



**Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals** in pursuance of a National Assembly resolution agreed on Tuesday, 13 May 2008:

The Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals, having undertaken a visit to Alexandra, Tembisa, Germiston and Reigerpark / Ramaphosaville on Monday, 26 May 2008, reports as follows:

## **1. INTRODUCTION**

### **1.1 Purpose of the Visit**

On Sunday, 11 May 2008, a series of violent attacks broke out in Alexandra Township in Gauteng. The attacks spread to other areas in Gauteng and subsequently also to other provinces. The attacks were aimed at foreign nationals from other African states, but South African citizens were also victims. In early 2008 similar incidents were reported in Mamelodi, Atteridgeville, Soshanguve and also in Cape Town. Sporadic attacks on foreign nationals also occurred around 1998 in the Eastern Cape and the Western Cape.

As a result of attacks and violent outbreaks in Alexandra, which later spread to other areas, the National Assembly, on Tuesday, 13 May 2008, agreed to a motion concerning the violence and attacks on foreign nationals. The House agreed, inter alia, to send a delegation to the affected areas to observe the situation and speak to victims.

The motion was discussed by the Chief Whips' Forum on Wednesday, 14 May 2008, where it was agreed that:

- A debate would be held around the broad topic of attacks on foreign nationals in Alexandra and other affected areas.
- Members of Parliament currently deployed in the affected areas would meet to discuss the situation and compare the information they had at their disposal. Mr Bapela would coordinate the meeting.

- A report would be given to the next meeting of the Forum after which a decision would be taken around the composition and terms of reference of the Parliamentary delegation to the affected areas.

The debate was held by the National Assembly on Friday, 16 May 2008, on the reported incidents of violence and alleged xenophobic attacks in Alexandra and other areas. Although political parties expressed differing opinions as to its causes, all political parties condemned the violence.

On Tuesday, 20 May 2008, a meeting of Members of Parliament in whose constituencies the attacks had occurred and also representatives of other political parties was held. The meeting looked at the current situation in Alexandra and other affected areas. The Parliamentary Research Unit was requested to conduct research on the recent incidents and related statistics, the rights of foreign nationals in South Africa, reasons for the attacks and the impact on society.

At its meeting on Wednesday, 21 May 2008, the Chief Whips' Forum agreed to the following:

- Members of Parliament, in whose constituencies the attacks were taking place, would form part of the delegation. In addition, the expenses of Members of Parliament whose political parties did not necessarily have constituency offices in the affected areas should also be met by Parliament to enable them to form part of the delegation.
- The visit would take place on Monday, 26 May 2008, a constituency day, and would include visits to Alexandra, Tembisa, Germiston and the Reigerpark / Ramaphosaville settlement area.

## **1.2 Objectives of the Visit**

The objectives for the delegation visiting these areas were:

- To get a sense of the gravity on the reported incidents of violence and attacks on foreign nationals and others.

- To interact with the victims of the violent acts and the relevant communities and authorities.
- To present a report on the visit that could form the basis of any intervention by Parliament on the matter.
- To lay a basis for ongoing work by Parliamentary committees in terms of their oversight role.

### **1.3 Delegation**

The delegation was led by Mr K O Bapela (ANC) and included the following Members of Parliament: Mrs S M Camerer (DA), Mr H P Chauke (ANC), Mr B W Dhlamini (IFP), Mrs C Dudley (ACDP), Ms F Hajaig (ANC), Mr G T Madikiza (UDM), Mr D K Maluleke (ANC), Mr M Masutha (ANC), Mr I D Mogase (ANC), Mr A J L Moseki (ANC NCOP), Mr M A Mzizi (IFP NCOP), Mr A C Nel (ANC), Mrs N J Ngele (ANC), Dr S E M Pheko (PAC), Mr G Schneeman (ANC), Mr D J Sithole (ANC), Ms M Sotyru (ANC) and Mrs C Zikalala (IFP).

Apologies for being unable to attend the visit were received from Ms B A Hogan (ANC), Ms N B Gxowa (ANC), Mr H P Maluleke (ANC) and Mrs S D Motubatse-Hounkpatin (ANC).

The delegation was accompanied by the following Parliamentary officials: Mr G Mpapele, Executive Assistant to Mr Bapela, Ms N Magwagwa from the Media Unit, Ms S Isaac from the Research Unit and Ms R Mohlomi and Ms T Lyons from the National Assembly Table.

