



Statement on Xenophobic attacks in South Africa

The Zimbabwe Human Rights NGO Forum (the Forum), is concerned about the current gruesome xenophobic attacks in South Africa on foreigners. This storm of terror and human rights violations of personal security, life, property and human dignity in the form of looting, destruction of property as well as assault of foreigners has cast a despondency and fear in fellow Africans. In the words of Nelson Mandela, in Africa there is a concept known as '*ubuntu*' - the profound sense that we are human only through the humanity of others; that if we are to accomplish anything in this world it will in equal measure be due to the work and achievement of others. This is who we are in Africa, a community.

The Forum reminds the South African citizens of the value entrenched in the African Charter on Human and Peoples Rights which embodies freedom, equality, justice and dignity. These same values translate to respect for life and property of fellow human beings. Targeting an individual or a group of individuals purely because of their identity such as nationality or place of origin, ethnicity, tribal or social status is one of the worst forms of violations of human rights and is not consistent with the spirit of *ubuntu*. This is as retrogressive as colonialism and worth condemnation.

The Forum will remind South Africa of Article 5 of the *International Convention on the Elimination of All Forms of Racial Discrimination* to which it is a signatory which provides that in compliance with the fundamental obligations states parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice and (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. Article 6 also provides that states parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate human rights and fundamental freedoms contrary to this Convention.

At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance presented in the *Durban Declaration and Programme of Action* (DDPA, 2001) it was affirmed that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free

and equal in dignity and rights, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts.

In 2015, the African Commission on Human and Peoples' Rights issued a General Comment on the right to life, reminding governments that under the African Charter on Human and Peoples' Rights they have "an obligation to protect individuals from violations or threats at the hands of other private individuals or entities," and that they "should ensure that all individuals are able to exercise their rights and freedoms, for example, by promoting tolerance, non-discrimination, and mutual respect."

The current unrest, fear and loss of life happening in South Africa is very regrettable and cannot be condoned. It requires proactive government intervention to encourage peaceful co-existence of foreigners and South Africans to be integrated and exist as one South African community working towards economic growth and sustainable cooperation. Article 24 of the African Charter on Human and Peoples Rights provides that all peoples shall have the right to a general satisfactory environment favourable to their development. The South African government as part of a community with other African governments has a duty to protect fellow Africans and to engage with the fellow governments for economic growth that promotes a vibrant economy which is accommodating for development.

According to Article 5 (1) (a) of the Southern African Development Community Treaty, the objective of SADC to which South Africa is a party, is to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration. The plight of one African is the plight of us all.

The Forum calls on the South African Government to lead in blaming and condemning these acts of xenophobia and ensure that those responsible for these heinous acts are brought to account. The Forum urges the African Union and SADC to condemn the violence and human rights violations in South Africa against foreigners and to intervene in fostering peace, love and the spirit of ubuntu on the African continent.

The Forum therefore calls upon all South Africans to extend the spirit of *ubuntu* to fellow Africans and to embrace the words of Desmond Tutu that '*my humanity is bound up in yours, for we can only be human together.*'

-ENDS-