among urban youth. Issues such as housing, reinforced by xenophobia, have also led to growing frictions between South Africans and migrant communities from countries such as Zimbabwe, Malawi and Mozambique. These tensions culminated in the violent outbreak in Alexandra township in Johannesburg in April 2015, killing seven people and injuring many others, making it the country's worst outbreak of xenophobic violence since 2008. The ongoing violence has caused the military to step in, while some migrant countries of origin have arranged for their citizens to return home. A speech by Zulu chief King Goodwill Zwelithini the previous month calling for foreigners to 'pack their bags and go home' was blamed for triggering the violence, though Zwelithini claimed that his comments had been taken out of context.” (Minority Rights Group International (2 July 2015) *State of the World's Minorities and Indigenous Peoples 2015 - South Africa*)

A Eurasia Review article states:

“It is now a pervasive belief in South Africa that economic resources are being exploited by foreign nationals, such that South Africans who are not benefiting have become so much aggrieved that they use aggressive xenophobic violence to air their frustration. In communities such as Diespoot, Alexandra and Soweto you can find foreign national-owned shops at every turn. These owners often giving customers groceries on credit and providing goods that are cheaper than the Black-owned shops; thereby fueling further frustration. In the context of South Africa, Dollard (1939) predicts that riots and revolutions are both caused by poorer and more deprived sections of society who express their bottled-up frustration and anger through violence. The

looting that started on the evening of 20 January 2015 in Gauteng and eventually spread to Phillippe, Cape Town in February was not mere criminality, but an organized xenophobic attack by South African business owners and the community. Community residents were tasked with the responsibility to commence targeted looting and then the business community would express their discontent during government reactionary meetings which they knew would follow. Were it not xenophobia, both foreign national- and local-owned shops should have been looted, and the local business owners should have supported rather than castigated their business colleagues by adamantly emphasizing that they should vacate townships; thereby the frustration-aggression theory.” (Eurasia Review (10 March 2015) *Economic Wealth As Driver Of Xenophobia In South Africa – OpEd*)

An IRIN News report, in a paragraph headed “Taking our jobs”, states:

“An official unemployment rate of 26 percent (37 percent when longer-term job-seekers are included), yawning inequality, and sclerotic social service delivery are seen as the wider context for xenophobia. In the seeming competition for scarce resources, South Africa’s poor view foreigners as rivals for jobs, houses, and the amenities anticipated with the end of apartheid. There is little evidence that foreigners are the problem. According to Hama Tamukomoyo of the Institute of Security Studies, ‘research by the Gauteng City-Region Observatory showed that rather than causing unemployment, international migrants contribute to the economy by renting shops from South Africans, providing jobs to locals and paying value added tax. Foreigners that run businesses employ more South Africans than South African-run businesses do.’” (IRIN News (21 April 2015) *South Africa’s xenophobia problem: dispelling the myths*)

In a paragraph headed “Is the violence spontaneous or directed?” this report states:

“Historically it has been a bit of both, according to Cote. At the local ward level, foreigners are easy scapegoats for the ruling African National Congress (ANC) party’s service delivery failures - and are the victims of violence in nearly every protest against the government’s performance. ‘Local businesses are also trying to rid themselves of competition’ from foreign-owned informal ‘spaza’ shops, and are accused of stoking the attacks, said Cote. Local authorities have adopted ‘a ‘protectionist’ position, which leads to various regulatory and policing responses that seek to disadvantage, if not entirely eliminate, migrant entrepreneurship,’ according to SAMP researchers Jonathan Crush and Sujata Ramachandran.” (ibid)

The 2015 US Department of State country report for South Africa, in a section titled “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment”, states:

“Incidents of police harassment of foreigners continued, particularly during coordinated police raids in areas where foreign nationals resided. Refugee and migration advocacy organizations received reports police confiscated immigration and identity documents of foreign nationals, threatened them with arrest on spurious charges, and forced them to pay bribes to be released. This was most prevalent among individuals whose legal documentation was not renewed in a timely fashion, according to refugee advocacy organizations

including the Office of the UN High Commissioner for Refugees (UNHCR). There were also reports police required bribes to protect the businesses of foreigners threatened by xenophobic violence.” (US department of State (25 June 2015) *2014 Country Reports on Human Rights Practices – South Africa*, p.5)