## **2. VISIT TO AFFECTED AREAS**

### **2.1 Alexandra**

The delegation held its first meeting at Alexandra police station. The delegation was welcomed by Councilor N Mayathula-Khoza on behalf of the Executive Mayor of Johannesburg. The Provincial Commissioner of Police, Mr P Naidoo, the Alexandra Station Commissioner, Mr T Pharasi, councilors and officials from the City of

Johannesburg, representatives from the ANC, IFP, PAC and ANC Youth League, representatives from the Alexandra Development Forum and the Alexandra Renewal Project, as well as representatives of other non-governmental organizations and officials from government were present at the meeting.

### *Key Issues and Observations*

Station Commissioner Pharasi informed the delegation as follows:

- In July 2007, a meeting held at the hostels, preceded an outbreak of hostel violence.
- Violent attacks commenced on Sunday, 11 May 2008, and were preceded by a residents meeting held on Saturday, 10 May 2008.
- Attacks occurred in sector 2 of Alexandra (commonly referred to as Beirut) between 1<sup>st</sup> and 8<sup>th</sup> Avenue and London and Roosevelt Streets.
- Shangaan, Tswana and Pedi persons were attacked and two fatalities were reported on this day, one of which was a South African citizen. There were also 3 rapes reported and numerous incidents of robbery. In addition 60 people were injured.
- The police made arrests for house breaking and public violence. Currently 61 people were being detained for these crimes, amongst them the 3 rapists.
- Amongst the persons arrested, were persons not resident in Alexandra.
- On Thursday, 14 May 2008, taxi drivers attempted to prevent foreign nationals from driving taxis. This situation was defused by police.
- Displaced persons were being housed at the Alexandra and Bramley police stations.
- Alexandra police received reinforcements from the Crime Combating Unit and the metro police. Currently 160 persons are deployed per shift with the majority concentrated in sector 2. Usually 52 persons are deployed per shift.
- Reintegration of victims would be the next step, and although some victims have moved back into the community, sector 2 remained problematic.
- Indunas would have had to give permission for meetings to take place in hostels and it would be important to ascertain to whom this permission had been granted.

It was noted by both the ANC and IFP representatives at the meeting that the attacks on foreign nationals in the area appeared to be planned and well orchestrated however, it was unclear why they arose. It was further observed that the majority of persons

committing violence were youths between the ages of 16 and 18. General issues which could have fueled the violence included dissatisfaction around the allocation of housing, unemployment and crime. Concern was raised around the criminal aspects of the attacks, for example looting, and the moral degeneration this represented. It was noted that socio-economic factors facilitated the perpetuation of violence. Challenges experienced around housing and jobs made it easier to mobilize people around race, tribalism or language, but the end result was criminal activity.

The IFP representatives noted that although the violence had occurred in an area which was an IFP stronghold there were not only IFP supporters living in this area. The ANC expressed a view that the attacks had a political motive. The ANC Youth League made a strong contention that the IFP was at the root of the violence. The IFP stressed that they did not see a political agenda. Both the ANC and the IFP undertook to investigate whether elements within their parties were involved in any way and to root out these elements. The police said that the modus operandi of the attacks was the same as the violence that had occurred before 1994.

The DA enquired whether the violence was a result of corruption in the allocation of housing in the area, especially where houses are occupied by foreign nationals. The director of the Alexandra Renewal Project (ARP), Mr Julian Baskin, refuted this. He indicated that people with no connection to the ARP or government often cheat people by pretending to sell them a RDP house when no such dwelling exists to sell, or legitimate owners of RDP houses sell their houses, to amongst others, foreign nationals, or, lastly, foreign nationals receive houses legitimately as the ARP works under the national housing code which stipulates that any person with permanent residence status has the right to housing.

In the meeting an allegation was made that a DA Member of the Provincial Legislature, Ms Kate Lorimer, had given a list of persons allocated houses to Radio 702. The DA was requested to investigate this matter further as the view was expressed that all organizations in the community should work together and not in isolation for political gain.

