



- ▶ Organize activities which encourage communities of non-nationals and locals to meet and discuss about stereotypes and also the fears which local communities have.
- ▶ Community newspapers and radio stations can also be used to engage communities on issues relating to xenophobia.
- ▶ Sports, such as football have been known to unify people. Football games can be used by communities to promote the spirit of ubuntu.

### WHAT ARE THE RIGHTS OF REFUGEES AND ASYLUM SEEKERS?

Asylum seekers are entitled to the following rights:

- ▶ Free access to the asylum process
- ▶ Right to seek employment
- ▶ Right to study
- ▶ Right to basic education
- ▶ Access to emergency health care and basic health care
- ▶ Right not be sent back to a country where they will face persecution or their life will be in danger

### Refugees are entitled to the following rights:

- ▶ The right to an identity document
- ▶ The right not to be returned to your home country or any country where their life will be in danger or face persecution
- ▶ The right to apply for permanent residence after 5 years of having been a formally recognised refugee
- ▶ The right to travel documents

### WHAT ARE SOME OF THE RESPONSIBILITIES OF ASYLUM SEEKERS AND REFUGEES?

Refugees and asylum seekers are to obey the laws and by-laws of South Africa. Like all residents of South Africa, refugees and asylum seekers are not above the law of the land. When they participate in any unlawful activities and break any law, they will be charged according to the laws of the country.



### WHERE CAN REFUGEES AND ASYLUM SEEKERS GO FOR LEGAL ASSISTANCE?

**University of Witwatersrand Law Clinic – Johannesburg**  
1 Jan Smuts Ave, Braamfontein, Johannesburg  
Tel: 011 717 8562

**Lawyers for Human Rights – Johannesburg**  
4th Floor Heerengracht Building, 87 De Korte St, Braamfontein  
Tel: 011 339 1960

**ProBono.org – Johannesburg**  
1st Floor West Wing Women’s Jail Constitution Hill  
1 Kotze St Braamfontein Johannesburg  
Tel: 011 339 6080

**Lawyers for Human Rights – Pretoria**  
Kutlwanoong Democracy Centre 357 Visage St. Pretoria  
Tel: 021 320 2943

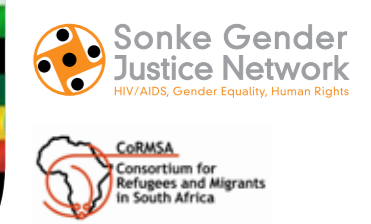
**University of Cape Town Law Clinic – Cape Town**  
Kramer Law School Building, 1 Stanelly Rd, Middle Campus University of Cape Twon, Rondebosch  
Tel: 021 650 3775

**Lawyers for Human Rights – Durban**  
Diakonia Centre, 20 Diakonia Ave, Durban  
Tel: 031 301 0531

**Nelson Mandela Metropolitan University Law Clinic – Port Elizabeth**  
Missionvale Campus, 1st Floor, Old Education Building, Missionvale Port Elizabeth  
Tel: 041 504 1273

**Lawyers for Human Rights – Port Elizabeth**  
Room 10, Agency House, Cnr Perkins and Green Streets, North End Port Elizabeth  
Tel: 041 487 0881/2

**ProBono.org – Durban**  
7th Floor, Salisbury Centre, Tower A, Suite 701 – 704, 347 – 351 Dr. Pixley Kaseme West Street, Durban  
Tel: 031 301 6178



**REFUGEES ARE ALSO ENTITLED TO THE SAME RIGHTS AS THOSE WHICH APPLY TO ASYLUM SEEKERS**



# WHAT IS XENOPHOBIA?

**XENOPHOBIA** is an unreasonable fear, distrust, or hatred of strangers, foreigners, or anything perceived as foreign or different. It is often based on unfounded reasons and stereotypes e.g. "Foreigners are witches"; "Foreigners steal our wives and jobs". Xenophobia can manifest itself in several ways in a country. For example, it can be through victimization by police on the basis of one's nationality or looks, brutal assaults, murders, ethnic cleansing in an area, and mass expulsion from the country.

