

**56<sup>th</sup> Session of the African Commission on Human and Peoples' Rights (ACHPR)**  
**Banjul, the Gambia**  
**Statement by the Centre for the Study of Violence and Reconciliation (CSVr)**

**Madam Chairperson, honorable Commissioners, State delegates, respected colleagues, ladies and gentlemen:**

The Center for the Study of Violence and Reconciliation (CSVr) is deeply concerned by the outbreak of xenophobic attacks against foreigners, particularly of African origin, committed in South Africa since January 2015.

In January of 2015, Sipiwe Mahori, a 14 year old Soweto boy, was allegedly shot and killed by a foreign shop owner for trying to rob the store. This was followed by unrest and violent looting of foreign-owned shops in Soweto. Residents of different townships followed suit in targeting foreign business owners and so-called spaza shops in Kagiso, Alexandra, Tembelihle, Langlaage and other settlements. The unrest spread to other parts of the country, including settlements in Cape Town, and claimed at least six lives in total, including that of a baby. Hundreds of foreign nationals were displaced and at least 178 people were arrested in connection to the violent attacks.

In April 2015, foreign national were targeted in Durban. Two Ethiopians were petrol bombed in Umlazi, which ignited violence in KwaMashu, Pinetown and a Dalton hostel. The violence has since spread to parts of Johannesburg and a total of seven people have been killed so far and over 9 000 have been displaced. Four refugee camps have been set up by the provincial government in KZN to house the displaced foreigners, including at a local soccer stadium set up by the Durban Municipality.

**We call on the Commission to remind and to urge the South African Government to respect and uphold the provisions of the African Charter on Human and Peoples' Rights and other regional and international human rights standards guaranteeing the rights of migrants to life, security, physical and psychological integrity, protection of property, freedom of movement and residence, peaceful demonstration and assembly, freedom of expression and also the right to justice.**

Furthermore, CSVr is concerned by the failure of the Government of South Africa to address the early warning signs of xenophobic violence, to effectively stop the on-going attacks and threats against non-nationals and to adequately protect victims. CSVr considers the government's failure to assess the reports and analysis from the 2008 xenophobia attacks that killed over 60 individuals and displaced 10,000 foreign nationals as highly negligent and irresponsible. Minimal steps were taken to consider and implement the recommendations that the South African Human Rights Commission Report provided as well as Resolution 131/2008 of the African Commission on the Situation of Migrants in South Africa adopted in May 2008.

CSVSR welcomes the Government's establishment and appointment of an inter-ministerial committee and specialized task team of experts, under the leadership of the former United Nations High Commissioner for Human Rights, Navi Pillay, to investigate the causes of the violence in the province. We commend the Government for the establishment of the special courts to assist in a more effective and responsive need for justice and accountability for these crimes. However, the authorities must launch full, transparent and independent investigations, and bring suspected perpetrators to account.

**We call on the Commission to remind the South African government of this report as well as its obligations in implementing the Resolution 131/2008. CSVSR further recommends the South African Government to develop and implement an effective national strategy to combat, stop and prevent xenophobia with the inclusion, cooperation and coordination of civil society organizations, religious bodies and various other stakeholders in order to maximize efforts and impact. As part of its preventative strategy, CSVSR urges the South African Government to immediately authorize an official promotional mission by the African Commission to South Africa, in particular with its Special Rapporteurs on the Rights of Migrants, Refugees and Asylum Seekers.**

CSVSR would also highlight its reservation on the call for the establishment of refugee camps in response to the violence. This move would not be an appropriate response and would only serve to further alienate this already vulnerable population. The policy of encampment flies in the face of South Africa's Constitution and Refugees Act that guarantee freedom of movement. Encampment also entrenches the perception of "otherness", reminiscent of Apartheid's segregation policies. Camps are inherently dangerous, dirty and expensive to the South African state. Those funds would be better spent on ensuring adequate services are provided to all community members, no matter where they were born. Camps also undermine refugees' ability to sustain independent livelihoods and make them dependent on state or other resources, which, apart from infringing on their dignity, serves only to enhance South Africans' views of foreigners as burdensome on limited resources.

**We therefore call on the Commission to advise the South African government to refrain, in its responses to the xenophobic violence, from any retrogressive measures, in particular the establishment of refugee camps, in violation of its own legislation and its international and regional human rights commitments.**

CSVSR is also alarmed by the upsurge of collective violence in South Africa in the form of service delivery protests which has increased by 900% since 2008. Societal response to the upsurge has ranged from moral panic, public condemnation and the acknowledgement that there is a deeper problem that we are not dealing with. Unfortunately, such panic and acknowledgement often dissipates as the violence manifested in community protests and xenophobic attacks, providing the basis for a forceful insurgent citizenship directed against the authorities on one hand, and against foreign nationals on the other. The long-term reduction of

violence depends on a structural transformation of citizenship, which progressively reduces poverty, inequality and marginalization.

Through the intensive study of violence in South Africa for over 20years, CSVN research has indicated that increasing levels of inequality in the black communities of South Africa reinforces the psychological legacy of apartheid. The significance of inequality in contributing to violence appears to lie partly in the fact that it provokes questions about self-worth amongst people who are confronted with the extreme disparities between their own position and that of those who are much better off than they are. In this sense, inequality maybe seen to reinforce the legacy of apartheid racism. Many citizens face continued collective trauma through socio-economic exclusion and then express their trauma of being “othered” by dehumanizing others or through brutality. Our research and analysis has indicated that what is happening is a symptom of our government’s inability to adequately address the needs of those South Africans that are increasingly feeling marginalized in the democratic South Africa-that the country has not yet healed from its brutal past, and that many South Africans have internalized the experiences of being ‘othered’ and the feelings of being sub-human.

**We request the Commission to urge the South African Government to urgently address and prioritize the enormous socio-economic problems such as poverty, scarcity of resources, lack of employment and high crime rates. We further urge the South African Government to return to the recommendations of the South African Truth and Reconciliation Commission and address and implement the strategies recommended to address collective trauma and promote the healing and psychosocial needs of our society.**

**Thank you**