The ANC and IFP were requested to investigate whether the violence could be traced to persons in their political parties. The political party representatives present at the meeting committed themselves to deal with persons within their parties should they be found to be responsible for the violence. Lastly, community members and residents were urged to forward all information they had which could assist in getting to the core of the violence, to the relevant authorities conducting investigations. Mr Bapela stressed that no conclusions were being reached now, but that the task team was gathering information. The matters discussed at the meeting should therefore be investigated by the police and National Intelligence Agency personnel investigating the violence and attacks on foreign nationals.

The delegation was informed that 518 persons were being accommodated at the police station, of this number 18 were South African citizens and 500 were foreign nationals. The delegation then interacted with persons being accommodated at the police station.

## **2.2 Tembisa**

The delegation held its second meeting at Rabasotho Hall in Tembisa. The delegation was met by Assistant Station Commissioner Mokwena, Mr M Madlala, chairperson of the Crisis Committee (comprised of ANC, SANCO and SACP representatives as well as representatives from civil society and NGOs), councilors from the Ekurhuleni Metropolitan Municipality and community members and representatives.

### *Key Issues and Observations*

Assistant Station Commissioner Mokwena informed the delegation as follows:

- A total of 6 murders had occurred in the area and more than a 120 shacks had either been burnt or destroyed.
- A 24 hour Joint Operational Centre had been established.
- On a daily basis 98 personnel and 20 vehicles were deployed in the area.
- The police had held 14 meetings with local committees to curb violence on foreign nationals.

Father Mkhwanazi, coordinator of the relief programme, informed Members that the community and especially the youth desk of Tembisa had responded extremely well in providing assistance to persons displaced by the violence. Many persons had decided to return to their countries, especially those from Mozambique. However others, notably those from Zimbabwe, opted to stay in South Africa. A programme of reintegration needed to take place, but cognizance would have to be taken that many of these persons are undocumented immigrants and a process of repatriation should therefore also be looked at.

On behalf of the persons housed at Rabosotho Hall, Mr L Ngubo, from Zimbabwe, thanked South Africans for the food, assistance and shelter that had been given. He expressed the view that although there were xenophobic elements with South African society, the majority of South Africans were not xenophobic in their interactions with foreign nationals. He made a moving plea for foreigners to be given papers so that they could compete for jobs on an equal basis with locals and thus avoid resentment.

From their interactions with councilors, police and foreign nationals the delegation gained the clear impression that the root cause of the violent attacks in the area lay in criminality which took cover under the guise of xenophobia.

### **2.3 Germiston**

The delegation proceeded to a press conference in Germiston. The delegation was welcomed by the Executive Mayor of the Ekurhuleni Metropolitan Municipality, Mr D Nkosi and councilors. The Ekurhuleni Metropolitan Municipality was the worst hit by violent attacks against foreign nationals. The first incident took place on Friday, 16 May 2008, at the Madela Kufa informal settlement in Tembisa. The Ekurhuleni Disaster Management Joint Operations Centre was activated on Saturday, 17 May 2008, and involved various departments, the metro police, emergency services and disaster management. Three mini joint operation centres were established across the region to streamline coordination at the regional level. The first issues addressed was accommodation and social relief. As of Monday, 26 May 2008, there were 11 511 displaced persons accommodated in centres and halls across the region. It was

estimated that at the time of the visit the number of persons killed, across Gauteng Province, stood at 44.

Mr Nkosi stressed that key issues of urbanisation and migration needed to be addressed and understood. The problem had an effect on large metropolitan centres such as Ekurhuleni, Pretoria, Johannesburg, Cape Town and Port Elizabeth. Migration from predominantly rural areas to urban areas in the quest to find work presented genuine issues in terms of service delivery and social conditions for these regions. He said that municipalities cannot provide services without the assistance of organized community structures however, the use of violence to achieve socio-economic goals was not sustainable. In conclusion it was said that a pattern where persons moved into areas, ignited violence and then moved out of the area had been observed.

#### **2.4 Reigerpark**

In Reigerpark the delegation was informed that the community had rallied together to assist displaced persons. People were being housed in churches and halls in the area. The delegation was briefed by Superintendent Trollip and informed that 17 murders had taken place in the area over the past week, of those deceased 10 were foreign nationals. Violence in the area started on Friday, 16 May 2008, in Ramaphosaville and Joe Slovo informal settlements. It was said that at first the violence was “black on black” but that it was later observed that a criminal element had come to the fore and that both coloured and black persons exploited the situation. The incidents of looting and setting alight of shacks that had occurred could be ascribed to criminal intent. Residents rebuilt shacks in the place of the shacks of foreign nationals which were burnt down. It was noted by police that although the violence in the area was not sparked by local residents, but rather by persons from outside the area, it was resident led and residents who were arrested.