In a section titled “Protection of Refugees” this report states:

“Xenophobic violence occurred against foreign nationals running small, informal grocery stores known as 'spaza' shops in townships and informal settlements; refugees registered and owned many spaza shops. A South African think tank estimated more than 900 foreigners were killed in mob violence since 2008, including approximately 120 in 2011, 140 in 2012, and 150 in 2013. Citizens who blamed immigrants for job and housing losses and increasing crime generally perpetrated such attacks. Attacks on migrant traders resulted in deaths, injuries, arson, and destruction of property.” (ibid, p.21)

See also section titled “National/Racial/Ethnic Minorities” which states:

“Random xenophobic attacks on foreign African migrants and ethnic minorities occurred and sometimes resulted in death, injury, and displacement. Incidents of xenophobic violence were generally concentrated in areas characterized by poverty and lack of services. According to researchers from the African Center for Migration and Society, perpetrators of crimes against foreigners enjoyed relative impunity. At year’s end there continued to be only one conviction stemming from the 2008 riots that resulted in 69 deaths, the majority of which were migrants. Citizens who blamed immigrants for increased crime and the loss of jobs and housing generally perpetrated such attacks. The government sometimes responded quickly and decisively to xenophobic incidents, sending police and soldiers into affected communities to quell violence and restore order, but more often the response was slow and insufficient. Civil society organizations criticized the government for failing to address the root causes of the violence, for not facilitating opportunities for conflict resolution in affected communities, and for failing to deter such attacks by vigorous investigation and prosecution of perpetrators.” (ibid, p.39)

An article from the Christian Science Monitor states:

“From Durban to Johannesburg, violent attacks against African immigrants have been spreading across the rainbow nation with at least five people dead. Mostly aimed at Somali, Ethiopian, and Pakistani shop-owners, as well as Zimbabweans, Malawians, and Mozambicans, the violence has forced thousands to abandon their businesses and homes.” (Christian Science Monitor (17 April 2015) *Anti-immigrant violence spreads to South Africa's largest city*)

A Public Radio International report states:

“South Africa, the continent's most industrialized nation, attracts millions of immigrants from across Africa, especially from neighboring nations like Zimbabwe and Mozambique. Ethnically and linguistically, they are not very different from the average black South African, but Nkosi says the

psychological gulf between locals and immigrant communities is huge. 'South Africans are still very much inward-looking, because apartheid had isolated the country for decades, and they still see Africa as the "Dark Continent," he says. 'They talk about other Africans as people from Africa, as if they are not in Africa. And that psychological makeup is what creates the divide.' Nkosi says South Africans also tend to look down on people from poorer countries. One reason is economic: Immigrants are willing to work for lower wages, and many South Africans find it hard to get jobs. Unemployment in the country stands at just over 24 percent. South Africa's political leaders have largely spoken out against the violence, and have deployed a heavy police presence to prevent mobs from forming and attacking immigrant communities. But some immigrants say the police response is inadequate, and have started arming themselves. Others feel betrayed by the violence." (Public Radio International (PRI) (17 April 2015) *Foreigners in South Africa arm themselves to fend off anti-immigrant riots*)

A Xinhua General News Service report states:

"More police officers have been dispatched to hot spots of xenophobia attacks in South Africa to bring the situation under control, authorities said on Sunday. This came after different areas around Durban in eastern South Africa had witnessed sporadic acts of violence against foreigners, most of them Somalis. The situation in the impoverished townships of Isipingo, Chatsworth and Umlazi remained tense since xenophobia violence first erupted in Isipingo on March 25, a police source said. Sporadic looting took place overnight, targeting foreign-owned shops, said the source who refused to be named. He denied reports that the looting was helped by certain police officers." (Xinhua General News Service (12 April 2015) *More police dispatched to hot spots of xenophobia attacks in S. Africa*)

See also Xinhua General News Service report which states:

"More foreign-owned shops have been burned in a new spate of xenophobia-related violence in parts of South Africa, authorities said on Monday. This came despite reinforcement of police force in troubled areas around Durban, KwaZulu-Natal Province. Violence spread to more impoverished townships where local communities grudge against foreigners for opening 'illegal business' and taking up employment that should have belonged to locals. In Umlazi township, attacks on foreign-owned shops were reported overnight, police spokesperson Major Thulani Zwane said. Then the violence spread to nearby township KwaMashu, he said." (Xinhua General News Service (13 April 2015) *Africa Focus: More foreign-owned shops burned in S. Africa xenophobia-related violence*)

