

## **PRESS STATEMENT**

### **Condemning xenophobia, intimidation, and vigilante violence against foreign nationals in South Africa, and calling on government to explore ways to increase regular migration pathways to South Africa**

The Research Unit for Legal and Constitutional Interpretation and Theory (RULCI), of the University of the Western Cape and Stellenbosch University; the Research Chair Gender, Transformation and Worldmaking of the University of the Western Cape; and the Free State Centre for Human Rights (FSCHR) of the University of the Free State join other research units and centres around the country to express their grave concern over recent reports of xenophobic violence, intimidation, harassment, and vigilante conduct targeting foreign nationals in South Africa.

We are particularly concerned by the spread of anti-immigrant vigilantism to the Western Cape, where groups of foreign nationals, including children and women, have reportedly been forced out of their homes and schools with no option but to flee by bus; and to the Free State, where protest concerning undocumented foreign nationals turned into looting of foreign-owned shops in Bloemfontein and Botshabelo.

No person should be forced to flee their home, seek refuge out of fear or face vandalism, looting and destruction of property because of their nationality, language, or perceived immigration status. South Africa's constitutional democracy is founded on the values of human dignity, equality, freedom, and the rule of law. Acts of violence, threats, intimidation, and harassment directed at individuals on the basis of nationality, language, appearance, or perceived immigration status are a direct assault on these values.

Violence, vigilantism, collective punishment, or the unlawful targeting of foreign nationals cannot be justified by the claims or actual fact that the targeted foreign national are "illegal foreigners". The Immigration Act of 2002 contains stringent provisions for the identification of illegal foreigners, the regularisation of their stay, or alternatively their deportation. The enforcement of immigration laws remains the sole responsibility of the state, acting within the bounds of the Constitution and the law. Under the Bill of Rights and international human rights law, the process of migration enforcement must be subject to strict judicial oversight and control. No individual or group may assume these powers through intimidation, violence, or mob action.

We call on the government to take immediate and effective measures to prevent further vigilante violence, harassment, and intimidation against foreign nationals and to hold those responsible for instigating or perpetrating such conduct criminally accountable.

While it is essential that the government reclaim exclusive control over the enforcement of its immigration laws, a commitment to stricter law enforcement alone is unlikely to address the reality of irregular or undocumented migration to South Africa or the persistent threat of xenophobic vigilantism.

RULCI, the Research Chair Gender, Transformation and Worldmaking, and the FSCHR urge the government to revisit its migration laws and policies in line with

regional and continental instruments, such as the African Union's Agenda 2063. Government must, as a matter of urgency, recognise that human migration is a trans-national phenomenon that requires trans-national or regional responses. Government must explore ways to increase regular migration pathways to South Africa, in line with the commitment to the free movement of people as the foundation of a prosperous Africa of the future.

We further call on political leaders, community formations, civil society organisations, faith leaders, and the public to (i) reject xenophobia and reaffirm the values of solidarity, human dignity, and peaceful coexistence; and (ii) to strengthen public education and community-based initiatives aimed at combating xenophobia, misinformation, and hate-based violence.

Joint statement issued by the Research Unit for Legal and Constitutional Interpretation and Theory (RULCI) (at the UWC and SU), the Research Chair in Gender, Transformation and Worldmaking (UWC), and the Free State Centre for Human Rights (FSCHR) (UFS).

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