The delegation was also informed that Ramaphosaville informal settlement had been the flash point of the conflict and the shift from xenophobia to criminality could be observed with widespread looting and other criminal activities taking place in this area. Between 250 and 300 shacks were looted and burnt down.

The delegation then proceeded to interact with persons being accommodated in the local hall, the majority were women with young children and babies, amongst whom were a few South African citizens.

## **2.5 Ramaphosaville Informal Settlement**

The delegation was driven through Ramaphosaville settlement and various sites where the worst violence had taken place were pointed out to the delegation. The delegation observed burnt shacks as well as a general interruption in the provision of services.

### **3. FINDINGS BY THE TASK TEAM AND GENERAL CHARACTERIZATION OF ATTACKS ON FOREIGN NATIONALS AND POSSIBLE CAUSES**

The areas which were engulfed by violence and attacks on foreign nationals were in informal settlements and in hostels. These areas often experience a lack of service delivery and are where the poorest people reside. Characteristic of the violence in some areas is a lack of development, while in others there is a suspicion among some residents that they will be left out of the delivery of houses and services.

The delegation heard evidence of some form of organization with pamphlets being distributed and loud hailing occurring before the violence flared up. Although this affected mostly foreign nationals, South African citizens were also targeted.

Geographically, areas affected by the violence and attacks were relatively small and not spread across communities. However, the impact of the violence and attacks was severe as many people were gripped by fear and experienced the trauma of people being evicted from their homes, being physically assaulted, killed and in some instances burnt. There are an estimated 6 million foreign nationals in South Africa, amongst whom are permanent residents, temporary residents, asylum seekers, those with study and work permits, as well as undocumented migrants.<sup>1</sup>

The attacks have left communities divided along the lines of those who perpetrated the violent attacks and those who denounced and condemned the violence as senseless.

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<sup>1</sup> Migration and Tourism September 2007 – February 2008. Statistics South Africa.

Many of the victims who fled to police stations are now housed in community halls, tents and churches. Most of these people are foreign nationals and this has developed into a humanitarian situation which is being addressed while plans for reintegration into communities are being finalized.

### **3.1 Findings**

The delegation made the following findings:

#### **3.1.1 General Observations**

- The attacks took place in areas affected by poverty, most notably informal settlements.
- The incidents were generally isolated to specific sections in the affected areas.
- A common feature was that the attacks appeared to have occurred spontaneously with little or no warning, yet in some instances the delegation heard that the attacks were planned and in others they heard that the attacks were initiated by groups moving between areas.

#### **3.1.2 Xenophobia**

- Xenophobic attitudes do exist among some South African citizens and could have been exploited to initiate the violence and attacks on foreign nationals. Xenophobia is largely based on unfounded and unverified fears as well as the inclination to stereotype foreigners as the cause of social and economic problems in the host country. However, xenophobia is not confined only to foreigners, it can also be ascribed to local citizens, unknown to a specific grouping, or perceived to behave in a manner unknown to a specific grouping.
- Xenophobic attitudes and xenophobia generally may be seen as a reflection of changing migration streams and the perceived threat to citizens' rights and interests. Other migrant receiving countries in southern Africa have also experienced negative perceptions and harsh sentiments (although not violent) against foreign nationals. In Europe, specifically France, Britain and Germany, there have also been violent reactions to foreign nationals.

- In some areas, although people of different cultures, both South African and foreign nationals, had lived side by side for many years, it would appear that this had been more in the nature of “co-existence” rather than true integration.

### **3.1.3 Criminal Aspects**

- Criminals took advantage of the situation. This is illustrated by the incidents of looting, armed robbery, house breaking, theft and other violent crimes which increased in this period. In addition, most people who fled their homes lost most or all of their possessions.
- In some areas visited the delegation was informed that the violence was opportunistic and merely replicated events elsewhere under the guise of xenophobia, but actually advanced criminal actions.
- The role of youths between the ages of 16 and 22 years was commonly reported and should be further explored. There was a perception that matters of moral degeneration and a loss of African values and beliefs, such as ubuntu, could be a contributing factor.