An Associated Press Online report states:

"At least five people in South Africa have died in attacks on immigrant-owned shops and hundreds of people have fled their homes since last week, authorities said Tuesday as they struggled to stem one of the worst outbreaks of violence in years against foreigners, many of them from other African countries. Most of the recent unrest occurred in and around the coastal city of Durban, where police said two foreigners and three South Africans were killed. The dead included a 14-year-old boy who was allegedly shot during looting Monday night and died at a hospital, police Col. Jay Naicker said.

Some 34 people have been arrested for possession of unlicensed firearms and other crimes in the last two days, he said. 'Police are deployed and in high alert in most of the areas where there are foreign nationals,' Naicker said in a statement emailed to The Associated Press. Despite the increased police presence, authorities are hard-pressed to stop unrest that recalls similar violence in South Africa in 2008 in which about 60 people died. In January this year, four people died during a week of looting of foreign-owned shops and other violence in Soweto and other areas of Johannesburg." (Associated Press Online (14 April 2015) *South African looters target foreign-owned shops, 5 killed*)

An article from South African newspaper The Times states:

"About 200 people stoned foreign-owned shops on Dr Pixley KaSeme Street (West Street), prompting riot police to shut down the area. The battles broke out within an hour of Home Affairs Minister Malusi Gigaba assuring diplomats from Nigeria, Somalia, Malawi, Mozambique and Ethiopia that their citizens would be protected. At the same time the ministers of the justice, crime prevention and security cluster tried to assure the country that 'everything was under control' and that there was no xenophobia. They said the ongoing violence in Durban - which has left at least five people, including a 14-year-old, dead - was ideological. In the past three weeks thousands of foreigners - from the Democratic Republic of Congo, Ethiopia, Malawi and Tanzania - have been driven from their homes in Isipingo, Chatsworth, Umlazi, KwaMashu and Sydenham, and placed in transit camps in Isipingo and Chatsworth. The violence followed comments Zulu King Goodwill Zwelithini made in Pongola last month that foreigners should leave South Africa. He has denied saying this." (The Times (15 April 2015) *Flames of hate engulf Durban*)

An article from South African newspaper The Star states:

"Gauteng police reports indicate that about 1 000 people were arrested over the weekend as part of Operation Fiela. Literally translated, it means 'sweep the dirt'. That is a staggering number considering how little coverage this issue is receiving. Operation Fiela is a sweeping exercise that has been described as institutionalised xenophobia designed to target foreigners living in Joburg's inner city." (The Star (16 July 2015) *Isn't Operation Fiela itself xenophobic?*)

An IOL News report states:

"Xenophobic attacks in Isipingo, south of Durban, have taken a strange turn as local South African business owners are being forced to pay up to R300 a day by the people who attacked foreign business owners. Local salon owners told The Mercury on Thursday that every evening armed perpetrators of the xenophobic attacks extorted cash from them. "They demand that we pay because they are helping us by chasing away foreigners who are competing with us. But we are not competing; instead, we work together," said Nombuso Ngcobo." (IOL News (10 April 2015) *Xenophobic attacks: extortion claims*)

An article from South African newspaper the Cape Times states:

“The police in Pretoria have been accused of running a xenophobic operation in which they bullied foreigners and extorted bribes from them, leaving them living in constant fear of being victimised. Reports on the alleged harassment of foreigners emerged last week, with some telling Cape Times sister paper Pretoria News of being thrown into the back of police vehicles, where bribes were requested and documents seized. 'This is wrong and out of hand. The police have taken to bullying tactics to make money out of these vulnerable people,' Pretoria East businessman Peter Colyn said. A Zimbabwean employee of Colyn's wife's gardening service had been stopped while walking home from work, body-searched and told to hand over the R300 he had on him in exchange for his freedom. 'He refused because that was money he was sending home, so he spent a few hours riding around in the back of the police vehicle while others were picked up and put through the same process,' he said.” (Cape Times (10 June 2015) *Pretoria police accused of extorting bribes from foreigners*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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