In 2008, South Africa experienced one of the most widespread and violent forms of xenophobia. During two weeks in May 2008, this violence peaked and resulted in the deaths of more than 60 people and the displacement of 150 000 or more. This also resulted in looting and destruction of property worth millions of rands. Of those killed, almost a third were South Africans. Some South Africans who had married foreigners refused to take part in the attacks, along with those who came from perceived minority ethnic groups. The purpose of this pamphlet is to share information on xenophobia with the hope that through understanding our differences and similarities (commonalities), incidences like the 2008 attacks will in future be prevented.



## WHO DOES XENOPHOBIA AFFECT?

- » Xenophobia does not only affect foreigners but can affect the locals too. Of the 62 people who lost their lives in 2008, 21 of those were South African citizens.
- » When there is looting of foreign shops, local businesses are also looted and disrupted because it is never easy to distinguish between the shops.
- » Xenophobic violence also promotes criminal activities as thieves take advantage of the commotion to steal from both locals and foreigners.
- » Above all, xenophobia violates the human rights of non-nationals. Even undocumented migrants do have the right to life and to be treated with dignity and respect

## WHAT ARE SOME OF THE STEREOTYPES ASSOCIATED WITH FOREIGNERS?

- » Foreigners are responsible for all the crime in South Africa and are druglords
- » Foreigners are witches and use witchcraft
- » Foreigners promote prostitution and immoral behaviour

- » Foreigners take any type of work as long as they get something for food and shelter
- » Foreigners steal jobs and educational opportunities which were meant for South Africans
- » Foreigners take our wives and girlfriends

## WHAT IS THE REALITY ON THE GROUND ABOUT SOME OF THE STEREOTYPES?

- » Whilst it is true that there are some foreigners who are involved in criminal activities, most non-nationals try to earn an honest living and actually create employment when they start small businesses
- » Cultures and traditional beliefs are varied throughout the world. An appreciation and understanding of why certain people from a certain country practice certain things will go a long way in breaking the stereotype which associates non-nationals with witchcraft.
- » Whilst it is true that some employers take advantage of the cheap labour which desperate non-nationals provide, the law in South Africa ensures that citizens of South Africa get first



preference when it comes to access to education as well as employment opportunities.

## HOW CAN GOVERNMENTS FIGHT XENOPHOBIA?

Xenophobia presents a serious challenge towards the protection of human rights. It is important for governments, communities and community leaders to fight against this phenomenon. A few methods which can be used in the fight against xenophobia include:

- » Acknowledge and condemn acts of bias-motivated violence whenever they occur.
- » Enact hate (or bias) crime laws, strengthen enforcement, and prosecute offenders.
- » Monitor and report on attacks.
- » Reach out to communities affected by violence to reduce fear, assist victims, and improve reporting of incidents.
- » Promote a spirit of integration through engaging communities where xenophobia is most rampant.
- » Governments should send out clear messages that violence against foreign nationals and xenophobic attacks will not be tolerated and that those involved in such activities will be persecuted.

- » Effectively ensuring that employers adhere to the provisions of the Basic Conditions of Employment, Labour Relations Acts and related labour regulatory frameworks including industries in which non-nationals are a significant part of the labour force. By enforcing basic conditions of labour and sanctioning employers for illegal labour practices, the government can help counter perceptions that non-nationals are 'stealing jobs' and suppressing the price of labour.

## WHAT CAN COMMUNITIES DO TO FIGHT XENOPHOBIA?

Local communities can play an important role in the fight against xenophobia. These include:

- » Report xenophobic and other bias-violence incidents and provide assistance to victims.
- » Raise cases and advocate with local leaders for improved responses and proactive action.
- » Mobilize local communities to increase collaboration, and report any rumors of the possibility of xenophobic violence being organized in the communities.