### **3.1.4 Socio-economic Aspects**

- Socio-economic inequalities, competition for scarce resources, poor living conditions and a high rate of unemployment may have exacerbated an already tense situation.
- In some instances people raised the concern that undocumented migrants were not pursued to the full extent of the law, while South Africans and documented migrants were pursued for infringements of the law.

### **3.1.5 Involvement of a Third Force**

- The delegation raised the matter of a “third force” with the authorities and persons they interacted with during the visit. However, no confirmation was received that such a force was perceived to exist. The perception garnered in Alexandra was that there was a measure of planning and orchestration in the attacks. In Ekurhuleni it was said that the violence was characterized by the movement of persons from one area to another. It was noted by some persons that the attacks were being initiated

by people from outside the communities where the violence occurred. What was not known was who these people were, their political affiliations and what political agenda, if any, they were pursuing.

### **3.1.6 Knowledge and Awareness**

- There is a general lack of knowledge and understanding by South African citizens of the rights of foreign nationals, coupled with challenges in our immigration laws and controls including appreciation and understanding of the migration patterns in the global world.
- The delegation found the degree of violence that accompanied the attacks and the lack of awareness of the contribution of foreign nationals and their rights to be shocking.

### **3.1.7 Existing Perceptions in Communities**

- The delegation observed that communities had many issues concerning the circumstances they find themselves in. This included that foreign nationals take jobs at a lower salary than allowed for by law, that foreign nationals “take our women” and that they received houses which should go to South Africans. There was a clear need to communicate policy in a clear manner.
- Other issues that also got raised were related to whether the businesses of foreign nationals were registered and complied with the relevant local and national legislation.
- A major concern of communities was that undocumented migrants receive benefits that should accrue to South African citizens. This perception results in a breakdown of social relationships and raises resentment within communities.

## **3.2 Impact of the Violence and Attacks**

- An estimated 32 000 people, mainly foreign nationals, are displaced and are being accommodated in tents, community halls and churches. Most of the affected people are in Gauteng and the Western Cape whereas in other provinces such as Kwa-Zulu

Natal, Limpopo and North West there are fewer affected persons and the process of reintegration into communities is underway.

- More than 60 people are reported to have been killed in the ensuing violence, including South African citizens.
- Many people have lost their possessions, homes and businesses as a result of theft, looting and burning.
- South Africa's image in the region, on the continent and in the world was dented as a result of the violence and its barbarism.
- There is mistrust of South Africans amongst foreign nationals and amongst people from different cultures.
- The depth of the problem of undocumented migrants and refugees has been exposed.
- The desperate plight of many citizens and foreign nationals has been brought into sharp relief. Related to this is a degree of political intolerance.

### **3.3 Humanitarian Situation and Challenges**

- Government, with the assistance of the United Nations High Commission for Refugees and other aid bodies, had to provide citizens and foreign nationals with temporary relief in the form of food and shelter, as well as other general services.
- This poses a challenge where South African citizens living in poverty view this in a negative light as the same services are not being provided for them.
- Government cannot provide assistance indefinitely and therefore issues of repatriation, of persons illegally in South Africa, and reintegration, of those legitimately in South Africa, would need to be addressed urgently.
- Reintegration will continue to pose challenges if basic perceptions remain that the needs of foreign nationals are being met by government while the basic needs of South African citizens for housing, sanitation, employment and food remain a challenge.
- Service delivery in affected areas has been disrupted.
- The education of displaced children has been disrupted.
- Victims of the attacks and violence do not only require medical care, but also trauma counseling.

- Living conditions at the police station and halls visited were not the best although it is evident that every effort was made to supply a measure of shelter, safety and food to victims.

#### **4. SHORT TERM AND MEDIUM TO LONG TERM INTERVENTIONS**

Prior to the visit the following long and short term interventions, that could be considered by Parliament as a response to the eruptions of violence in Gauteng and other affected provinces were identified and discussed by the Chief Whips' Forum:

- Continued debates in Parliament, motions and Members' Statements aimed at sending the message to our people to stop violence and xenophobic attitudes and attacks, condemn criminal elements and hooliganism.
- Visit the affected areas to express solidarity, give support to local leadership and organizations, received information as to the cause of the flare ups and listen to the issues raised by communities, while at the same time expressing the call for calm and an end to the violence.
- Assess and ensure that there is adequate policing (both preventive and responsive), including matters of gathering intelligence information, or any early warning mechanisms.
- Ensure that relief, which would include medical services and trauma counseling, for the victims of violence (both foreign nationals and South African citizens) was provided by government departments, non-governmental organizations and community organizations and to deal with the humanitarian situation that might develop.
- Revival of the campaign of the South African Human Rights Commission on "Rolling Back Xenophobia" and the allocation of the necessary resources for this purpose. The theme could be along the lines of "We are all Africans" and can aim to educate and create awareness of our historic, cultural and economic linkages to the continent of Africa. The campaign should also focus on the rights of foreign nationals and our domestic and international commitment to observing these rights.
- Support for the Presidential panel probing the attacks and intelligence initiatives to get to the root cause of the violence and monitor progress made.

In the medium to long term the National Assembly could also consider the following interventions:

- Deal with the matters of concern raised by South African citizens and ensure that these are adequately addressed through Parliamentary processes.
- Maximize education and awareness within South Africa to combat xenophobic tendencies/attitudes and actions.
- Continue to examine and exercise oversight over policies, domestic law, international conventions and programmes that deal with migration, immigration, refugees and asylum seekers.
- Establish and support plans and measures to safely integrate those foreign nationals with a right to remain in South Africa into their communities.

## **5. WAY FORWARD AND RECOMMENDATIONS**

The conclusions reached and recommendations proposed aim to underscore South Africa's ongoing programmes of development and reaching the ideal of creating a better life for all. It must be borne in mind that the issues raised require focused attention, including the rooting out of xenophobic attitudes in South African society. This also poses a challenge to the African continent as we move towards the full integration of the region and the continent.

### **5.1 General Recommendations**

#### **5.1.1 Short to Medium Term Recommendations**

1. A joint session of all relevant Parliamentary committees should be convened to hold public hearings on the entire policy and legislative framework dealing with migration and immigration, including the magnitude of the problem of undocumented migrants. The aim of these hearings would be to monitor compliance with policy and to identify gaps and challenges. All relevant agencies should be invited to participate in these hearings.
2. Two parliamentary task teams, comprising Members of Parliament whose constituency offices are in affected areas in Gauteng and the Western Cape

respectively, should be established to monitor the implementation of humanitarian programmes and the reintegration of displaced persons back into communities. Additional task teams for other provinces should be established if the need arises.

3. Parliament should recall all resolutions contained in the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and follow up on the implementation of these resolutions and recommendations. In addition, Parliament should respond to issues related to racism and xenophobia raised in the African Peer Review Mechanism Report.

### **5.1.2 Long Term Recommendations**

1. Parliament should hold special hearings on the attainment of the Millennium Development Goals and related programmes as well as the Integrated Sustainable Rural Development Programme.
2. The relevant government departments and institutions supporting democracy should look at programmes along the lines of “We are all Africans” to educate and create awareness of our historic, cultural and economic linkages to the continent of Africa. The campaign should also focus on the rights of foreign nationals and our domestic and international commitment to observing these rights. The necessary resources should also be allocated for this purpose.
3. Violence within South Africa remains a concern as it continues to claim lives, causes destruction, gives the country a poor image and is counter-productive to building a caring society and nation. To normalize our society against the use of violence, relevant government departments and civil society in general should embark on a civil education programme in schools, communities and for the youth to educate and create awareness that combats xenophobic tendencies, violent attitudes as well as violent actions. Such campaigns should aim to build a civic nation where respect for the rule of law and the democratic process are paramount.
4. Campaigns to enhance the image of South Africa, especially prior to the 2010 World Cup, should be undertaken by relevant government departments and supported and monitored by the relevant Parliamentary committees.
5. Relevant government departments and non-governmental organizations should look at establishing orientation programmes which inform communities about work and business opportunities available to them.

## 5.2 Specific Recommendations

While recognizing the fundamental work done by Parliamentary committees in terms of their oversight and monitoring role, the delegation requests that they continue this work bearing in mind the following recommendations arising from the visit.

1. The Portfolio Committee on Home Affairs should continue to exercise oversight over the Department of Home Affairs to ensure that the Department is able to fulfill its institutional mandate. In this regard attention should be given to ensuring that the Department issues foreign nationals with correct documentation, maintains adequate records and ensures that corruption is rooted out of the Department.
2. The Portfolio Committee on Home Affairs and the relevant committees of the National Council of Provinces should further engage with the SADC Protocol on the Free Movement of Persons and conclude its processing of the Refugees Amendment Bill.
3. The Portfolio Committee on Safety and Security and the Joint Standing Committee on Intelligence should engage with the report of the inter-ministerial task team established to look into the root cause of the violent attacks on foreign nationals.
4. The Portfolio Committee on Safety and Security should establish from the relevant authorities the ability of the Crime Combating Units, mandated to deal with crowd control, to stem future attacks as well as the ability of the police to respond to violent situations in general, in order to address gaps and challenges.
5. The Portfolio Committee on Foreign Affairs should monitor that the Department of Foreign Affairs has programmes in place to ensure that missions are equipped to deal with enquiries around the violence and attacks and also that they have information on government initiatives to combat a reoccurrence of the violence.
6. The Portfolio Committee on Justice and Constitutional Development should monitor progress in processing accused persons by the Special Courts established to speedily address the cases of violence against foreign nationals emanating from the recent attacks.
7. The Portfolio Committee on Social Development and the relevant committees in the National Council of Provinces should investigate the implications of the court

decision with regard to special grants as this may have an impact on resources and capacity both provincially and nationally.

8. The Parliamentary committees within the security cluster should review current policies and practices with regard to securing borders and ports of entry into South Africa.
9. The Portfolio Committee on Housing should monitor initiatives of the Department of Housing to disseminate information to communities and the public around the national housing code and criteria for the allocation of housing.
10. The Portfolio Committee on Labour, the Portfolio Committee on Provincial and Local Government, the committees in the Finance cluster and the relevant committees of the National Council of Provinces should examine allegations that foreign nationals and undocumented migrants are not trading with the relevant permits or in line with provincial and local bylaws.

### **5.3 Future Issues for Parliament**

In the long term Parliament should give consideration to the following recommendations:

1. Parliament should follow up on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. Parliament should monitor the implementation of relevant legislation related to 'hate speech' including the re-examination of laws related to discrimination on the grounds of xenophobia.
3. Parliament, through its committees, should continue to prioritize its ongoing oversight work dealing with the socio-economic challenges and poverty alleviation in society as well as problems related to service delivery.
4. Parliament, through its committees, should exercise oversight over programmes of government and non-governmental organisations related to the reintegration of foreign nationals into communities. A comprehensive programme should be developed by national, provincial and local government in this regard. Integration should include a focus on social, cultural, political and economic integration issues.
5. Parliament, through its committees, should continue to oversee government commitments to regional peace and security.

6. Parliament should continue to interact with institutions engaged in counter xenophobic programmes and activities.

## **6. CONCLUSION**

Parliament, as an institution representative of the people, would like to add its voice to thanking the people of South Africa for denouncing and condemning the violence and attacks. We also thank all those who opened their hearts and gave donations to aid relief efforts for the destitute who fled their homes with few or none of their possessions. Most especially, we recognize the challenges faced by vulnerable women and children, some of whom were pregnant and gave birth in temporary shelters.

Our thanks also goes to national, provincial and local government, community leaders, religious leaders, non-governmental organizations, community organizations and civil society for the support and assistance to avert further humanitarian disaster.

A big thank you goes to the police men and women who at the commencement of the violence and attacks were at the forefront of addressing and curbing further violent action. We further acknowledge the role of the media in keeping people informed and educated and strengthening the stand against xenophobia and senseless violence.

Lastly, we thank the Speaker and Chairperson of the National Council of Provinces, members of the Parliamentary Task Team Probing the Violence and Attacks on Foreign Nationals, honourable Members of Parliament, political parties and the Chief Whips' Forum for their cooperation and support.<sup>2</sup>

Report to be considered.

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<sup>2</sup> The Report is submitted with a background research report as an annexure. It is hoped that this will serve as a reference point to guide our engagement and involvement to root out xenophobia and violence in our society.